



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

THURSDAY, JANUARY 8, 2009 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 Stephen Thomas
Lowell Moore, Councilmember Place Four
Cobby Caputo, 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 Presentation: Recognition Of The Police Department's 2008 Rookie Of The Year (Officer Conrad Mauer), Employee Of The Year- Civilian Support (Dispatcher Alicia Bond), Officer Of The Year (Officer Leonard Reed), And Recipient Of The Chief's Award Of Excellence (Corporal Ricky Pando)- Chief Henry Fluck. (Powell)
Chief Henry Fluck, Police Department, recognized the award recipients for 2008. Present were Dispatcher Alicia Bond - Employee of the Year for Civilian Support, Officer Conrad Mauer – Rookie of the Year, Officer Leonard Reed – Officer of the Year, and Corporal Ricky Pando – Chief's Award Of Excellence.

- A.5 Presentation: Update On Construction Progress Of The Cedar Park Center- John Frew, Frew Management Group.
John Frew, Frew Management Group, provided Council with an update on the Cedar Park Center. Construction is currently 29% complete and on schedule.
- A.6 Presentation: Pedernales Electric Cooperative Quarterly Report - Pete Brooks.
Pete Brooks, Pedernales Electric, presented Council with the quarterly franchise check and presented a brief update on activities.
- A.7 Citizens Communications.
None.
- A.8 Mayor and Council Opening Comments.
Councilmember Powell recognized staff and the consultants working on the Cedar Park Center project.

Councilmember Fuller provided an update on the Gambling Guns, Adopt-A Brigade Program.

Councilmember Moore commented on the progress of the Cedar Park Center.
- A.9 City Manager Report: October Monthly Financial Report- Stacie Carter, Interim Finance Director.
Stacie Carter, Interim Finance Director, provided Council with the October 2008 Monthly Financial Report. This report is included in Fiscal Year 2009.
- A.10 City Manager Report: Update On Construction Of The Cedar Park Recreation Center- Curt Randa, Parks And Recreation Director.
Curt Randa, Parks Director, updated Council on the construction of the recreation center. The project is on budget and on time.

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 and D.

Movant: Councilmember Mitchell

Second: Councilmember Fuller

Vote: 7:0

- B.1 Approval Of Council Minutes From Meeting Of November 20, 2008.
Approved under the Consent Agenda.

B.2 Approval Of Council Minutes From The Meeting Of December 2, 2008.
Approved under the Consent Agenda.

B.3 Approval Of Council Minutes From The Meeting Of December 4, 2008.
Approved under the Consent Agenda.

C.0 Second Reading Of An Ordinance: **No Items For Approval.**

D.0 Other Action Items:

D.1 A Resolution For City Acceptance Of Creekview Phase 2 Subdivision Improvements.
Approved under the Consent Agenda.

Resolution Number R57-09-01-08-D1

D.2 A Resolution Awarding Construction Bid For The Interconnect Booster Pump Station Project To Schroeder Construction Company.
Approved under the Consent Agenda.

Resolution Number R58-09-01-08-D2

D.3 A Resolution Authorizing And Directing The City Manager To Execute The Texas Commission On Environmental Quality Agreed Order Docket No. 2008-1552-MWD-E Regarding A Notice Of Enforcement Action For The Water Reclamation Facility.
Approved under the Consent Agenda.

Resolution Number R59-09-01-08-D3

PUBLIC HEARINGS

E.0 First Reading And Public Hearing:

E.1 Z-08-060 An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 4.884 Acres Of Land Owned By J. Preston Carlton Located At The Northeast Corner Of Ronald Reagan Boulevard And County Road 272, In Williamson County, Texas. (Z-08-060) *The Planning And Zoning Commission Voted 5-0 To Approve General Retail (GR) For This Tract.*

Duane Smith, Planning Director, stated this item is for the Northeast quadrant of Ronald Reagan Blvd. and County Road 272. The applicant has requested to assign original zoning of General Retail (GR) to 4.884 acres of land. The Planning & Zoning Commission is recommending approval of the applicant's request.

Preston Carlton, Applicant, made himself available to Council for any questions.

**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 Scope Of Services For Due Diligence Study Of Deep Water Intake- Drew Hardin, Carter & Burgess.

Drew Hardin, Carter& Burgess, addressed Council regarding the scope of services for the due diligence study for the deep water intake project. The deep water intake project is in conjunction with the Brushy Creek Regional Utility Authority Regional Water Project. Mr. Hardin reviewed the scope of work. The due diligence study is to confirm the feasibility of the intake and pipeline at Site 4. The scope of work includes six major items to include: project management/meetings, survey and preliminary geotechnical investigation, hydro geological and environmental evaluation, intact analysis, pipeline analysis and due diligence report.

General discussion followed regarding including all options in the study, moving the intake, studying needs to review all alternatives and any possibilities, tunneling options and costs, and pipe variations.

No action taken.

F.2 Consideration Of Adoption Of The 2009 Legislative Agenda, 81st Texas Legislative Session. **Brenda Eivens, City Manager, reviewed the proposed 2009 Legislative Agenda for the 81st Texas Legislative Session.**

Motion to approve the 2009 Legislative Agenda for the 81st Texas Legislative Session as presented.

Movant: Councilmember Powell

Second: Councilmember Moore

Vote: 7:0

Resolution Number R60-09-01-08-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 7:50 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 The Capital Metropolitan Transit Authority.
 - B. Legal Issues Concerning The Wastewater Disposal Contract Between Brazos River Authority, Lower Colorado River Authority, City Of Round Rock, City Of Cedar Park And City Of Austin.
- G.2 Section 551.087 Deliberation Regarding Economic Development Negotiations.
 - A. Legal Issues Concerning Incentive Negotiations Related To 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 8:25 p.m.
No action taken on any item discussed in Executive Session.
- H.1 Mayor And Council Closing Comments.
Councilmember Powell asked for a future agenda item regarding the CAPCOG Committee.
- H.2 Adjournment.
Mayor Lemon adjourned the meeting at 8:28 p.m.

PASSED AND APPROVED THIS 12TH DAY OF FEBRUARY, 2009.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**CITY OF CEDAR PARK
CITY COUNCIL RETREAT
FRIDAY, JANUARY 16, 2009, AT 4:00 P.M.
Cedar Park Regional Medical Center Board Room
1401 Medical Parkway
Cedar Park, TX 78613 • 512-528-7000**

Mayor Bob Lemon
Matt Powell, Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Stephen Thomas
Lowell Moore, Councilmember Place Four
Cobby Caputo, 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 4:05 p.m.
All Council present.**

**B. Mayor and Council Opening Comments.
None.**

C. Discussion Only:

1. Review And Evaluate Goals And Priorities:

- i) Goal 1: Strategic Prioritization, Including: Utilities; Staffing; Budget; Traffic Signal Maintenance Department; Annexation; Regional Planning and Participation; Staff Efficiencies; and Succession Planning For Council, Staff, Boards and Commissions.
- ii) Goal 2: Beautification of City.
- iii) Goal 3: Diversified Tax Base/Balanced Land Use, Including: Planning and Zoning Board, Comprehensive and Future Land Use Plans, and Transportation Plan.
- iv) Goal 4: City Facilities' Expansion and Green Effort.
- v) Goal 5: Entertainment, Destination, Culture, Including: Theatre, Arts, Water Park, Tourism Board, and Heritage Village.

- vi) Goal 6: Redevelopment, Enhancement, Including: Rights-Of-Way, Parks, Sidewalks, Trails, and A Master Plan for Development.
- vii) Goal 7: Economic Development Opportunities and Strategies.
- viii) Goal 8: Public Transportation, Mobility.

Agenda Items C.1 i-viii called together.

General discussion followed pertaining to Goals 1 – 8. Progress of each goal was discussed.

- 2. Council Dynamics, Interaction and Participation With:
 - i) Council.
 - ii) City Staff.
 - iii) Boards and Commissions.
 - iv) Intra-Governmental Agencies.

Agenda Item C.2 i-iv called together.

General discussion followed that included joint meetings with the boards and commissions, possible joint meetings with other intra-governmental agencies and interaction between staff and Council.

D. Mayor and Council Closing Comments.
None.

E. Adjournment.
Mayor Lemon adjourned the meeting at 7:30 p.m.

PASSED AND APPROVED THIS 26TH DAY OF FEBRUARY, 2009.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**CITY OF CEDAR PARK
CITY COUNCIL RETREAT
SATURDAY, JANUARY 17, 2009, AT 8:00 A.M.
Cedar Park Regional Medical Center Board Room
1401 Medical Parkway
Cedar Park, TX 78613 • 512-528-7000**

Mayor Bob Lemon
Matt Powell, Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Stephen Thomas
Lowell Moore, Councilmember Place Four
Cobby Caputo, 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 8:05 a.m.

All Council present.

B. Mayor and Council Opening Comments.

None.

C. Discussion Only:

1. Review And Evaluate Goals And Priorities:

- i) Goal 1: Strategic Prioritization, Including: Utilities; Staffing; Budget; Traffic Signal Maintenance Department; Annexation; Regional Planning and Participation; Staff Efficiencies; and Succession Planning For Council, Staff, Boards and Commissions.
- ii) Goal 2: Beautification of City.
- iii) Goal 3: Diversified Tax Base/Balanced Land Use, Including: Planning and Zoning Board, Comprehensive and Future Land Use Plans, and Transportation Plan.
- iv) Goal 4: City Facilities' Expansion and Green Effort.
- v) Goal 5: Entertainment, Destination, Culture, Including: Theatre, Arts, Water Park, Tourism Board, and Heritage Village.
- vi) Goal 6: Redevelopment, Enhancement, Including: Rights-Of-Way, Parks, Sidewalks, Trails, and A Master Plan for Development.

- vii) Goal 7: Economic Development Opportunities and Strategies.
- viii) Goal 8: Public Transportation, Mobility.

Agenda Items C.1 i-viii called together.

Limited general discussion followed pertaining to Goals 1 – 8.

- 2. Review and Evaluate Cedar Park Core Services.

General discussion followed pertaining to core services provided by the City of Cedar Park such as water/sewer, police, fire and other essential services.

- 3. Review Current And Short Range Budget Planning.

- i) Fiscal Year 2009.

- ii) Fiscal Year 2010.

General discussion followed regarding the current fiscal year budget projections for revenues and expenditures, and beginning the planning stages for Fiscal Year 2010.

- D. Mayor and Council Closing Comments.

None.

- E. Adjournment.

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

PASSED AND APPROVED THIS 26TH DAY OF FEBRUARY, 2009.

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 22, 2009 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 Stephen Thomas
Lowell Moore, Councilmember Place Four
Cobby Caputo, 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.
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 Of Ten Year Service Award To Duane Smith, Planning Director.
Sam Roberts, Assistant City Manager, presented Duane Smith, Planning Director, with a plaque in recognition of ten years of service with the City of Cedar Park.
- A.5 Presentation: Recognition Of The Planning Department's 2008 Certificate of Achievement For Planning Excellence.
Sam Roberts, Assistant City Manager, presented Duane Smith, Planning Director, with the 2008 Certificate of Achievement for Planning Excellence Award received by the Texas Chapter of the American Planning Association.
- A.6 Citizens Communications. (Three Minutes Each. No Deliberations With Council.)
None.

A.7 Mayor and Council Opening Comments.
Mayor Pro Tem Thomas congratulated Chief Chris Connealy, Fire Department, on his recent appoint by Governor Rick Perry as a Commissioner on the Texas Commission on Fire Protection.

Councilmember Moore commented on recent grand openings he attended.

Councilmember Fuller commented on the recent accident involving a military helicopter at College Station.

Councilmember Powell commented on a recent grand opening and also asked for a future agenda item on Invocations.

A.8 City Manager Report: No Items For Report.
No items for 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.5 removed from the Consent Agenda by Councilmember Moore.
Agenda Item D.13 removed from the Consent Agenda by Councilmember Caputo.
Agenda Item D.15 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.5, D.13, and D.15.

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

B.1 Receipt Of Minutes From The Planning & Zoning Commission Meeting Of November 18, 2008.
Received under the Consent Agenda.

B.2 Receipt Of Minutes From The Planning & Zoning Commission Meeting Of December 16, 2008.
Received under the Consent Agenda.

B.3 Receipt Of Minutes From The Tourism Advisory Board Meeting Of November 14, 2008.
Received under the Consent Agenda.

B.4 Receipt Of Minutes From The Cedar Park Community Development Corporation (4B) Meeting Of December 9, 2008.
Received under the Consent Agenda.

C.0 Second Reading Of An Ordinance:

- C.1 Z-08-060 An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 4.884 Acres Of Land Owned By J. Preston Carlton Located At The Northeast Corner Of Ronald Reagan Boulevard And County Road 272, In Williamson County, Texas. (Z-08-060) The Planning And Zoning Commission Voted 5-0 To Approve General Retail (GR) For This Tract.
Approved under the Consent Agenda.

Ordinance Number Z31-09-01-22-C1

- D.0 Other Action Items:

- D.1 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 R61-09-01-22-D1

- D.2 A Resolution Authorizing And Directing The City Manager To Execute A Supplemental Agreement With Cobb Fendley And Associates, Inc. In The Amount Of \$114,982.
Approved under the Consent Agenda.

Resolution Number R62-09-01-22-D2

- D.3 A Resolution Authorizing And Directing The City Manager To Execute Change Order Number Three With Journeyman Construction For The Brushy Creek Sports Park Project.
Approved under the Consent Agenda.

Resolution Number R63-09-01-22-D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute An Engineering Services Agreement With Lockwood, Andrews & Newnam (LAN) To Provide Easement Acquisition Services For The Temporary Raw Water Floating Intake Relocation Plan.
Approved under the Consent Agenda.

Resolution Number R64-09-02-11-D4

- D.5 A Resolution Authorizing And Directing The Mayor To Execute A Corridor Enhancement Project Agreement Between The Cedar Park Community Development (4B) Board And Steve Kainer, Doing Business As Hill Country Water Gardens, For The Expenditure Of 4B Funds To Provide An Economic Development Incentive For The Construction Of Improvements Through A Corridor Enhancement Project At 1403 North Bell Boulevard.
Removed from the Consent Agenda by Councilmember Moore.

Councilmember Moore commented on the performance agreement date and wording. Duane Smith, Planning Director, clarified the wording in the agreement and the date.

Motion to approve the Resolution as presented by staff with any necessary changes by the City Attorney.

Movant: Councilmember Moore
Second: Mayor Pro Tem Thomas
Vote: 7:0

Resolution Number R65-09-01-22-D5

- D.6 A Resolution Authorizing The Amendment Of Stacie Carter, Interim Finance Director, As The Official Designee For Signature On The 2009 Victim Coordinator And Liaison Grant.

Approved under the Consent Agenda.

Resolution Number R66-09-01-22-D6

- D.7 A Resolution Authorizing The Cedar Park Historic And Cultural Preservation Commission To Apply To The Texas Historical Commission For A State Archeological Landmark Designation Marker For The Preservation Of Midden #41wm8, The Cedar Park Mound Located In Twin Creeks Historical Park.

Approved under the Consent Agenda.

Resolution Number R67-09-01-22-D7

- D.8 A Resolution Accepting The Ranch at Brushy Creek Section 7B Subdivision Improvements.

Approved under the Consent Agenda.

Resolution Number R68-09-01-22-D8

- D.9 A Resolution Accepting Walsh Trails Section 4A Subdivision Improvements.

Approved under the Consent Agenda.

Resolution Number R69-09-01-22-D9

- D.10 Ratifying The City Attorney's Engagement Of Hardin & Robbins, L.L.C. For The Investigative Audit Of Municipal Court Accounts And Processes.

Approved under the Consent Agenda.

No Resolution Number Assigned.

- D.11 A Resolution Accepting Walsh Trails Section 4B Subdivision Improvements.

Approved under the Consent Agenda.

Resolution Number R71-09-01-22-D11

- D.12 A Resolution Authorizing And Directing The City Manager To Execute An Agreement With Lucier Chemical Industries Ltd., DBA LCI, Ltd. For The Purchase Of Fluorosilicic Acid For Use In The Water Treatment Plant.

Approved under the Consent Agenda.

Resolution Number R72-09-01-22-D12

- D.13 A Resolution Authorizing And Directing The City Manager To Execute An Agreement With Specialized Public Finance, Inc. For Financial Advisory Services.

Removed from the Consent Agenda by Councilmember Caputo.

Councilmember Caputo stated he would like more information pertaining to this item.

Stacie Carter, Interim Finance Director, reviewed the process for the selection of a financial services advisory group. A Request for Proposals was issued to solicit proposals for Financial Advisory Services. Twelve requests for proposals were sent to qualified vendors. Five responses were received on January 6, 2009 and evaluated. The Specialized Public Finance, Inc. team has extensive experience with the City of Cedar Park. They have assisted with four bond elections and 22 debt transactions for Cedar Park.

Mayor Lemon inquired about the accessibility of staff.

Motion to approve the Resolution authoring an agreement with Specialized Public Finance, Inc for financial advisory services.

Movant: Councilmember Caputo

Second: Councilmember Moore

Vote: 7:0

Resolution Number R73-09-01-22-D13

- D.14 A Resolution Authorizing And Directing The City Manager To Execute An Agreement With Waste Management Of Texas, Inc. For The Removal Of Water And Wastewater Treatment Sludge.

Approved under the Consent Agenda.

Resolution Number R74-09-01-22-D14

- D.15 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 Based On The City's Water Conservation Plan Ordinance (18.11) And Drought Contingency And Water Emergency Plan Ordinance (18.08).

Removed from the Consent Agenda by Councilmember Fuller.

Councilmember Fuller wanted to remind citizens this item is part of the City of Cedar Park's water policy for conservation which includes a tier program.

Motion to approve the Resolution authorizing a Consulting Services Agreement with Enviromedia Social Marketing.

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

Resolution Number R75-09-01-22-D15

PUBLIC HEARINGS

E.0 Public Hearings

E.1 First Reading And Public Hearing On An Ordinance Amending A Portion Of Chapter 11 The Zoning Ordinance Of The Code Of Ordinances Of The City Of Cedar Park, Texas, To Revise Article 11.10 Boards And Commissions, Division 3 Zoning Changes And Amendments, Pertaining To The Definition Of The Land Area Of A Valid Protest Petition, Pursuant To Local Government Code Section 211.006 (d) and (e) As Amended; And Clarifying Language Related To Postponement Or Withdrawal Of An Application; Providing For Severability; Providing For Repeal Of Conflicting Ordinances; Providing For An Effective Date; And Ordaining Other Provisions Related To The Subject Matter Hereof. The Planning and Zoning Commission Recommended Approval Of The Amendments

Duane Smith, Planning Director, stated after consideration of a recent zoning request, staff became aware of a discrepancy between the City's Zoning Ordinance and the State Statute pertaining to the definition of the land area of a valid protest petition pursuant to Local Government Code Section 211.006(d) and (e), as amended. In addition, staff is proposing clarifying language related to postponement or withdrawal of an application. Mr. Smith reviewed the changes being proposed.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing

General discussion followed regarding zoning cases that are pulled the night of the meeting, notification to citizens for public hearings, State Laws and legal requirements.

Commissioner Eddie Hurst, Planning & Zoning Commission, addressed Council on the postponement of zoning cases.

E.2 First Reading And Public Hearing On An Ordinance Amending The FY 2008-09 General Fund Budget; Transferring \$46,440 From General Administration To Fire Services For Office Lease Payments, And Increasing Municipal Court In The Amount Of \$22,935 For Sidewalk Improvements.

Aaron Rector, Budget Manager, stated this amendment will transfer \$46,440 from the General Administration to the Fire Services department to fund 3,000 square feet of office space at 715 Discovery currently occupied by the Fire Department. Currently, the office space payments are paid from the General Administration Contingency line item, rather than the Fire Department's office rental line item. This amendment will also increase the Municipal Court department budget by \$22,935 for the installation of ADA sidewalk improvements.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing

- E.3 First Reading And Public Hearing On An Ordinance Amending The FY 2008-09 4B Community Development Corporation Operating Budget In The Amount Of \$312,598 For Economic Development.

Aaron Rector, Budget Manager, stated this amendment will increase expenditures in the 4B Community Development Operating Budget by \$312,598 for the purpose of Economic Development. The increased funding would be used to meet economic development obligations related to Pecan Grove and Integrated Bank Technology.

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 Review And Consideration Of The Zoning Notification Process.

Duane Smith, Planning Director, said City Council requested information on the Zoning Notification Process as it is currently applied by staff. Mr. Smith reviewed the notification process for zoning cases and also how petitions from citizens are handled.

General Discussion followed regarding the size of signs used for notification on the property, cost of notifications, and possible additional notification processes. Contact the local home owner associations were discussed in addition to increasing the distance to 300'.

No action taken.

- F.2 Consideration Of Appointment For An Alternate To The Capital Area Council Of Governments (CAPCOG).

Brenda Eivens, City Manager, stated this item was requested to be placed on the Agenda from the January 8, 2009 Council Meeting. Currently, Councilmember Mitchell is the main appointment for the board. This item is for the appointment of an alternate to serve on the general assembly in case of absence by Councilmember Mitchell.

Councilmember Mitchell provided a brief background on the General Assembly and the Executive Committee.

Motion to appoint Mayor Pro Tem Thomas as an alternate to the Capital Area Council of Governments General Assembly.

Movant: Councilmember Powell

Second: Councilmember Fuller

Vote: 7:0

- F.3 Consideration Of Appointment To The Capital Area Council Of Governments (CAPCOG) Economic Development Subcommittee.

Councilmember Powell had asked for this item to be placed on the Agenda.

The appointment would be for one Councilmember to serve on the Capital Area Economic Development District, Inc. (CAEDD). A representative from Cedar Park has not been appointed.

General discussion followed pertaining to possible appointments.

Motion to appoint Lowell Moore to serve on the Capital Area Council of Governments Economic Development Subcommittee.

Movant: Councilmember Mitchell

Second: Mayor Pro Tem Thomas

Vote: 6:0 with Councilmember Caputo off dais during vote

- F.4 Consideration Of Appointments To The Tax Increment Reinvestment Board (TIRZ).
Sam Roberts, Assistant City Manager, stated the TIRZ Board works in conjunction with the Downtown District. DR Horton has multiple agreements that need to be executed. The Board has not met since 2006 and all the terms on the Board has expired. Staff is seeking direction on how Council wishes to handle the Board.

General discussion followed regarding contacting the current boardmembers to see if they want to continue serving on the board. Council will begin seeking replacements for the Board vacancies.

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 8:07 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 The Wastewater Disposal Contract Between Brazos River Authority, Lower Colorado River Authority, City Of Round Rock, City Of Cedar Park And City Of Austin.
 - B. Legal Issues Concerning The Sale Or Assignment Of A Portion Of The North Brushy Interceptor And Extension.
 - C. Legal Issues Concerning The Limited Extra Territorial Jurisdiction Release To City Of Jonestown.
- G.2 Section 551.087 Deliberation Regarding Economic Development Negotiations.
- A. Legal Issues Concerning Incentive Negotiations Related To 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 in Open Meeting at 8:54 p.m.
No action taken on any item discussed in Executive Session.
- H.1 Mayor And Council Closing Comments
Councilmember Powell commented on the Williamson County Regional Animal Shelter. This Saturday, the first ten pet adoptions will have the fee waived and all fees after that will only be \$50.
- Councilmember Moore asked for a future agenda item on the emergency notification system.**
- H.2 Adjournment
Mayor Lemon adjourned the meeting at 9:02 p.m.

PASSED AND APPROVED THIS 12TH DAY OF MARCH, 2009.

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 12, 2009 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 Stephen Thomas
Lowell Moore, Councilmember Place Four
Cobby Caputo, 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 Caputo absent from meeting. All others present.
- A.2 Invocation.
Invocation given by Reverend J. L. McDonald with Damascus Road Christian Church.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Fire Station #4 Design Award By Fire Chief Magazine: Ray Holliday, BRW Architects.
Ray Holliday, BRW Architects, presented the Cedar Park Fire Department with the Bronze Award from Fire Chief Magazine for the design of Fire Station #4. There were approximately 320 entries for this award.
- A.5 Presentation: Update On Construction Progress Of The Cedar Park Center- John Frew, Frew Management Group.
John Frew, Frew Management, updated Council on the construction progress on the Cedar Park Center. 700 tons of steel have been erected and the project is on-time.

A.6 Presentation: Texas Stars And Cedar Park Center Marketing Update: Rick McLaughlin, President, Texas Stars.

Rick McLaughlin, Texas Stars, updated Council on the marketing activities for the Cedar Park Office. Sixteen fulltime employees have been hired. Fifty fulltime employees are projected to be hired by the opening date. Sales for season tickets are ongoing and over 700 seats have been pre-sold. The Concession Agreement is in the process of being finalized and over 125 events are being planned for the first twelve months of operation.

A.7 Presentation: The Quarterly Investment Report For Fiscal Year 2009 - Howie Herring, Patterson And Associates.

Mr. Howie Herring, Patterson and Associates, presented the quarterly investment report to Council.

A.8 Presentation: Overview Of The Carrizo-Wilcox Aquifer: HDR Engineering.

Agenda Item A.8 called after Agenda Item E.8.

Roger Noack and Larry Land addressed the Council on the Carrizo-Wilcox Aquifer. Mr. Land reviewed features, characteristics, defined drawdowns, ground water districts, uncertainties, water quality and other items pertaining to using the aquifer as a water source.

Council asked questions pertaining to the distance to Cedar Park, direction of water flow being uphill, treatment and transportation to Cedar Park, anticipated costs, burying pipes and interlocal agreements needed.

A.9 Citizens Communications. (Three Minutes Each. No Deliberations With Council.)

Nella Easley, Leander, addressed Council regarding a special burn permit for her property.

Aimee Whitley-George, Conventions & Visitors Bureau Manager, introduced herself to Council.

Connie Ripley, Volente, addressed Council regarding the HDR report and the Carrizo-Wilcox Aquifer.

A.10 Mayor and Council Opening Comments

Mayor Lemon commented on the Cedar Park Center site.

Councilmember Powell congratulated Chief Henry Fluck in the 3M Half Marathon, and also commented on recent events he had attended for Black History Month and the Smokey Mo's ribbon cutting for their new location.

Councilmember Fuller commented on the Brushy Creek Regional Utility Authority meeting held on February 11th.

Councilmember Mitchell congratulated the Fire Department for their design award.

- A.11 City Manager Report: January 2009 Permit Revenue and Activity Update: Mark Lewis, Building Inspections Director.
Mark Lewis, Building Inspections Director, provided Council with the January 2009 permit revenue and activity report.
- A.12 City Manager Report: January 2009 Active Commercial Project Update: Mark Lewis, Building Inspections Director.
Mark Lewis, Building Inspections Director, provided Council with the January 2009 active commercial project report.
- A.13 City Manager Report: Review Information Submitted To Williamson County As Requested Through The US Census Bureau Participant Statistical Area Program (PSAP) In Preparation For The 2010 Census.
Duane Smith, Planning Director, stated staff has been working with the US Census Bureau in preparation for the 2010 Census of Housing and Population. The Census Bureau has notified the City of Cedar Park they have identified census tracts and block groups in Williamson County that exceeded the Bureau's target size. As a result these tracts and blocks need to be redrawn. Mr. Smith reviewed the changes and the process being used by Staff and Williamson County to assist with this item.
- A.14 City Manager Report: Update On The Utility Bond Upgrade: Dan Wegmiller, Specialized Public Finance, Inc.
Dan Wegmiller, Specialized Public Finance, Inc., reviewed the utility bond upgrade. The City of Cedar Park has received an AA rating which is one of the highest levels. This dramatic increase is very important and rarely seen. This results in lower interest costs to the City of Cedar Park.
- A.15 City Manager Report: Brushy Creek Sports Park Grand Opening Invitation: Curt Randa, Parks And Recreation Director.
Curt Randa, Parks Director, provided Council with an update and invite to the grand opening of the Brushy Creek Sports Park scheduled for March 7, 2009.
- A.16 City Manager Report: Heritage Festival Update: Curt Randa, Parks And Recreation Director
Curt Randa, Parks Director, provided Council with an update on the activities being planned for the Heritage Festival being held on March 28th at Milburn Park.
- A.17 *Announcement: On February 3, 2009 Agenda Item E.1. (Z-08-064) Related To A Rezoning Request By CA1100 Was Postponed By The Planning And Zoning Commission Until March 3, 2009. This Item Will Be Reposted For Public Hearings At The Planning And Zoning Commission And City Council In Accordance With Public Notice Requirements Set Forth In Section 211.006 Texas Local Government Code.*

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 B.2 removed from the Consent Agenda by Councilmember Fuller

Motion to approve all items on the Consent Agenda consisting of Agenda Item B, C and D excluding Item B.2.

Movant: Councilmember Mitchell

Second: Councilmember Powell

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

B.1 Approval Of Council Minutes From The Meeting Of December 11, 2008.
Approved under the Consent Agenda.

B.2 Approval Of Council Minutes From The Meeting Of December 18, 2008.
Removed from the Consent Agenda by Councilmember Fuller.
Correction to the minutes to reflect Commission Sandy Trujillo on the Planning & Zoning Commission.

Motion to approve the Council minutes from the Meeting of December 18, 2008 as corrected.

Movant: Councilmember Fuller

Second: Mayor Pro Tem Thomas

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

B.3 Approval Of Council Minutes From The Meeting Of January 8, 2009.
Approved under the Consent Agenda.

B.4 Receipt Of Minutes From The Cedar Park Economic Development Corporation (4A) Meeting Of November 17, 2008.
Received under the Consent Agenda.

B.5 Receipt Of Minutes From The Tourism Advisory Board Meeting Of December 12, 2008.
Received under the Consent Agenda.

B.6 Receipt Of Minutes From The Historic Preservation Commission Meeting Of December 10, 2008.
Received under the Consent Agenda.

B.7 Receipt Of Minutes From The Planning & Zoning Commission Meeting Of January 6, 2009.
Received under the Consent Agenda.

C.1 Second Reading On An Ordinance Amending The FY 2008-09 General Fund Budget; Transferring \$46,440 From General Administration To Fire Services For Office Lease Payments,

And Increasing The Municipal Court Budget In The Amount Of \$22,935 For Sidewalk Improvements.

Approved under the Consent Agenda.

Ordinance Number: BF32-09-02-12-C1

- C.2 Second Reading On An Ordinance Amending The FY 2008-09 4B Community Development Corporation Operating Budget In The Amount Of \$312,598 For Economic Development.

Approved under the Consent Agenda.

Ordinance Number BF33-09-02-12-C2

- C.3 Second Reading On An Ordinance Amending A Portion Of Chapter 11 The Zoning Ordinance Of The Code Of Ordinances Of The City Of Cedar Park, Texas, To Revise Article 11.10 Boards And Commissions, Division 3 Zoning Changes And Amendments, Pertaining To The Definition Of The Land Area Of A Valid Protest Petition, Pursuant To Local Government Code Section 211.006 (d) and (e) As Amended; And Clarifying Language Related To Postponement Or Withdrawal Of An Application; Providing For Severability; Providing For Repeal Of Conflicting Ordinances; Providing For An Effective Date; And Ordaining Other Provisions Related To The Subject Matter Hereof. **The Planning and Zoning Commission Recommended Approval Of The Amendments**

Approved under the Consent Agenda.

Ordinance Number CO34-09-02-12-C3

- D.1 A Resolution Authorizing And Directing The City Manager To Execute An Election Services Agreement Between The City Of Cedar Park And Williamson County Elections Department For The May 9, 2009 General Election.

Approved under the Consent Agenda.

Resolution Number R79-09-02-12-D1

- D.2 A Resolution Authorizing And Directing The City Manager To Execute A Joint Election Agreement Between The City Of Cedar Park, The Williamson County Elections Department And Participating Entities For The May 9, 2009 General Election.

Approved under the Consent Agenda.

Resolution Number R80-09-02-12-D2

- D.3 A Resolution Authorizing The Purchase Of Cardio Equipment For The Cedar Park Recreation Center In The Amount Of \$101,360.25 From Marathon Fitness.

Approved under the Consent Agenda.

Resolution Number R81-09-02-12-D3

- D.4 A Resolution Authorizing The Purchase Of Strength Equipment For The Cedar Park Recreation Center In The Amount Of \$69,583.00 From Bodyworks Fitness Equipment.
Approved under the Consent Agenda.

Resolution Number R82-09-02-12-D4

- D.5 A Resolution Authorizing The Purchase Of Shade Structures For The Milburn Community Pool In The Amount Of \$74,346.00 From USA Shade & Fabric Structures, Inc.
Approved under the Consent Agenda.

Resolution Number R83-09-02-12-D5

- D.6 A Resolution Authorizing And Directing The City Manager To Execute An Engineering Services Agreement With HDR Engineering For A Water Feasibility Study.
Approved under the Consent Agenda.

Resolution Number R84-09-02-12-D6

PUBLIC HEARINGS

- E.0 Public Hearings:

- E.1 Z-08-064 *The Applicants Request Was Postponed By The Planning And Zoning Commission Until March 3, 2009. An Ordinance To Rezone Approximately 159.75 Acres Of Land From Business District (BD) And General Office (GO) To Multi Family (MF)(20acres) And Single Family (SF-3)(139.75acres) For Property Located On The East Side Of Parmer Lane Just North Of Ranch Trails, In Williamson County, Texas. (Z-08-064) (CA1100 LTD).*
No Item Before Council.

- E.2 Z-08-061 First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 3 Acres Of Land Owned By Cathy Sue Munson Located North Of Brushy Creek Road and East Of Parmer Lane, In Williamson County, Texas. (Z-08-061) **The Planning And Zoning Commission Voted 7-0 To Approve Local Retail (LR) For This Tract.**

Duane Smith, Planning Director, stated the applicant has requested to assign original zoning of Local Retail (LR) to approximately 3 acres located north of Brushy Creek Road and east of Parmer Lane. The Planning and Zoning Commission voted 7-0 to approve the request. This is a companion to Zoning Application Z-08-062 (Agenda Item E.3) and relates to the same general area. The zoning applications were filed separately because the two tracts are under different ownership.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing.

- E.3 Z-08-062 First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 11.395 Acres Of Land Owned By Brushy Creek Partners,

LP, Located North Of Brushy Creek Road and East Of Parmer Lane, In Williamson County, Texas. (Z-08-062) **The Planning And Zoning Commission Voted 7-0 To Approve Local Retail (LR) For This Tract.**

Duane Smith, Planning Director, stated the applicant has requested to assign original zoning of Local Retail (LR) to approximately 11.395 acres located north of Brushy Creek Road and east of Parmer Lane. The Planning and Zoning Commission voted 7-0 to approve the request. This is a companion to zoning application Z-08-061 (Agenda Item E.1) and relates to adjoining areas. The zoning applications were filed separately as the two tracts are under different ownership.

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

- E.4 Z-08-063 First Reading And Public Hearing On An Ordinance To Rezone Approximately 15.8 Acres Of Land From Planned Development (PD) to Multi Family (MF), Owned By New Amstel Land Ltd., Located South Of Cypress Creek Road And West Of Liberty Oaks Boulevard, In Williamson County, Texas. (Z-08-063) **The Planning And Zoning Commission Voted 7-0 To Deny Multi Family (MF) For This Tract.**

Duane Smith, Planning Director, stated the applicant has requested to postpone this item. The applicant would like to come back with a new application.

Mayor Lemon stated due to the large turnout he would honor the original application and conduct the public hearing.

The applicant has requested to rezone approximately 15.8 acres from Planned Development (PD) to Multi Family (MF), located south of Cypress Creek Road and west of Liberty Oaks Boulevard. A valid petition has been received for this case. The petition contains signatures from property owners representing 37% of the area of lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from subject tract.

Approval of the applicant's request will require an affirmative vote by 6 out of 7 City Council members. In addition to the valid petition, on February 3, 2009, staff received an opposition letter from the Red Oaks neighborhood that includes 276 signatures. The Planning and Zoning Commission voted 7-0 to deny the request. The applicant has requested to postpone this item.

Greg Standerfer, representing the Applicant, addressed Council pertaining to the request. His client wants to withdraw the application and not have straight zoning. A Planned Unit Development (PUD) amendment would allow for more restrictions. His client is willing to come back with a new application.

Mayor Lemon opened the Public Hearing:

The following citizens addressed Council or registered there opposition to the rezoning request:

Rachea Pendley	Brooke Jubb	Louise Danilevicius
Rob Northcutt	Brad Jubb	Randall Lercke
Linan Danilevicius	Claude Biffle	Jesse Karsten
Chaoyang Tong	Lisa Myers	Marie Pando-Palacios
Bryan Hunt	Ron Myers	J. Marcos Palacios
Pat and Colin Easton	Chris Weckel	Shweta Sengar
Ty McCandlis	Richard Weckel	Kapil Kumar
Allison Brackhahn	Wayne and Sharon Woodring	Debbie Kersten

Mayor Lemon closed the Public Hearing.

General Discussion followed. Application was withdrawn by Greg Standerfer, applicant representative.

Charles Rowland, City Attorney, reviewed the process and requirements for the submission of a new application.

- E.5 Z-08-065 First Reading And Public Hearing On An Ordinance To Rezone Approximately 21.267 Acres Of Land From Planned Development (PD) And General Retail (GR) To Multi Family (MF), Owned By TS-SD III, Ltd., Located South Of Cypress Creek Road And West Of Bell Boulevard, In Williamson County, Texas. (Z-08-065) **The Planning And Zoning Commission Voted 7-0 To Deny Multi Family (MF) For This Tract.**

Duane Smith, Planning Director, stated the applicant has requested to postpone this item.

Greg Standerfer, representing the Applicant, stated his client has asked to have this item postponed. Mr. Standerfer stated his client received the staff recommendation late. The Planning & Zoning Commission denied the request for a postponement. Mr. Standerfer stated he has submitted a public information request and is waiting on a response from the City for the requested documentation on this specific zoning case. Mr. Standerfer addressed the issue of possible developments for this tract. He is requesting this item to be postponed until the second Council meeting in March.

Mayor Lemon opened the Public Hearing.

The following citizens addressed Council or registered there opposition to the rezoning request:

Linan Danilevicius	Chaoyang Tong	Lisa Myers
Bryan Hunt	Ron Myers	Pat and Colin Easton
Chris Weckel	Shweta Sengar	Ty McCandlis
Richard Weckel	Kapil Kumar	Allison Brackhahn
Wayne and Sharon Woodring	Debbie Kersten	Rob Northcutt

Mayor Lemon closed the Public Hearing.

General Discussion followed:

Greg Standerfer explained the reasoning behind the postponement as opposed to withdrawing the application. With a withdrawal, the applicant would need to wait one full year.

Discussion followed pertaining to the postponement of the item.

Bill Pohl, Applicant, addressed Council regarding the rezoning request. Mr. Pohl withdrew the application.

- E.6 **Z-08-066 First Reading And Public Hearing On An Ordinance To Rezone Approximately .993 Acres From General Retail (GR) To Single Family (SF-3) And Approximately 1.745 Acres From Single Family (SF-3) To Local Retail (LR) Located Near The North West Corner Of East Park Street And North Vista Ridge Boulevard, In Williamson County, Texas (Z-08-066). The Planning And Zoning Commission Voted 7-0 To Approve The Applicant's Request.**

Duane Smith, Planning Director, stated the applicant has requested to rezone approximately .993 acres from General Retail (GR) to Single Family (SF-3) and approximately 1.745 acres from Single Family (SF-3) to Local Retail (LR) located near the northwest corner of East Park Street and North Vista Ridge Boulevard. The purpose of this request is to provide additional acreage for a development proposed for the Local Retail (LR) site. The Planning and Zoning Commission voted 7-0 to approve the request.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing.

- E.7 **Z-08-067 First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 4.226 Acres Of Land Owned By James Phares Located At The Southeast Corner Of New Hope Road And New Hope Drive, In Williamson County, Texas. (Z-08-067) The Planning And Zoning Commission Voted 7-0 To Approve Local Retail (LR) For This Tract.**

Duane Smith, Planning Director, stated the applicant has requested to assign original zoning of Local Retail (LR) to approximately 4.226 acres located at the southeast corner of New Hope Road and New Hope Drive. The Planning and Zoning Commission voted 7-0 to approve the request. Mr. Phares, Applicant, made himself available to Council for questions.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing.

- E.8 First Reading And Public Hearing On An Ordinance Changing the Name Of The Portion Of West Whitestone Boulevard Between Existing West New Hope Drive And Buck Run To Whitestone Business Loop Due To The Realignment of West RM 1431/West Whitestone Boulevard; Providing For Severability; Providing For Repeal Of Conflicting Ordinances; Providing For An Effective Date; Finding And Determining That The Meeting At Which This Ordinance Is Passed Was Noticed And Is Open To The Public As required By Law And Ordaining Other Provisions Related To The Subject Matter Hereof.

Duane Smith, Planning Director, stated with the recent realignment of RM 1431, there are now two existing roadways with the designation of RM 1431. Notifications were sent to twenty-two property owners pertaining to possible renaming of the section referred to as “old RM 1431”. Nine responses were received for various names. Staff suggests Whitestone Business Loop.

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 Consideration For The Reappointments Of Kelly Brent, Place 3, And Matt Schaefer, Place 4, To The Cedar Park Economic Development Corporation (4A).
Motion to reappoint Kelly Brent, Place 3, and Matt Schaefer, Place 4, on the Cedar Park Economic Development Corporation.
- Movant: Councilmember Powell**
Second: Councilmember Fuller
Vote: 6:0 with Councilmember Caputo absent from vote
- F.2 Consideration For Reappointment Of Lynn Albers To Place 2 On The Civil Service Commission.
Motion to reappoint Lynn Albers, Place 2, on the Civil Service Commisison.
- Movant: Councilmember Mitchell**
Second: Mayor Pro Tem Thomas
Vote: 6:0 with Councilmember Caputo absent from vote
- F.3 Consideration Of Appointment To Place 1 And Reappointment Of Alan Yore To Place 5 On The Board Of Adjustments.
Motion to appoint Mo Jhadi, Place 1, and reappoint Alan Yore, Place 5, on the Board of Adjustments.

Movant: Councilmember Powell

Second: Councilmember Fuller

Vote: 6:0 with Councilmember Caputo absent from vote

- F.4 Consideration Of A Resolution Approving The First Amendment To The Master Contract For The Financing, Construction And Operation Of The BCRUA Regional Water Treatment And Distribution Project; Approving An Amended And Restated Financing Agreement Between The BCRUA And Texas Water Development Board (TWDB); And Other Matters In Connection Therewith.

Sam Roberts, Assistant City Manager, stated the master contract for the Brushy Creek Regional Utility Authority (BCRUA) and the financing agreement were approved in August 2008. An approved amendment in December 2008 allowed the master contract to allow a change in the completion date of the project along with some other considerations related to the timing of each party's participation in the project. It was determined changes to the financing agreement affected the amended master contract and since the amended master contract had not yet been fully executed by all parties, staff is proposing approval of the revised amended master contract. Changes to the amendment approved in December include: (1) extend start date for construction of the raw water line from August 1, 2009 to August 15, 2009 and clarify that start is defined as issuance of a notice to proceed. The extra 15 days was added to facilitate some of the new timelines that were added to the financing agreement with the TWDB and (2) extend the date of the closing of the bonds by the TWDB from July 1, 2009 to July 15, 2009. Again, this was done to facilitate some of the new timelines that were added to the financing agreement with the TWDB.

Dan Wegmiller, Specialized Public Finance, Inc., addressed Council pertaining to the changes in the financing agreement.

Motion to approve the Resolution Approving The First Amendment To The Master Contract For The Financing, Construction And Operation Of The BCRUA Regional Water Treatment And Distribution Project; Approving An Amended And Restated Financing Agreement Between The BCRUA And Texas Water Development Board (TWDB); And Other Matters In Connection Therewith.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 6:0 with Councilmember Caputo absent from vote.

Resolution Number R88-09-02-12-F4

- F.5 Consideration Of A Resolution Determining SPA Skateparks As The Best Value And Authorizing The City Manager To Execute A Design-Build Agreement For The Cedar Park Skate Park Project.

Curt Randa, Parks Director, stated the City received six design-build firms for the Skate Park project on January 6th, 2009. Proposals were evaluated by a committee of five people including two Parks & Recreation Department staff, one Parks Board member, one 4B Board member and one citizen advocate. The evaluation criteria and scores are attached.

The top two firms were selected for interviews on January 30th. After the interviews, SPA Skateparks was the highest ranking firm and receives the selection committee's recommendation for construction of the skatepark. Staff respectfully requests Council approval of SPA Skateparks as the design-build firm for the construction of the Cedar Park Skatepark.

Motion to approve the Resolution determining SPA Skateparks as the best value and authorizing the City Manager to execute a Design-Build Agreement for the Cedar Park Skate Park Project.

Movant: Councilmember Powell

Second: Councilmember Mitchell

Vote: 6:0 with Councilmember Caputo absent from meeting

Resolution Number R89-09-02-12-F5

- F.6 Consideration Of A Resolution Authorizing And Directing The Mayor to Execute a Memorandum of Understanding Between The City of Cedar Park and The Texas Department of Transportation Regarding The Adoption of The Texas Department of Transportation's Federally - Approved Disadvantaged Business Enterprise Program.

Alan Green, Senior Engineer Associate, stated the Texas Department of Transportation (TxDOT) has informed staff that the City is required to implement a federally approved Disadvantaged Business Enterprise program (DBE program) for any project which will be funded either partially or wholly with federal funds. The City has several transportation projects involving federal funding. These projects are the Brushy Creek Road (US 183A to Parmer Lane) reconstruction project and the Park Street / US 183 intersection improvement project. Staff recommends that the City adopt TxDOT's federally approved DBE program. By adopting TxDOT's DBE program, TxDOT will assist the City in meeting all federal requirements, including project monitoring and data reporting, during the construction of these projects.

Mayor Pro Tem Thomas stated he would like to see the break out of disadvantaged businesses identified in the future.

Motion to approve a Resolution Authorizing And Directing The Mayor to Execute a Memorandum of Understanding Between The City of Cedar Park and The Texas Department of Transportation Regarding The Adoption of The Texas Department of Transportation's Federally - Approved Disadvantaged Business Enterprise Program.

Movant: Councilmember Powell

Second: Councilmember Moore

Vote" 6:0 with Councilmember Caputo absent from meeting

Resolution Number R90-09-02-12-F6

F.7 Consideration Of A Resolution Identifying And Designating Three (3) Priority Roadway Projects And Authorizing And Directing The City Manager To Submit These Designated Priority Projects To The Capital Area Metropolitan Planning Organization (CAMPO) For Consideration Under The Proposed 2009 Economic Stimulus Package.

Sam Roberts, Assistant City Manager, stated the U.S. Senate is currently considering the 2009 Economic Stimulus Package (ESP) legislation which will, if approved, provide funds to governmental entities for transportation and other infrastructure. The Capital Metropolitan Planning Organization (CAMPO) is asking that local jurisdictions identify three (3) priority projects from among the projects previously submitted and submit the identified projects to CAMPO by February 20, 2009. The City of Cedar Park currently has several transportation projects under design, but only three are on the CAMPO short list as candidates for funding through the Economic Stimulus Bill. Staff recommends these three projects to be set forth and identified as "Priority Projects". Staff also recommends that Council identify Park Street (US 183A to Lakeline Blvd.), Brushy Creek Road (Parmer to Arrowhead), and CR 185 (RM 1431 to E. New Hope Drive).

Motion to approve the Resolution Identifying And Designating Three (3) Priority Roadway Projects And Authorizing And Directing The City Manager To Submit These Designated Priority Projects To The Capital Area Metropolitan Planning Organization (CAMPO) For Consideration Under The Proposed 2009 Economic Stimulus Package with the three projects as identified by staff.

Movant: Councilmember Fuller

Second: Mayor Pro Tem Thomas

Vote: 6:0 with Councilmember Caputo absent from meeting

Resolution Number R91-09-02-12-F7

F.8 Consideration Of A Resolution Awarding Construction Bid For The Water Reclamation Facility Odor Control Improvements To Pepper-Lawson Construction, LP. For \$2,179,000.

Eric Rauschuber, Utilities Director, stated the Water Reclamation Facility Odor Control Improvements is a CY 2009 Utility CIP that will construct facilities and other improvements necessary to control odors at the Water Reclamation Facility (WRF). Six sealed bids were received on January 22, 2009. Pepper-Lawson Construction submitted the low bid of \$2,179,000. The construction budget for this project is \$2,800,000. The project schedule is 300 days to substantial completion and 340 days to final completion.

Motion to authorize the Resolution Awarding Construction Bid For The Water Reclamation Facility Odor Control Improvements To Pepper-Lawson Construction, LP. For \$2,179,000.

Movant: Councilmember Mitchell

Second: Councilmember Powell

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

Resolution Number R92-09-02-12-F8

- F.9 Consideration For Increasing Community Participation in Council Meeting Invocations. (Powell)
Councilmember Powell asked for this item to be placed on the agenda. He would like to see greater participation with the Invocations at Council meetings.

General Discussion followed regarding the process for inviting Pastors to give the Invocation, Council's participation in assisting with finding volunteers, and the use of all local churches.

No action taken.

- F.10 Consideration Of the Emergency Notification System For The City Of Cedar Park. (Moore)
Councilmember Moore asked for this item to be placed on the agenda. He would like to see a non-emergency system of procedure to notify citizens on local items of interest.

James Mallinger, Assistant Fire Chief, addressed the reverse 911 mechanism.

General Discussion followed regarding a possible email notification method, text messaging for cell phones and other means of notification processes.

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 10:45 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 The Wastewater Disposal Contract Between Brazos River Authority, Lower Colorado River Authority, City Of Round Rock, City Of Cedar Park And City Of Austin.
B. Legal Issues Concerning Amendment To The Lease And Development Agreement Between The City Of Cedar Park And Hicks Sports Group.
C. Legal Issues Concerning The Capital Metropolitan Transit Authority.
- G.2 Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property
A. Legal Issues Concerning Purchase Of Potential Water Tank Site And Additional Uses.
- G.3 Section 551.087 Deliberation Regarding Economic Development Negotiations.
A. Legal Issues Concerning Incentive Negotiations Related To 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 at 12:14 a.m. into Open Meeting.

Agenda Item. G.1A

Motion to authorize the City Manager to work with the City of Round Rock on a definitive agreement for the acquisition of the Brushy Creek Regional Wastewater from the Lower Colorado River Authority (LCRA) for the purchase price of \$1,982,632.

Movant: Councilmember Fuller

Second: Councilmember Moore

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

Agenda Item G.1B

Motion to authorize the City Manger to acknowledge and agree to the Concessionaire Agreement as presented by the Hicks Sports Group.

Movant: Councilmember Powell

Second: Mayor Pro Tem Thomas

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

H.1 Mayor And Council Closing Comments

None.

H.2 Adjournment

Mayor Lemon adjourned the meeting at 12:20 a.m.

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2009.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



MINUTES

**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
THURSDAY, FEBRUARY 19, 2009, AT 6:30 P.M.
Cedar Park Public Library - 550 Discovery Boulevard**

CITY COUNCIL

Mayor Bob Lemon	Scott Mitchell, Place 3
Mayor Pro Tem Stephen Thomas	Lowell Moore, Place 4
Matt Powell, Council Place 1	Cobby Caputo, Place 6
Mitch Fuller, Council Place 2	Brenda Eivens, City Manager

ECONOMIC DEVELOPMENT SALES TAX CORPORATION (4A)

Steven Foster, Place 1	Matt Schaefer, Place 4
Jason Ahrenholz, Place 2	Don Olson, Place 5
Kelly Brent, Place 3	

COMMUNITY DEVELOPMENT CORPORATION (4B)

David Burger, Place 1	Brian Rice, Place 5/Chair
Maria Talamo, Place 2	Ryan Wood, Place 6
Kevin Harris, Place 3	Audrey Wernecke, Place 7
John Allen, Place 4	

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

Mayor Lemon called the Council to order at 6:32 p.m.

Councilmember Caputo absent from meeting, all others present.

President Brian Rice called the 4B Board to order at 6:32 p.m.

All present from the 4B Board.

President Don Olson called the 4A Board to order at 6:32 p.m.

Steven Foster absent from meeting, all others present.

2. Introductions/Welcome

Roundtable introductions of the Council, 4A and 4B Board members were conducted.

3. Discussion Only:

Agenda Items 3.A through 3.E called together for discussion.

a. Cedar Park Regional Medical Center Economic Incentive Payments.

Brenda Eivens, City Manager, advised the 4A Board entered into an agreement with the hospital for infrastructure (a road) for \$4 million. The performance criteria have been met and the incentive is due in the next fiscal year. The determination needs to be made as to whether there can be a sharing of the debt between 4A and 4B. 4B was not originally included in the discussions.

Mayor Lemon stated the 4B had indicated they would consider participating in this project.

Kelly Brent (4A) said that 4A and 4B had met.

Ryan Wood (4B) said that the details had not been determined, but 4B was willing to help.

Kelly Brent (4A) said that a one year fund balance cushion would be \$3.4 million.

Brian Rice (4B) stated the subcommittee had checked and it is possible for 4B to transfer funds to 4A for this purpose.

Maria Talamo (4B) commented on wanting to keep 4A competitive.

Brian Rice (4B) stated an agreement between 4A and 4B should be able to be worked out within 2-3 months.

Brenda Eivens, City Manager, suggested the city's financial advisor come in and meet with the boards and staff to help facilitate the funding options.

Ryan Wood (4B) anticipates the first payment would be in FY 2009-2010.

Mayor Pro Tem Stephen Thomas suggested a finance subcommittee. He was advised there is already a 4B subcommittee meeting with 4A so they would be able to work on this.

b. Gateway Monument Signs For City Of Cedar Park.

Brenda Eivens, City Manager – stated the signs previously used for gateway signs are no longer in existence. One sign was removed when 1890 Ranch was built and one was destroyed in a car accident.

Councilmember Matt Powell commented he envisioned solar powered / energy efficient signs. He has seen them in Waco and other cities. Avery Ranch signs are back-lit and are easily visible at night. He also wants street signs updated with city logo.

Ryan Wood (4B) discussed community identity. 4B wants to do more. He asked for Council direction. Is community identity still considered important?

Mayor Lemon advised 4B should figure it out and get back to Council with their ideas. Maybe set aside specific amount every year to deal with gateway signs and street signs.

Kevin Harris (4B) wanted to know how gateway signs fit into the Council's priority ranking.

Councilmember Matt Powell advised that all of the ILSN signs that could be done have been done.

Maria Talamo (4B) stated the US 183 Corridor Enhancement study stated that gateway signs were needed.

Brian Rice(4B) stated 6-8 gateway signs are needed at an approximate cost \$25,000 each.

Mayor –Lemon stated the consideration should be for major signs to start – 183 at both ends and 1431 at both ends. These would be higher priority.

Mayor Lemon also discussed moving telephone poles behind buildings instead of burying them.

c. Developing/Updating The 4A/4B Boards Strategic Plan.

Brenda Eivens, City Manager suggested 4B create a strategic plan. 4A has one. It would be an opportunity to address some of the issues being discussed and where the priorities are.

Mayor Pro Tem Stephen Thomas stated the City has bond funds for parks and to be aware of so 4B doesn't have to fund all parks.

Maria Talamo (4B) stated 4B doesn't consider a park project unless it comes from the Parks Board. She went over the Twin Lakes park improvements and economic benefits. She wants to build the city's green infrastructure first. There is plenty of time to move telephone poles back. Park land acquisition and building of parks need to be the highest priority.

Mayor Lemon responded the City has bond money for parks and 4B should not be spending all of its money on parks. 4B needs to come up with a master beautification plan to help determine how and when to spend the funds.

Councilmember Matt Powell agreed with the Mayor and suggested the 4B consider a retreat to help figure out what projects 4B wants to do.

Kevin Harris (4B) stated previous projects have been determined by budget limits. Council has helped provide direction the last two years.

Ryan Wood (4B) asked for clarification on the funding of parks. Is this a short term focus for the 4B Board not to fund parks?

Mayor Lemon stated as long as there is bond money for parks, 4B shouldn't direct funding there.

Ryan Wood (4B) said this would free up monies for other project if 4B did not fund parks for the next 2 years.

Maria Talamo (4B) there is bond money for roads and she would like to see roads funded that way.

Brenda Eivens, City Manager, will provide updated numbers of bond money balances. There is over 2 million left for park land acquisition.

Mayor Lemon would like to see 4A and 4B fill out the Council's dream of making Cedar Park a destination city. Projects that would make Cedar Park a destination.

Maria Talamo (4B) stated the skate park will be a destination. Pop Warner will provide family friendly destination.

Mayor Lemon reiterated for the short term, don't worry about parks.

Councilmember Matt Powell commented on the possibility of a world class tennis tournament.

Ryan Wood (4B) commented on the timing of a retreat for the 4B Board. Signage would help to define city identity.

Brian Rice (4B) asked if the City Council would like 4B to focus on bond money being spent for parks in the short term. The 4B's strategy would center on destination and improvements that would beautify the city.

Kelly Brent (4A) commented on the tax revenues for the 4A Corporation. He cautioned that money be considered for economic development. 4B should reserve some of their funds to do economic development.

Mayor Lemon stated the Council was not asking 4B to spend all of their money. Identity and destination is a part of it. Consider the funding in a five-year plan or something like that.

d. Update On Current Projects and Activities.

Curt Randa, Parks Director, provided the update on park projects funded by 4B. The projects included:

1. **Brushy Creek Sports Park (previously known as Brushy Creek Recreation Park) – Grand opening is scheduled for March 7th.**
2. **Brushy Creek Lake Park improvements are substantially complete.**
3. **Skate park facility – Design-build firm has been selected. Public input meetings will be scheduled next month.**

Sam Roberts, Assistant City Manager, provided the update on transportation projects funded by 4B. The projects included:

1. **Park Street /183 intersection – This is an old project – ROW swap with TxDOT is holding up project.**
2. **183 Sidewalk project – The hold-up is at the CAMPO level. There is a meeting scheduled for March.**
3. **New Hope Drive/Avenue of the Stars – This is the entrance to the arena center. The bids were opened on 2/17/09 for the auxiliary lane. Construction bid will go to City Council next week.**
4. **Brushy Creek Road to Parmer – at TxDOT since January/2008. It's been moved up on the TxDOT project review list from Project 12 to Project 3.**

Phil Brewer provided the update on economic development projects. The projects included:

1. **Pecan Grove – 4B recently approved project.**
2. **IBT - 4B recently approved expansion incentive.**
3. **Possible biomedical project made a site visit last fall.**
4. **Medical device project – responded to RFP's in Austin on these.**
5. **They are working on business retention and expansion.**
6. **Prospector website is being updated.**
7. **Printing an updated aerial map to provide to prospective companies.**
8. **Larry Holt, Economic Development Specialist, will be attending an economic development conference in Atlanta, GA.**

Duane Smith provided the update on 4B funded projects. The projects included:

1. **Railroad crossing at BMC Drive – There will be two items on the next CC agenda. This project is under budget at this point.**
2. **US 183 Corridor Enhancement Projects – 7 projects have been completed. A notebook containing before and action pictures was passed around. They are also on the website. An 8th project has just started. Two more projects are anticipated.**

e. 4A And 4B Participation With Future City Projects And/Or Initiatives.

Phil Brewer advised the water park has developed into a three phase project and includes a conference center. The water park is still scheduled for a May 2010 opening.

4. Closing Comments
Roundtable closing comments were completed.

5. Adjournment
Mayor Lemon, President Olson and President Rice adjourned their respective Council and Boards at 8:40 p.m.

PASSED AND APPROVED THIS 9TH DAY OF APRIL, 2009.

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 26, 2009 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 Stephen Thomas
Lowell Moore, Councilmember Place Four
Cobby Caputo, 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 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: Report On Services Provided For The City Of Cedar Park By Faith In Action Caregivers NW.
Carla Young, Faith In Action, provided Council with an update on the services provided to the citizens of Cedar Park. Ms. Becker a recipient of services thanked Council for their support of the program. Mayor Lemon presented a check in support of services provided by the organization.
- A.5 Presentation: Review Of The Tourism Strategic Goals And Priorities: Melanie Carr, Communications Manager.
Melanie Carr, Media and Communications Manager provided Council with the highlights of the strategic goals for the Tourism Advisory Board. Don Moore was present for questions.

A.6 Citizens Communications.(Three Minutes Each. No Deliberations With Council)
Connie Ripley, Volente, addressed Council regarding the regional water project.

Judy Graci, Volente, addressed Council regarding the regional water project.

Wade Matistic, Cedar Park, addressed Council regarding code enforcement in the City's extra-territorial jurisdiction ("ETJ") for privacy fencing height restrictions.

Michele Stentz, Cedar Park, addressed Council regarding a fencing complaint and code enforcement in the City's extra-territorial jurisdiction ("ETJ") for privacy fencing height restrictions.

Ed Strout, Cedar Park, addressed Council a fencing complaint extra-territorial jurisdiction ("ETJ") for privacy fencing height restrictions. He also inquired about motorized vehicles in the greenbelt in Forest Oaks.

Elijah May, Cedar Park, addressed Council regarding signage for the sports facilities located in the Toro Grande area.

Mike Klebor, Cedar Park, addressed Council regarding Sports Row in the Toro Grande area.

**** Note – Councilmember Powell left meeting during Citizens Communications.**

A.7 Mayor and Council Opening Comments.
Mayor Lemon commented on working with the Legislature on local issues.

Councilmember Fuller commented on the ribbon cutting he attended for the Lakeline Oaks senior living facility. He also commented on the Council joint meeting with the 4A and 4B Board. CM Fuller would like to see a future agenda item regarding joining the U.S. Conference of Mayors.

Councilmember Moore requested an agenda item for the non-emergency notification system.

A.8 City Manager Report: Review Of The Monthly Financial Report For December 2008 And January 2009: Stacie Carter, Interim Finance Director.
Stacie Carter, Interim Finance Director, provided Council with the December 2008 and January 2009 monthly financial report.

A.9 City Manager Report: Review Of The Proposed Amendments And Modifications For The City Of Cedar Park Public Library Collection Development Policy: Pauline Lam, Library Director.
Pauline Lam, Library Director, reviewed the proposed amendments to the Library's collection development policy.

- A.10 City Manager Report: Review Of Community Resolution To Clean Air For Williamson County: Katherine Woerner, Assistant To City Manager.
Katherine Woerner, Assistant to the City Manager, introduced Gary Boyd with Williamson County.
- Gary Boyd addressed Council regarding the Clean Air Initiative for Williamson County. Councilmember Caputo inquired about the pollution contributors in the area and whether it was still from industries outside of Williamson County or transportation related.**
- A.11 City Manager Report: Review Of The Revised Parks & Recreation Adopt-A-Park Program: Curt Randa, Parks Director.
Curt Randa, Parks Director, reviewed the Adopt-A-Park Program. Chantele Bluiett with Human Resources assisted with the revisions for an intern project.
- A.12 City Manager Report: Update On The Cedar Park Organizational Development ("CPOD") Program: Miguel Ozuna, Human Resources Director.
Miguel Ozuna, Human Resources Director, provided Council with a brief history of the Cedar Park Organizational Development Program and the work completed by the employees.

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 B.3 removed from the Consent Agenda by Councilmember Fuller.
Agenda Item C.1 removed from the Consent Agenda by Councilmember Moore.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D excluding B.3 and C.1

Movant: Mayor Pro Tem Thomas

Second: Councilmember Fuller

Vote: 6:0 with Councilmember Powell absent from meeting

- B.1 Approval Of Council Minutes From The Meeting Of January 16, 2009.
Approved under the Consent Agenda.
- B.2 Approval Of Council Minutes From The Meeting Of January 17, 2009.
Approved under the Consent Agenda.
- B.3 Receipt Of Minutes From The Planning And Zoning Meeting Of July 3, 2009.
Removed from the Consent Agenda by Councilmember Fuller.
Councilmember Fuller stated the minutes were from the February 3, 2009 Planning & Zoning Commission meeting.

Motion to receive the minutes from the Planning & Zoning Commission meeting of February 3, 2009.

Movant: Councilmember Fuller

Second: Councilmember Moore

Vote: 6:0 with Councilmember Powell absent from meeting

- B.4 Receipt Of Minutes From The Tourism Advisory Board Meeting Of January 9, 2009.
Received under the Consent Agenda.
- B.5 Receipt Of Minutes From The Community Development Corporation (4B) Meeting Of January 13, 2009.
Received under the Consent Agenda.
- C.1 Second Reading On An Ordinance Changing the Name Of The Portion Of West Whitestone Boulevard Between Existing West New Hope Drive And Buck Run To Whitestone Business Loop Due To The Realignment of West RM 1431/West Whitestone Boulevard.
Removed from the Consent Agenda by Councilmember Moore.

Councilmember Moore commented on the proposed name change to Whitestone Business Loop. He is proposing the name be changed to Woodall Loop in recognition of the Woodall family and business located in the area.

Motion to name the former 1431 as Woodall Loop.

Movant: Councilmember Moore

Second: Councilmember Mitchell

Motion withdrawn after general discussion.

General Discussion followed pertaining to notification to the home and business owners in the area, results of the survey sent to citizens in the area, and recommendations made for the new name to include Woodall Loop.

Motion to table this item and direct staff to re-notify the impacted citizens and business owners in the area with the four proposed names with votes for the proposed names.

Movant: Councilmember Caputo

Second: Mayor Pro Tem Thomas

Vote: 6:0 with Councilmember Powell absent from meeting

- C.2 Z-08-061 Second Reading Of An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 3 Acres Of Land Owned By Cathy Sue Munson Located North Of Brushy Creek Road and East Of Parmer Lane, In Williamson County, Texas. (Z-08-061) **The Planning And Zoning Commission Voted 7-0 To Approve Local Retail (LR) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z36-09-02-26-C2

- C.3 Z-08-062 Second Reading Of An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 11.395 Acres Of Land Owned By Brushy Creek Partners, LP, Located North Of Brushy Creek Road and East Of Parmer Lane, In Williamson County, Texas. (Z-08-062) **The Planning And Zoning Commission Voted 7-0 To Approve Local Retail (LR) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z37-09-02-26-C3

- C.4 Z-08-067 Second Reading On An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 4.226 Acres Of Land Owned By James Phares Located At The Southeast Corner Of New Hope Road And New Hope Drive, In Williamson County, Texas. (Z-08-067) **The Planning And Zoning Commission Voted 7-0 To Approve Local Retail (LR) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z38-09-02-26-C4

- C.5 Z-08-066 Second Reading On An Ordinance To Rezone Approximately 1.010 Acres From General Retail (GR) To Single Family (SF-3) And Approximately 1.490 Acres From Single Family (SF-3) To Local Retail (LR) Located Near The North West Corner Of East Park Street And North Vista Ridge Boulevard, In Williamson County, Texas (Z-08-066). **The Planning And Zoning Commission Voted 7-0 To Approve The Applicant's Request.**

Approved under the Consent Agenda.

Ordinance Number Z39-08-02-26-C5

- D.1 A Resolution Authorizing And Directing The City Manager To Execute Change Order Number Seven With Flintco Constructive Solutions For The Purpose Of Adding Contingency Items To The Recreation Center Project.

Approved under the Consent Agenda.

Resolution Number R93-09-02-26-D1

- D.2 A Resolution Authorizing And Directing The City Manager To Execute A Construction Agreement For \$156,883 With Railroad Controls Limited For Improvements To The At-Grade Rail Crossing At BMC Drive For The Purpose Of Establishing A Train Horn Quiet Zone.

Approved under the Consent Agenda.

Resolution Number R94-09-02-26-D2

- D.3 A Resolution Authorizing And Directing The City Manager To Execute An At-Grade Rail Crossing License Agreement Addendum With Capital Metro To Allow The City To Contract For The Construction Of Railroad Crossing Improvements At BMC Drive For The Purpose Of Establishing A Train Horn Quiet Zone.
Approved under the Consent Agenda.

Resolution Number R95-09-02-26-D3

- D.4 A Resolution Ordering And Calling A City Officer's General Election For May 9, 2009; Making Provisions For Conducting The Election; And Resolving Other Matters Related To Such Election. (*Resolución Ordenando Una Elección General Para Oficiales De La Ciudad Que Se Llevara Acabo El Día 9 De Mayo, 2009; Adoptar Provisiones Par Conducir La Elección; Y Resolver Otros Asuntos Asociados Con La Elección.*)
Approved under the Consent Agenda.

Resolution Number R96-09-02-26-D4

- D.5 A Resolution Awarding Construction Bid For The 183A Southbound Frontage Road Auxiliary Lane To EBC Construction, LLC For \$220,567.01.
Approved under the Consent Agenda.

Resolution Number R97-09-02-26-D5

- D.6 A Resolution Awarding Construction Bid For The Construction Of Intersection Improvements At The Intersections Of Cypress Creek Road And Sun Chase Blvd And At Lakeline Boulevard And New Hope Road To Aaron Concrete Contractors, Inc For \$320,409.10.
Approved under the Consent Agenda.

Resolution Number R98-09-02-26-D6

- D.7 A Resolution Authorizing And Directing The City Manager To Execute A Professional Services Agreement With Environmental And Planning Associates, Inc. For The Brushy Creek Road (Parmer Lane To Arrowhead Trail) Reconstruction Project In The Amount Of \$35,965.
Approved under the Consent Agenda.

Resolution Number R99-09-02-26-D7

- D.8 Authorization To Excuse The Absence Of Councilmember Caputo From The Meeting Of February 12, 2009.
Approved under the Consent Agenda.

No Resolution Number assigned.

PUBLIC HEARINGS

- E.0 First Reading And Public Hearing:

- E.1 Z-09-001 First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of General Office (GO) To Approximately 13.44 Acres Of Land Owned By Good News United Methodist Church Located At The Southeast Corner Of Cottonwood Creek Trail And CR 180 (Future New Hope Drive), In Williamson County, Texas. (Z-09-001) **The Planning And Zoning Commission Voted 5-0 To Approve General Office (GO) For This Tract.**

Duane Smith, Planning Director, stated the applicant's request is to assign original zoning of General Office (GO) to approximately 13.44 acres located at the southeast corner of Cottonwood Creek Trail and CR 180 (future New Hope Drive). The Planning and Zoning Commission voted 5-0 to approve the request.

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

- E.2 Z-09-002 First Reading And Public Hearing On An Ordinance To Rezone Approximately 1.73 Acres Of Land Owned By Pedro A. Amaya From Light Industrial (LI) To Transitional Office (TO) Located At The Northwest Corner Of Cougar Avenue And Brushy Creek Road, In Williamson County, Texas. (Z-09-002) **The Planning And Zoning Commission Voted 5-0 To Approve Transitional Office (TO) For This Tract.**

Duane Smith, Planning Director, stated the applicant's request is to rezone approximately 1.73 acres from Light Industrial (LI) to Transitional Office (TO) located at the northwest corner of Cougar Avenue and Brushy Creek Road. The Planning and Zoning Commission voted 5-0 to approve the request.

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

- E.3 First Reading And Public Hearing On An Ordinance Amending Chapter 10 Taxation, Article 10.03 Hotel/Motel Occupancy Tax, Section 10.03.005(a), Use Of Revenue, Of The Code Of Ordinances Of The City Of Cedar Park, Texas For The Purpose Of Adding Section 10.03.005(a)(6) Regarding The Use Of Revenue For Expenses Related To Sporting Events In Which The Majority Of Participants Are Tourists And Section 10.03.005(a)(7) Regarding The Use Of Revenue For Expenses Related To A Transportation System To Transport Tourists.

Julie Pandya, Assistant City Attorney, stated the purpose of this ordinance is to update the City's Hotel/Motel Occupancy Tax ordinance to include two additional permissible uses added by the Texas Legislature. The following two permissible uses for the revenues of the Hotel/Motel Occupancy Tax will be added to the City's current Hotel/Motel Occupancy Tax ordinance: 1) to cover expenses related to sporting events in which the majority of the participants are tourists, and expenses related to a transportation system used to transport tourists from hotels in and near Cedar Park to points of interest within the City.

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

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 Consideration Of Appointment To Alternate Place 1 On The Board Of Adjustments.
Linus Danilevicius introduced himself as an applicant for the vacancy on the Board of Adjustments.

Motion to appoint Linas Danilevicius to Alternate Place 1 on the Board of Adjustments.

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

F.2 Consideration On Design Options For The Cedar Park Center Lobby: John Frew, Frew Management Group.
Motion to table this item to the next meeting.

**Movant: Councilmember Mitchell
Second: Councilmember Fuller
Vote: 6:0 with Councilmember Powell absent from meeting.**

F.3 Consideration Of Second Amendment To The Lease And Development Agreement Between The City Of Cedar Park And Hicks Cedar Park LLC.
Sam Roberts, Assistant City Manager, stated the purpose of this amendment is to extend the time frame for submission of a development plan by the Hicks company for the approximately 16 ac commercial property on the arena site from March 1, 2009 to March 1, 2010. In addition the time frame for the City's completion of the creation of the TIRZ and planned development district ordinance is also being extended from the date of the completion of the arena (September 30, 2009) until October 1, 2010. The Hicks Company requested the extension to allow more flexibility due to market conditions around the country.

Motion to approve the second amendment to the Lease and Development Agreement between the City of Cedar Park and Hicks Cedar Park LLC.

**Movant: Mayor Pro Tem Thomas
Second: Councilmember Moore
Vote: 6:0 with Councilmember Powell absent from meeting.**

Resolution Number R103-09-02-26-F3

- F.4 Update On The Recommendation To The Capital Area Council Of Governments ("CAPCOG") Regarding Board Positions For The Executive Committee. (Mitchell)
Councilmember Mitchell stated he would like to have this item come back at a later meeting after the Committee and General Assembly have met.

Motion to table this item until action is taken by the Capital Area Council of Governments.

Movant: Councilmember Mitchell

Second: Councilmember Caputo

Vote: 6:0 with Councilmember Powell 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 8:22 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 The Wastewater Disposal Contract Between Brazos River Authority, Lower Colorado River Authority, City Of Round Rock, City Of Cedar Park And City Of Austin.
 - B. Legal Issues Concerning HJ Trails Application For A Wastewater Permit.
 - C. Legal Issues Concerning Water Payments For Portrait Homes - Cypress Creek Townhomes.
 - D. Legal Issues Concerning Red River Service Corporations Agreement.
 - E. Legal Issues Concerning Texas Gas Service Relocation Recovery Costs And Rate Increase Suspension.
 - F. Legal Issues Concerning The Annexation Of The Ranch At Cypress Creek MUD #1.
 - G. Legal Issues Concerning Fencing Requirements In The City Of Cedar Park's Extraterritorial Jurisdiction ("ETJ").
- G.2 Section 551.087 Deliberation Regarding Economic Development Negotiations.
- A. Legal Issues Concerning Incentive Negotiations Related To 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 9:34 p.m.

No action taken on any item discussed in Executive Session.

H.1 Mayor And Council Closing Comments.

Councilmember Fuller reminded everyone of the Brushy Creek Sport Park opening.

H.2 Adjournment.

Mayor Lemon adjourned the meeting at 9:40 p.m.

PASSED AND APPROVED THIS 14TH DAY OF MAY, 2009.

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 12, 2009 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 Stephen Thomas
Lowell Moore, Councilmember Place Four
Cobby Caputo, 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 present.
- A.2 Invocation.
Invocation given by Richard Galloway.
- A.3 Pledges of Allegiance (U.S. and Texas).
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Pedernales Electric Cooperative Check Presentation To The Cedar Park Public Library.
Representatives from Pedernales Electric Cooperative presented a check to the Cedar Park Public Library.
- A.5 Presentation: Recognition Of Chantele Bluiett, Human Resources, For A Ten Year Service Award.
Miguel Ozuna, Human Resources Director, presented Chantele Bluiett with a plaque recognizing ten years of service with the City of Cedar Park.
- A.6 Citizens Communications.(Three Minutes Each. No Deliberations With Council)
Connie Ripley, Volente, addressed Council regarding the regional water project.

Judy Graci, Volente, addressed Council regarding the regional water project.

Amanda Dewey, Cedar Park, addressed Council on code violations with a local neighbor.

A.7 Mayor and Council Opening Comments.

Mayor Lemon congratulated Chief Connealy for the Citizen of the Year Award received from the Chamber of Commerce. He commented on a recent meeting with Senator Kirk Watson pertaining to the legislative agenda.

Councilmember Caputo stated he would like to speak with staff regarding codes.

Mayor Pro Tem Thomas commented on the upcoming events within the City and reminded citizens to drive safe during spring break. He asked the City Attorney for clarification on correcting mis-information/non-factual information and providing the accurate facts on items commented on under Citizen Communications.

Councilmember Moore commented on the recent events he attended.

Councilmember Mitchell commented on the Council packets being available online to the public.

Councilmember Fuller provided updates and comments on the numerous events he attended on behalf of the City.

Councilmember Powell provided updates and comments on the events he recently attended on behalf of the City. He also requested a future agenda item pertaining to a Junior City Council program.

A.8 City Manager Report: February 2009 Building Permit Activity And Revenue Update: Mark Lewis, Building Inspections Director.

Mark Lewis, Building Inspections Director, presented the February Building Permit activity 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 Moore

Vote: 7:0

B.1 Approval Of Council Minutes From The Meeting Of January 22, 2009.

Approved under the Consent Agenda.

B.2 Receipt Of Minutes From The Economic Development Corporation (4A) Meeting Of January 26, 2009.

Received under the Consent Agenda.

C.1 Second Reading On An Ordinance Amending Chapter 10 Taxation, Article 10.03 Hotel/Motel Occupancy Tax, Section 10.03.005(a), Use Of Revenue, Of The Code Of Ordinances Of The City Of Cedar Park, Texas For The Purpose Of Adding Section 10.03.005(a)(6) Regarding The Use Of Revenue For Expenses Related To Sporting Events In Which The Majority Of Participants Are Tourists And Section 10.03.005(a)(7) Regarding The Use Of Revenue For Expenses Related To A Transportation System To Transport Tourists.

Approved under the Consent Agenda.

Ordinance Number CO39-09-03-12-C1

C.2 Z-09-001 Second Reading Of An Ordinance To Assign Original Zoning Of General Office (GO) To Approximately 13.44 Acres Of Land Owned By Good News United Methodist Church Located At The Southeast Corner Of Cottonwood Creek Trail And CR 180 (Future New Hope Drive), In Williamson County, Texas. (Z-09-001) The Planning And Zoning Commission Voted 5-0 To Approve General Office (GO) For This Tract.

Approved under the Consent Agenda.

Ordinance Number Z40-09-03-12-C2

C.3 Z-09-002 Second Reading Of An Ordinance To Rezone Approximately 1.73 Acres Of Land Owned By Pedro A. Amaya From Light Industrial (LI) To Transitional Office (TO) Located At The Northwest Corner Of Cougar Avenue And Brushy Creek Road, In Williamson County, Texas. (Z-09-002) The Planning And Zoning Commission Voted 5-0 To Approve Transitional Office (TO) For This Tract.

Approved under the Consent Agenda.

Ordinance Number Z41-09-03-12-C3

D.1 A Resolution Establishing A City Employee And Family Fee Structure For The Use of Certain City Facilities.

Approved under the Consent Agenda.

Resolution Number R104-09-03-12-D1

D.2 A Resolution Approving And Adopting The City Of Cedar Park Public Library Collection Development Policy.

Approved under the Consent Agenda.

Resolution Number R105-09-03-12-D2

D.3 A Resolution In Support of Emission Reduction Measures That Assist in Clear Air Efforts.

Approved under the Consent Agenda.

Resolution Number R106-09-03-12-D3

- D.4 A Resolution Suspending The Operation Of The Schedule For The Rate Changes Proposed By Texas Gas Service Company For Ninety (90) Days After The Date The Schedule Would By Law Otherwise Become Effective, Or Until June 16, 2009, In Order To Complete A Review, Evaluation, And Ruling Upon The Proposed Rate Changes
Approved under the Consent Agenda.

Resolution Number R107-09-03-12-D4

PUBLIC HEARINGS

- E.0 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 3 On The Civil Service Commission.
Dick Galloway introduced himself as an applicant for the vacancy on the Civil Service Commission.

Motion to appoint Dick Galloway to Place Three on the Civil Service Commission.

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

- F.2 Consideration On Design Options For The Cedar Park Center Lobby: John Frew, Frew Management Group.
John Frew, Frew Management, addressed Council pertaining to the lobby design for the Cedar Park Center. Mr. Frew reviewed the schematics for the lobby and discussed the possibility of the city logo being incorporated into the design. Options were depicted using the logo in the lobby's floor and possible materials that could be used.

General discussion followed pertaining to the type of material, stains, mosaic versus terrazzo tiles and the location of the logo in other areas of the lobby besides the floor, the size of the logo and the costs.

Motion to direct the design team to proceed with the City logo design in mosaic tiles for the lobby and to bring to Council appropriate samples when available.

Movant: Councilmember Powell
Second: Mayor Pro Tem Thomas

Mayor Lemon offered a friendly amendment to include consideration of placing the logo on the lobby walls/columns. Friendly amendment accepted by movant and second.

Motion restated for the record:

Motion to direct the design team to proceed with the City logo design in mosaic tiles for the lobby and to bring to Council appropriate samples when available and to bring options for the lobby wall logos.

Vote: 7:0

- F.3 Consideration Of A Resolution Authorizing And Directing The City Manager To Execute Amendment #2 To The Furniture, Fixture And Equipment Procurement And Installment Agreement With Hicks Cedar Park LLC For The Cedar Park Center.

Sam Roberts, Assistant City Manager, stated this second amendment to the FF&E Agreement with Hicks Cedar Park LLC adds the procurement and installation of two (2) LED side mounted fascia displays for a total cost of \$509,440.

Motion to approve the Resolution authorizing and directing the City Manager to execute amendment #2 to the Furniture, Fixture and Equipment Procurement and Installment Agreement between the City of Cedar Park and Hicks Cedar Park LLC.

Movant: Councilmember Powell

Second: Councilmember Mitchell

Vote: 7:0

Resolution Number R110-09-03-12-F3

- F.4 Consideration Of Appointment For A Second Position Within the General Assembly To The Capital Area Council Of Governments (CAPCOG).

Brenda Eivens, City Manager, stated this item is to clarify the motion from the Council Meeting of January 22, 2009, for the appointment of Mayor Pro Tem Thomas to the second position on the General Assembly, and not as an alternate.

Motion to clarify Mayor Pro Tem Thomas's appointment to the second position on the General Assembly of the Capital Area Council of Governments.

Movant: Councilmember Powell

Second: Councilmember Fuller

Vote: 7:0

- F.5 Consideration For Participation In The United States Conference Of Mayors. (Fuller)
Councilmember Fuller asked for this item to be placed on the Agenda. The U.S. Conference of Mayors (USCM) is the official non-partisan organization of cities with population of 30,000 or more. There are 1,200 such cities in the United States today. Each city is represented in the Conference by its chief elected official, the mayor. The primary

roles of the U.S. Conference of Mayors are to promote the development of effective national urban/suburban policy; Strengthen federal-city relationships; ensure that federal policy meets urban needs; provide mayors with leadership and management tools; and create a forum in which mayors can share ideas and information. Councilmember Fullers seeks Council's support in participation of the conference.

General discussion followed pertaining to the benefits and including the membership fee in the FY 2010 budget year.

Motion to include in the 2010 budget an item for participation in the US Conference of Mayors.

Movant: Councilmember Fuller

Second: Councilmember Moore

Vote: 7:0

- F.6 Consideration Of A Non-Emergency Notification System For The City Of Cedar Park. (Moore)
Councilmember Moore asked for this item to be placed on the agenda.

Melanie Carr, Media Manager, addressed the Council pertaining to possible notification mechanism for non-emergency items. Leander ISD utilizes a non-emergency notification system. Ms. Carr explained the benefits and features of the system and the costs associated with the system.

General discussion followed pertaining to available statistics for usage, how to utilize the system and the benefits.

Motion to contract with RelaTrix to provide service and cancel other contracts in order to cover a portion of the expense.

Movant: Councilmember Moore

Second: Councilmember Mitchell

Vote: 7:0

- F.7 Consideration Possible Annexation Of "The Place" Subdivision Located On RM 1431 (South) And Starwood. (Mayor)

Mayor Lemon asked for this item to be placed on the agenda. He inquired of Council as to whether this area should be annexed.

General discussion followed pertaining to the location of the subdivision, impact of notification and costs to annex.

Brenda Eivens, City Manager, stated staff is working on an analysis for annexation of this area and will present to Council at a later meeting.

No action taken.

- F.8 Consideration Of Non-Resident Communications On City Council Agendas. (Mayor)
Mayor Lemon asked for this item to be placed on the agenda. He inquired as to whether or not there should be a separate agenda item for non-resident communications. He stated during Citizen Communications it is difficult for viewers or people in attendance to know if a person is from the city or outside the city. He believes it is important to identify speakers in order to minimize the assumption the person lives in the city and is speaking about the City as a whole.

General discussion followed pertaining to having resident and non-resident communications, possible methods for identifying speakers and the city they reside in.

No action taken.

- F.9 Consideration Of Twin Lakes Park Boundary Adjustments. (Mayor/Powell)
Councilmember Powell and Mayor Lemon asked for this item to be placed on the agenda. The current boundaries between the City of Cedar Park and the City of Austin are confusing. Specifically for emergency response to the location, it is difficult to determine who needs to respond.

General discussion followed regarding the current boundary lines, the proposed boundary lines, interaction with Williamson County, interaction with the YMCA, current and future amenities of the park, and the cost associated with annexing the area.

Motion to direct staff to study the financial and service impact involving the boundary adjustment and initiate conversations with the City of Austin.

Movant: Councilmember Caputo

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 8:48 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 The Wastewater Disposal Contract Between Brazos River Authority, Lower Colorado River Authority, City Of Round Rock, City Of Cedar Park And City Of Austin.

- B. Legal Issues Concerning An Interlocal Agreement Between the Cities of Cedar Park, Leander, And Round Rock Regarding Due Diligence Service For The Deep Water Intake Site.
- C. Legal Issues Concerning The Annexation Of The Ranch At Cypress Creek MUD #1 including Strategic Partnership Agreement.
- D. Legal Issues Concerning The Annexation Of The Place Subdivision Located On RM 1431 (South) and Starwood.
- E. Legal Issues Concerning Code Enforcement In The City Of Cedar Park's Extraterritorial Jurisdiction ("ETJ") Twin Creeks Area.
- F. Legal Issues Concerning Texas Attorney General Opinion GA-0697 (2009) Zoning Issues And Schools.
- G. Legal Issues Concerning Red River Service Corporation Agreement.

- G.2 Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property:
 - A. Regional Water Project.
- G.3 Section 551.087 Deliberation Regarding Economic Development Negotiations:
 - A. Legal Issues Concerning Incentive Negotiations Related To 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 11:22 p.m.

Agenda Item G.1A

Motion to authorize city staff to work with the City of Round Rock city staff to make a counter offer to the Lower Colorado River Authority of \$2,080,376 for the acquisition of the Brushy Creek Regional Wastewater System subject to negotiation approval for acquisition of the system.

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

- H.1 Mayor And Council Closing Comments
Councilmember Fuller stated he would be arriving late at the next meeting.
- H.2 Adjournment
Mayor Lemon adjourned the meeting at 11:27 p.m.

PASSED AND APPROVED THIS 14TH DAY OF MAY, 2009.

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 26, 2009 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 Stephen Thomas
Lowell Moore, Councilmember Place Four
Cobby Caputo, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Pro Tem Thomas called the meeting to order at 6:33 p.m.
Mayor Lemon and Councilmember Mitchell both absent from meeting. Councilmember Caputo arrived at 6:43 p.m.
All others present.
- A.2 Invocation.
Mayor Pro Tem Thomas gave the Invocation.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Recognition Of April Mason, Engineering, For 15 Years Of Service With The City Of Cedar Park.
Sam Roberts, Assistant City Manager, presented April Mason with a plaque in recognition of fifteen years of service with the City of Cedar Park.
- A.5 Citizens Communications. (Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information)
Roland Krienke, Cedar Park, addressed the Council on the speed limit of Ronald Regan/Parmer Lane. He is concerned about the high rate of speed on the road and the numerous accidents.

- A.6 Mayor and Council Opening Comments.
Councilmember Powell commented on traffic warrant studies by TxDOT, the Chamber of Commerce Cook-off and representatives from the City of Cedar Park attending the legislative hearings.

Councilmember Mitchell thanked Mayor Lemon for attending his homeowner association meeting.

Note: Councilmember Caputo arrived during opening comments.

Councilmember Moore also commented on the Chamber of Commerce Cook-Off.

- A.7 City Manager Report: Update On The Heritage Festival and Parade To Be Held On March 28, 2009, And The Spring Egg-Stravaganza To Be Held On April 5, 2009: Curt Randa, Parks Director
Curt Randa, Parks Director, updated Council on the events being conducted by the Parks 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.

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

Movant: Councilmember Powell

Second: Councilmember Mitchell

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

- B.1 Approval Of Council Minutes From The Meeting Of February 12, 2009.
Approved under the Consent Agenda.
- B.2 Receipt Of Minutes From the Cedar Park Community Development Corporation (4B) Meeting Of February 10, 2009.
Received under the Consent Agenda.
- C.0 Second Reading Of An Ordinance: No Items For Consideration.
- D.1 A Resolution Authorizing And Directing The City Manager To Execute A Contract With Purchasing Solutions Alliance (PSA), A Purchasing Cooperative For Public Agencies, Hosted By The Brazos Valley Council Of Governments (BVCOG).
Approved under the Consent Agenda.

Resolution Number R117-09-03-26-D1

- D.2 A Resolution Authorizing The Purchase Of Furniture For The Cedar Park Recreation Center In The Amount Of \$129,024.56 From TXMAS Authorized Vendors.
Approved under the Consent Agenda.

Resolution Number R118-09-03-26-D2

- D.3 A Resolution Authorizing Up To \$45,627.11 Of Park Ordinance Funds For Neighborhood Park Improvements.
Approved under the Consent Agenda.

Resolution Number R119-09-03-26-D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute An Underground Agreement And Utility Easement With Pedernales Electric Cooperative, Inc. For The Water Reclamation Facility.
Approved under the Consent Agenda.

Resolution Number R120-09-03-26-D4

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing On An Ordinance Amending Portions Of Chapter 11 Of The Zoning Ordinance Of The Code Of Ordinances Of The City Of Cedar Park, Texas, To Revise And Amend Article 11.02 Zoning Districts And Regulations To Conform With Permitted Uses As Defined In Chapter 14, Section 14.09 Of The Site Development Ordinance.
Duane Smith, Planning Director, stated the amendments are being proposed to clarify permitted uses as defined in the Site Development Ordinance and Permitted Uses in the Zoning Ordinance. The Planning and Zoning Commission recommended (5-0) approval of this amendment.

These amendments add Wireless Telecommunications Facilities (WTF) to zoning districts in conformance with provisions set forth in Chapter 14. Although a WTF may be listed as a permitted use in a district, compliance with the regulations set forth in Chapter 14 may exclude installation of a WTF on a specific site.

Mayor Pro Tem Thomas opened the Public Hearing.

No Citizen Comment.

Mayor Pro Tem Thomas closed the Public Hearing.

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:
- F.1 Consideration Of The Renaming Of The Portion Of West Whitestone Boulevard Between Existing West New Hope Drive And Buck Run Due To The Realignment Of West RM 1431/West Whitestone Boulevard.

Duane Smith, Planning Director, stated this item was presented to Council at the February 26th Council meeting. At that time there was discussion about the specific name being proposed and the option of another name being a possible selection. Council tabled this item and requested that staff resubmit four (4) names and obtain additional input from the property owners.

On March 6 staff sent letters to 22 identified property owners representing 27 parcels on RM 1431 with a revised survey including four (4) potential street names. A copy of the letter and the survey form as resubmitted are included for reference.

As of this date, staff has received thirteen (13) responses representing 19 parcels. Name selections are as follows:

Whitestone Business Loop: 6 votes representing 9 parcels (1 is unsigned).
Woodall Drive: 3 votes representing 4 parcels.
Old Whitestone Blvd: 3 votes representing 5 parcels.
Power Quality Lane: 1 vote representing 1 parcel

Citizen Comment:

Debbie Woodall, Cedar Park, spoke in support of Woodall Drive.

Mary Delaware, Cedar Park, spoke in support of Woodall Drive.

Gary Potts, Cedar Park, spoke in support of Woodall Drive.

General Discussion followed:

Councilmember Moore commented on the petition received in support of Woodall Drive. This item will appear for a second reading at the next Council meeting.

No action taken.

F.2 Discussion And Possible Action Related To The Naming Of Three City Council Members To A Legislative Advisory Executive Committee. (Mayor)

Councilmember Powell stated the Mayor has the discretion to appoint committees to assist with certain actions. This item is to assist with the current legislative session, and will assist the Mayor with testifying with pending legislation.

Motion to appoint Mayor Lemon, Mayor Pro Tem Thomas and Councilmember Caputo to the Legislative Advisory Executive Committee thru the end of the current legislative session.

Movant: Councilmember Powell

Second: Councilmember Moore

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

F.3 Consideration Of A Resolution Authorizing The Cedar Park Police Department To Apply For A Federal Grant Through The Community Oriented Policing Services (COPS) Hiring Recovery Program (CHRP).

Henry Fluck, Police Chief, stated the American Recovery and Reinvestment Act, signed into law by President Obama on February 17th, 2009, provides \$1 billion in funding for the hiring and rehiring of law enforcement officers under the Community Oriented Policing Services (COPS) Hiring Recovery Program (CHRP).

The Police Department is requesting approval to apply for CHRP grant funding through the U.S. Department of Justice and the Office of Community Oriented Policing Services. If funding is awarded and accepted, the conditions of the CHRP grant would require the City to increase the authorized staffing level of the Police Department by four (4) Police Officers.

The CHRP grant has the following features (1) provides 100 percent funding for approved entry-level salaries and benefits for 3 years (36 months) for newly-hired, full-time sworn officer positions; (2) there is no local match requirement for the CHRP grant, but grant funding will be based on current entry-level salary and benefits packages. Therefore, any additional costs for higher salaries or benefits for particular individuals hired will be the responsibility of the City; (3) there is no cap on the number of positions an agency may request; (4) At the conclusion of federal funding, grantees must retain all sworn officer positions awarded under the CHRP grant.

General Discussion followed:

Councilmember Moore inquired what the hire dates would be and the availability of funds.

Councilmember Caputo inquired if the four requested officers were part of the staffing plan or were they in addition to the current plan?

Councilmember Powell stated this is an opportunity to have the positions paid for.

Motion to approve a Resolution authorizing the Cedar Park Police Department to apply for four (4) officers with a Federal Grant through the Community Oriented Policing Services (“COPS”) Hiring Recovery Program.

Movant: Councilmember Moore

Second: Councilmember Mitchell

Vote: 5:0 with Mayor Lemon and Councilmember Fuller absent from vote.

Resolution Number R123-09-03-26-F3

F.4 Consideration Of The Submission To CAMPO For Economic Stimulus Transportation Funding For RM 1431 From 183A To Cottonwood Creek Trail Formerly Known As County Road 185.

Sam Roberts, Assistant City Manager, stated this is a second call for stimulus projects by CAMPO. Cedar Park has resubmitted three (3) priority projects with the number one project being RM 1431 from the 183A Toll Road to Cottonwood Creek Trail. The amount

of the stimulus request for the RM 1431 project is \$7,058,000. This is based on a total project cost of \$8,258,000 and a previous commitment of \$700,000 from the City and \$500,000 from the County pursuant to the cost share agreement between the two entities. The other two (2) projects are Park St. from Lakeline Blvd. to 183A and Brushy Creek Rd. from Parmer Ln. to Arrowhead Tr. A previously submitted project, CR 185, was removed from our original list due to the maximum allowable of three (3) projects plus CAMPO staff had already indicated this project would not meet the eligibility criteria. In addition, Williamson County Commissioner Long has sent a letter of support to CAMPO for the RM 1431 project, copy attached.

Staff recommendation is to authorize submission of the RM 1431 project to CAMPO as Cedar Park's number one priority stimulus project in addition to the previously submitted Brushy Creek Rd. and Park St. projects and to remove the CR 185 project from consideration.

General Discussion followed: regarding the use of federal stimulus money, the conditions and terms of using the money, and implications to projects using federal money.

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 7:35 p.m.

- G.0 Executive Session:
- G.1 Section § 551.071 (1) Consultation With City Attorney Concerning Litigation.
 - A. Sandra Thomas v. City Of Cedar Park No. A-07-CA-002-LY.
- G.2 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 The Wastewater Disposal Contract Between Brazos River Authority, Lower Colorado River Authority, City Of Round Rock, City Of Cedar Park And City Of Austin.
 - B. Legal Issues Concerning The Annexation Of The Ranch At Cypress Creek MUD #1 Including Strategic Partnership Agreement.
 - C. Legal Issues Concerning Red River Service Corporation Agreement.
 - D. Legal Issues Concerning Legislative Issues For 2009 Affecting The City Of Cedar Park Including But Not Limited To HB 3448, SB 855, HB 4144, HB 2705, HB 3397.
 - E. Legal Issues Concerning A Water Treatment Agreement Between Cedar Park, Grayson Communities, Ltd., And Volente Municipal Utility District.
- G.3 Section § 551.087 Deliberation Regarding Economic Development Negotiations:

A. Legal Issues Concerning Incentive Negotiations Related To 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 8:08 p.m.

No action taken on any item discussed in Executive Session.

H.1 Mayor And Council Closing Comments

Councilmember Powell invited everyone to attend the parade.

H.2 Adjournment

Mayor Pro Tem Thomas adjourned the meeting at 8:10 p.m.

PASSED AND APPROVED THIS 4TH DAY OF JUNE, 2009.

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 9, 2009 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 Stephen Thomas
Lowell Moore, Councilmember Place Four
Cobby Caputo, 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 present.
- A.2 Invocation.
Captain Jeff Hayes, Cedar Park Police Department, 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 Quarterly Report: Pete Brooks And Leslie West.
Pete Brooks, Pedernales Electric Cooperative, presented Council with the quarterly franchise fee and gave an update on current activities.
- A.5 Presentation: Report On The 2010 Census Community Outreach Program: Ivonne Espada-Simeon.
Yvonne Espada-Simeon, 2010 Partnership Specialist, addressed Council regarding the upcoming 2010 Census. She reviewed the program and stated the 2010 Census will be the shortest in the history of the census with only ten questions. The data is projected to be published in December 2010.

- A.6 Presentation: Recognition Of Dale Fuller, Information Technology "IT", For 25 Years Of Service With The City Of Cedar Park.
Andrew Manhein, IT Director, presented Dale Fuller with a plaque in recognition of 25 years of service with the City of Cedar Park.
- A.7 Presentation: Recognition Of Eric Rauschuber, Utilities Director, For 10 Years Of Service With The City Of Cedar Park.
Sam Roberts, Assistant City Manager, presented Eric Rauschuber with a plaque in recognition of ten years of service with the City of Cedar Park.
- A.8 Presentation: Proclamation Recognizing National Public Safety Telecommunications Week April 12 - 18, 2009.
Mayor Lemon presented Chief Henry Fluck, Police Department, and representatives from the Communications staff with a Proclamation in honor of National Public Safety Telecommunications Week.
- A.9 Presentation: Proclamation Recognizing National Animal Control Appreciation Week, April 12 - April 18, 2009.
Mayor Lemon presented Chief Henry Fluck, Police Department, and representatives from the Animal Control staff with a Proclamation in honor of National Animal Control Appreciation Week.
- A.10 Presentation: Proclamation Recognizing 2009 National Library Week, April 12 - 18, 2009.
Mayor Lemon presented Pauline Lame, Library Director, and representatives from the Library staff with a Proclamation in honor of National Library Week.
- A.11 Presentation: Update On Construction Progress Of The Cedar Park Center- John Frew, Frew Management Group.
John Frew, Frew Management, provided Council with an update on the Cedar Park Center. A milestone event was reached with the recent topping out ceremony. The center is still scheduled to open in September, 2009.
- A.12 Presentation: Texas Stars And Cedar Park Center Marketing Update: Rick McLaughlin, President, Texas Stars.
Item withdrawn from the Agenda. Mr. McLaughlin was unable to attend the meeting. This item will be placed on a future agenda.
- A.13 Citizens Communications. (Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information.)

Rob Alspaugh, Round Rock, invited everyone to attend or participate in the 7th Annual Cedar Park Kid's Triathlon being held on April 26th at Milburn Park.

Judy Graci, Volente, addressed the Council regarding the regional water system and House Bill 722.

A.14 Mayor and Council Opening Comments.

Mayor Lemon commented on the Topping Out Ceremony at the Cedar Park Center.

Councilmember Powell commented on House Bill 722, the Heritage Parade and Festival, the Cedar Park Youth League dedication and the Candidate Forum.

Councilmember Fuller commented on his recent appointment as the President of the Brushy Creek Regional Utility Authority Board, the recent passing of Lois Wible, and the numerous events hosted by the Parks Department. He requested a future agenda item to discuss the Adopt-A-Brigade program.

Councilmember Mitchell commented on the Candidate Forum.

Councilmember Moore commented on the Heritage Festival.

Mayor Pro Tem Thomas commented on the CAPCOG meeting, and commended Councilmember Fuller and Councilmember Caputo for testifying before the Legislature.

Councilmember Caputo commented on the Legislative session.

A.15 City Manager Report: March 2009 (March 1 - March 25) Building Permit Activity And Revenue Update: Mark Lewis, Building Inspections Director

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

A.16 City Manager Report: Review Of The Monthly Financial Report For February 2009: Stacie Carter, Interim Finance Director.

Stacie Carter, Interim Finance Director, presented Council with the February 2009 Monthly Financial Report.

A.17 City Manager Report: Recognition Of The Parks And Recreation Department.

Item withdrawn from the Agenda.

A.18 City Manager Report: Update On Grant Activities, Yvonne Lane - Grant Coordinator.

Yvonne Lane, Grants Coordinator, provided Council with an update on submitted, awarded and pending grants.

A.19 City Manager Report: Review Of The Red River Service Corporation Single Family Residential Solid Waste Contract: Charles Rowland, City Attorney.

Charles Rowland, City Attorney, provided an overview of the current contract with Red River Service Corporation for single family residential solid waste.

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 B.1 removed from the Consent Agenda by Councilmember Powell.
Agenda Item D.6 removed from the Consent Agenda by Councilmember Fuller.**

Motion to approve all items on the Consent Agenda consisting of Agenda Item B C, and D, excluding B.1 and D.6

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

- B.1 Approval Of Council Minutes From The Meeting Of February 19, 2009.
Removed from the Consent Agenda by Councilmember Powell.

Councilmember Powell asked for a clarification on page 3 of the minutes pertaining to “ISLN” under his comments. It was clarified ISLN refers to internally illuminated street name signs.

Motion to approve the Minutes from the meeting of February 19, 2009.

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

- B.2 Receipt Of The Economic Development Sales Tax Corporation ("4A") Minutes From The Meeting Of February 23, 2009.
Received under the Consent Agenda.

- C.1 Second Reading Of An Ordinance Amending Portions Of Chapter 11 Of The Zoning Ordinance Of The Code Of Ordinances Of The City Of Cedar Park, Texas, To Revise And Amend Article 11.02 Zoning Districts And Regulations To Conform With Permitted Uses As Defined In Chapter 14, Section 14.09 Of The Site Development Ordinance.
Approved under the Consent Agenda.

Ordinance Number CO42-09-04-09-C1

- D.1 A Resolution Authorizing And Directing The City Manager To Execute Change Orders Pursuant To Section 252.08 (C) Of The Texas Local Government Code For Amounts Not To Exceed State Law.
Approved under the Consent Agenda.

Resolution Number R125-09-04-09-D1

D.2 A Resolution Authorizing The Cedar Park Police Department To Apply For A Grant With The Office Of The Attorney General (OAG) Crime Victim Services Division For The Victim Coordinator And Liaison Grant (VCLG).

Approved under the Consent Agenda

Resolution Number R126-09-04-09-D2

D.3 A Resolution Authorizing The Cedar Park Police Department To Apply For The Edward Byrne Memorial Justice Assistance Grant (JAG) To The U.S. Department Of Justice.

Approved under the Consent Agenda

Resolution Number R127-09-04-09-D3

D.4 A Resolution Authorizing And Directing The City Manager To Execute A Document Granting A Public Utility Easement To Operate And Maintain Primary Electrical And Data Service Lines Across City Of Cedar Park Property To The Cedar Park Center

Approved under the Consent Agenda

Resolution Number R128-09-04-09-D4

D.5 A Resolution Authorizing And Directing The City Manager To Enter Into An Interlocal Agreement With The City Of Georgetown For The Mutual Purchase Of Goods And Services.

Approved under the Consent Agenda

Resolution Number R129-09-04-09-D5

D.6 A Resolution Authorizing And Directing The City Manager To Execute A Professional Services Agreement With Staats And Falkenberg For Communications Consulting With The Regional Water Project.

Removed from the Consent Agenda by Councilmember Fuller.

Councilmember Fuller commented on the public outreach program for the project and also stated the cost was being split three ways between the participating cities. Phase One construction does not include Volente or the deep water intake.

Motion to approve the Resolution authorizing and directing the City Manager to execute a Professional Services Agreement with Staats and Falkenberg.

Movant: Councilmember Fuller

Second: Mayor Pro Tem Thomas

Vote: 7:0

Resolution Number R130-09-04-09-D6

- D.7 A Resolution Authorizing And Directing The City Manager To Execute An Engineering Services Agreement With HDR Engineering, Inc. For The Design Of The Shenandoah Tank Replacement.

Approved under the Consent Agenda

Resolution Number R131-09-04-09-D7

- D.8 A Resolution To Approve the Previous Submission Of An Application For A Texas Commission On Fire Protection Grant For Four Self-Contained Breathing Apparatus In The Amount Of \$22,292.

Approved under the Consent Agenda

Resolution Number R132-09-04-09-D8

PUBLIC HEARINGS

- E.1 Z-09-003 First Reading And Public Hearing On An Ordinance To Rezone Approximately 9.65 Acres Of Land From Multi Family (MF) To Condominium (CD), Owned By RC Properties III LLC, Located At 401 Buttercup Creek Boulevard, In Williamson County, Texas. (Z-09-003) **The Planning And Zoning Commission Voted 6-0 To Approve Condominium (CD) Zoning For This Tract.**

Agenda Item E.1 withdrawn from the Agenda. This item has been postponed until the Council Meeting of April 23, 2009.

- E.2 Z-09-004 First Reading And Public Hearing On An Ordinance To Rezone Approximately 21.467 Acres Of Land From Multi Family (MF) To Condominium Residential (CD), Owned By Portrait Homes, Located At 1900 Little Elm Trail, In Williamson County, Texas. (Z-09-004) **The Planning And Zoning Commission Voted 6-0 To Approve Condominium Residential (CD) For This Tract.**

Duane Smith, Planning Director, stated this item is a City initiated rezoning for a property currently designated as Multi Family (MF) which is used for condominiums and will address compatibility between the existing usage and the appropriate zoning district. The request is to assign Condominium Residential (CD) district zoning to this property. When the subject property was originally zoned, the Condominium use and Multi-Family use were combined is a single high intensity zoning classification. With the amendments to the zoning ordinance, Condominium use was classified as medium intensity. This rezoning will assign the appropriate zoning district and bring the tract into compliance with the current zoning ordinance. The Planning and Zoning Commission voted 6-0 to approve the request.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing.

Mayor Lemon asked for a clarification on the previous Multi-Family Classification.

- E.3 Z-09-005 First Reading And Public Hearing On An Ordinance To Rezone Approximately 0.73 Acres Of Land From General Retail (GR) To Multi Family (MF), Owned By Carolville LTD., Located At On The West Side Of North Vista Ridge Boulevard Just South Of 1431, In Williamson County, Texas. (Z-09-005) **The Planning And Zoning Commission Voted 6-0 To Approve Multi Family (MF) For This Tract.**

Duane Smith, Planning Director, stated the primary tract associated with this zoning request was zoned Multi-Family in the Fall of 2008. Since that time the applicant has discovered that a .73 acre strip on the west side of the primary tract (between the MF tract and the creek) was inadvertently left out of the original zoning. This request is to amend the zoning and add the subject strip of land to the main tract. The applicant has requested to rezone approximately 0.73 acres of land from General Retail (GR) to Multi Family (MF) for property located on the west side of North Vista Ridge Boulevard south of 1431. The Planning and Zoning Commission voted 6-0 to approve the request.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing.

- E.4 First Reading And Public Hearing On An Ordinance Amending Article 18.08 Drought Contingency And Water Emergency Plan And Article 18.11 Water Conservation Plan Of The Code Of Ordinances Of The City Of Cedar Park.

Kenneth Wheeler, Assistant Director of Utilities, stated the City is required to update the Water Conservation Plan by May 1, 2009, and every five years after, per Title 30, Texas Administrative Code, Chapter 288. The updates to the Water Conservation Plan include revisions to the Utility Profile and to the five (5) and ten (10) year Conservation Goals, which are goals for reduction of water use and water loss expressed in gallons per capita per day. The Water Conservation Plan has also been updated to include Water IQ and associated programs, the two day watering schedule, and the inclining block water rate schedule. Because the Drought Contingency and Water Emergency Plan references the Conservation Goals in the Water Conservation Plan, this section is being revised accordingly.

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 Second Reading Of An Ordinance Renaming The Portion Of West Whitestone Boulevard Between Existing West New Hope Drive And Buck Run As Woodall Drive Due To The Realignment Of West RM 1431/West Whitestone Boulevard.

Duane Smith, Planning Director, stated at the March 26th Council Meeting this item was presented to Council under Discussion and Possible Action for additional review and discussion. Three individuals, (Greg Potts, Debbie Woodall and Mary Delaware) addressed Council in support of naming the roadway to “Woodall Drive.” In addition a document was presented that contained the signatures of 56 individuals who had expressed support of “Woodall Drive.”

Motion to approve an Ordinance renaming the portion of West Whitestone Boulevard between existing West New Hope Drive and Buck Run to Woodall Drive.

Movant: Councilmember Moore

Second: Mayor Pro Tem Thomas

Vote: 6:0 with Councilmember Caputo off dais during vote.

Ordinance Number G43-09-04-09-F1

- F.2 Consideration On Design Options For The Cedar Park Center Lobby: John Frew, Frew Management Group.

John Frew, Frew Management, addressed the Council pertaining to the incorporation of the logo into the lobby of the Cedar Park Center. The use of honed versus tumbled stone was discussed at a previous meeting. Due to implications the stone will not be able to be incorporated into the floor. The lobby area will remain stained concrete.

Discussion followed pertaining to the use of the logo as a mosaic display on the walls.

Motion to direct the design team to proceed with a fully stained concrete floor in the Center atrium and proceed with using honed mosaic tile for the logos.

Movant: Councilmember Powell

Second: Mayor Pro Tem Thomas

Vote: 7:0

- F.3 Consideration On A Water Treatment Agreement Between The City Of Cedar Park, Grayson Communities, Ltd. And Volente Municipal Utility District.

Sam Roberts, Assistant City Manager, stated the Cedar Park and the developers of the Volente MUD have been working on an agreement for several years to provide treated water to a proposed 300 lot residential development located in the Village of Volente. Mr. Roberts highlighted the major points of the contract.

General discussion followed pertaining to long-term water supply, service of Volente area, and wastewater not being included with agreement.

Motion to approve a Water Treatment Agreement between the City of Cedar Park, Grayson Communities, Ltd. and the Volente Municipal Utility District.

Movant: Councilmember Caputo
Second: Mayor Pro Tem Thomas
Vote: 7:0

Resolution Number R134-09-04-09-F3

- F.4 Consideration Of The Submission To CAMPO For Economic Stimulus Transportation Funding For RM 1431 From 183A To Cottonwood Creek Trail Formerly Known As County Road 185.
Withdrawn from the Agenda.

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 8:42 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 The Annexation Of The Ranch At Cypress Creek MUD #1 Including Strategic Partnership Agreement.
 - B. Legal Issues Concerning Red River Service Corporation Agreement.
 - C. Legal Issues Concerning The Sale Or Assignment Of A Portion Of The North Brushy Creek Wastewater Interceptor And Extension.
 - D. Legal Issues Concerning The Master Contract For The Financing, Construction And Operation Of The Brushy Creek Regional Utility Authority Regional Water Treatment And Distribution Project
 - E. Legal Issues Concerning The Brushy Creek Regional Utility Authority System Operating Agreement Between Cedar Park, Round Rock, Leander and BCRUA.
 - F. Legal Issues Concerning The Wastewater Disposal Contract Between Brazos River Authority, Lower Colorado River Authority, City of Round Rock, City of Cedar Park and City of Austin.
 - G. Legal Issues Concerning The Acquisition Of The Brushy Creek Regional Wastewater System.
 - H. Legal Issues Concerning The Interlocal Agreement Regarding Due Diligence Services For The Deep Water Intake Site.
 - I. Legal Issues Concerning Water/Wastewater For Wilson Land And Cattle.
- G.2 Section § 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property
- A. Legal Issues Concerning Municipal Facilities.

- G.3 Section § 551.087 Deliberation Regarding Economic Development Negotiations:
A. Legal Issues Concerning Incentive Negotiations Related To 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 9:48 p.m.

Agenda Item G1.A

Motion to authorize and direct the City Manager to sign a tolling agreement on the Strategic Partnership Agreement with the Ranch At Cypress Creek MUD #1.

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

Agenda Item G1.H

Motion to approve an Interlocal Agreement regarding due diligence services on the deep water intake contingent upon an agreement being reached on the operation agreement.

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

- H.1 Mayor And Council Closing Comments
Councilmember Powell would like an item summarizing all the current franchise agreements the City has and include length of terms, expiration dates and any legal ramifications.

Councilmember Fuller will not be attendance at the April 15th or April 23rd Council Meetings.

Councilmember Caputo would like updates from AT&T and Grande Communications pertaining to their services and service areas in Cedar Park.

- H.2 Adjournment
Mayor Lemon adjourned the meeting at 9:55 p.m.

PASSED AND APPROVED THIS 9TH DAY OF JULY, 2009.

Matt Powell, Mayor Pro Tem

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
WEDNESDAY, APRIL 15, 2009 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 Stephen Thomas	Lowell Moore, Place 4
Matt Powell, Place 1	Cobby Caputo, Place 6
Mitch Fuller, Place 2	Brenda Eivens, City Manager

LEANDER INDEPENDENT SCHOOL DISTRICT BOARD (“LISD”)

Don McCall, President	Grace Barber Jordan, Place 4
Jim Sneeringer, Vice President	Russell Bundy, Place 5
Don Hisle, Secretary	Will Streit, Place 7
Elizabeth Frey, Place 3	Bret Champion, Superintendent

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

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

Councilmember Fuller absent from meeting. Mayor Pro Tem Thomas arrived at 7:05 p.m. All others present.

Leander Independent School District: Grace Barber Jordan and Russell Bundy absent from meeting. Don Hisle arrived at 6:47 p.m. All others present.

2. Welcome And Introductions.

Mayor Lemon welcomed all participants and roundtable introductions were completed.

3. Discussion Only:

a. Land Use And Future Development.

Brenda Eivens, City Manager, provided information on the current land use and proposed development of single-family and multi-family dwellings.

Duane Smith, Planning Director, reviewed the lot counts and potential growth. The future growth involving potential families that would impact the schools was briefly discussed.

Brenda Eivens City Manager, inquired about the future development and the possible locations for future schools.

Jim Disler, LISD, commented on the recently purchased tract of land in Leander.

Don McCall, LISD, stated the last school to be built in Cedar Park will be Red Oak Elementary.

Don Hisle, LISD, asked City Staff to notify them when multi-family was being considered. The cost of building schools is great and the increase in students can impact LISD.

General Discussion continued on the impact of multi-family and single-family development, locations of schools, costs associated with development, and LISD support on future development.

- b. **Freeport Exemption.
Agenda Item 3.B. called prior to Agenda Item 3.A.**

Phil Brewer, Economic Development Director, recognized Kirk Clennan, Economic Development Director with the City of Leander. Mr. Brewer addressed the Council and Board on Freeport Exemption. Mr. Brewer reviewed what Freeport Exemption, history, and the advantages to adopting. Mr. Brewer also reviewed possible options available for adoption. The Economic Development Departments for both Cedar Park and Leander are seeking the LISD School Board support in adoption of option three.

General Discussion followed pertaining to sales and property tax impacts, the financing mechanisms for schools known as the Robin Hood Program, impact to business owners and homeowners, financial impact to LISD and overall support by LISD.

Mayor Lemon suggested city staff work with school staff on getting answers to the questions posed by the School Board.

Bret Champion, Superintendent, stated an item would be placed on the School Board's agenda for the first meeting in May for consideration for the adoption of the Freeport tax exemption.

- c. Shared Legislative Issues Related To The 81st Legislative Session.
Brenda Eivens, City Manager, provided the City of Cedar Park's Legislative Agenda as adopted by Council.

Don McCall, LISD, commented on the funding per student being a flat fee. LISD is working with local representatives on school financing.

General Discussion followed pertaining to school development, stimulus monies, and participation with builders on future development.

- d. Current Projects And Activities Update For The City Of Cedar Park And Leander ISD Including Cedar Park Center, Roadways, Schools And Stadiums.
Darwin Marchell, Engineering Director, provided an update on the current transportation projects.

Brenda Eivens, City Manager, commented on the new recreation center opening on July 11th and the Cedar Park Center opening on September 25th.

Bret Champion, Superintendent, commented on the construction of the stadiums for LISD.

- e. Leander ISD Participation With Future City Projects And/Or Initiatives.
Mayor Lemon addressed the beautification of Cedar Park High School and the possibility of planting trees. The City of Cedar Park could assist with the donation of trees if LISD would handle the planting on campus.

General Discussion followed pertaining to tree donations, locations and maintenance of current and future landscaping.

Councilmember Powell commented on the terrific partnership between the City of Cedar Park, the Youth League Programs and LISD.

- f. Sidewalks And Hazardous Routing.
Agenda Item 3.F called prior to Agenda Item 3.E.

Bret Champion, Superintendent, addressed the struggles with building schools, transportation and sidewalks. The City of Cedar Park has been very cooperative with assisting on the development of sidewalks; however, there are gaps in Cedar Park.

Mayor Lemon asked for LISD to provide a list of the areas that are deficient with sidewalks.

Councilmember Powell commented on the aesthetics of the schools under construction.

g. Recycling

Ellen Skoviera, Assistant Superintendent, addressed the group regarding trash removal from the schools, student involvement with recycling and expansion of recycling for all campuses.

Brenda Eivens, City Manager, commented on exploring the opportunities to partner with LISD for recycling.

4. Closing Comments

Roundtable closing comments were conducted.

5. Adjournment

Mayor Lemon adjourned the meeting at 8:30 p.m.

PASSED AND APPROVED THIS 9TH DAY OF JULY, 2009.

Matt Powell, Mayor Pro Tem

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 23, 2009 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 Stephen Thomas
Lowell Moore, Councilmember Place Four
Cobby Caputo, 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.
Councilmember Fuller absent, all others present.
- A.2 Invocation.
Pastor Trey Kent with Northwest Fellowship gave the Invocation.
- A.3 Pledges of Allegiance (U.S. and Texas) Presentation Of Colors By Boy Scouts Capitol Area Council.
Boy Scout Troop 158 presented the Colors and led the audience in the Pledges of Allegiance.
- A.4 Presentation: City of Cedar Park Fire Department Insurance Service Organization (ISO) Class 1 Rating Award: Paul Maldonado-State Fire Marshal, Jesse Williams-Property Protection Classification Officer, And Mike Marks, ISO.
Chief Chris Connealy, Fire Department, introduced the speakers.

Paul Maldonado, State Fire Marshal, addressed Council on the Class 1 rating which is very unique. Cedar Park is the 58th city, nationwide, and the first city in central Texas and the second within the entire state of Texas to receive this rating. Mr. Maldonado stated Chief Connealy is the only chief in the nation to lead two cities to the Class 1 rating. Chief

Connealy worked with the City of Houston and was instrumental with their obtaining the Class 1 rating and now with the City of Cedar Park.

Jesse Williamson, Property Protection Classification Officer, reviewed the scorings the City of Cedar Park received.

Mike Marks, ISO, presented Chief Connealy and the Mayor with the plaque in recognition of the Class 1 ISO rating.

- A.5 Presentation: Proclamation For Public Service Recognition Week May 4-10, 2009.
Mayor Lemon presented Brenda Eivens, City Manager, with a Proclamation in honor of Public Service Recognition Week.
- A.6 Presentation: Proclamation Recognizing National Crime Victims' Rights Week April 26 - May 2, 2009.
Mayor Lemon presented Chief Henry Fluck and representatives from the Cedar Park Police Department with a Proclamation in honor of National Crime Victim's Rights Week.
- A.7 Presentation: Proclamation For Senior Circle Day April 28, 2009 - Cedar Park Regional Medical Center.
Mayor Lemon presented Liz Nolan, Sharon Wolfe and Ginger Tremblay, representatives for Cedar Park Regional Medical with a Proclamation for Senior Circle Day.
- A.8 Presentation: Proclamation Honoring National Day Of Prayer May 7, 2009: Joe Elliott, Youth/College Pastor - Northwest Fellowship Church.
Mayor Lemon presented Trey Kent, Northwest Fellowship, with a Proclamation honoring National Day of Prayer.
- A.9 Presentation: State Of Scouting Report For The Capitol Area Council Of Boy Scouts - Scott Oliver.
Prior to this item being called Mayor Lemon ceremonially swore in Bob Tesch to the Brazos River Authority Board.
- Bob Tesch introduced Scott Oliver, JT Dabs and Jeff Blackburn from the Capitol Area Boy Scouts. A presentation was given on the history, participation statistics and programs offered by Boy Scouts in the Cedar Park area. There are approximately 28 units in Cedar Park and the membership rate has seen an increase of fourteen percent.**
- A.10 Presentation: Recognition Of Shannon Craton, Finance Department, For 5 Years Of Service With The City Of Cedar Park.
Stacie Carter, Finance Manager, presented Shannon Craton with a plaque in recognition of five years of service with the City of Cedar Park.
- A.11 Presentation: Recognition Of Tara McAlister, Parks Department, For 5 Years Of Service With The City Of Cedar Park.

Curt Randa, Parks Director, presented Tara McAlister with a plaque in recognition of five years of service with the City of Cedar Park.

- A.12 Presentation: Recognition Of Rene Roeglin, Utility Billing Department, For 10 Years Of Service With The City Of Cedar Park.

Nanette McCartan, Utility Billing Supervisor, presented Rene Roeglin with a plaque in recognition of ten years of service with the City of Cedar Park.

- A.13 Presentation: Update On The Cedar Park Center Operations And Marketing: Rick McLaughlin, President/General Manager, Texas Stars Hockey Club.

Rick McLaughlin, President/General Manager, Texas Stars Hockey Club, updated Council on the activities for the Cedar Park Center. There will be twenty-three full time employees hired as of May 30th. Staff is currently working on booking events that will be announced at a future date. The Center is approximately five months away from the opening date and all planning is on schedule.

- A.14 Citizens Communications.(Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information.)

Tom Schwerdt, Cedar Park, addressed Council regarding Council's support in applying for stimulus funding from the government for Cedar Park.

- A.15 Mayor and Council Opening Comments

Mayor Lemon commented on the great events happening in Cedar Park.

Councilmember Powell commented on touring the Cedar Park Center and the great response time from Fire Station #4 in responding to a fire on his property. He thanked all who responded and commended their "over and beyond" attitude.

Councilmember Mitchell reminded all citizens that early voting would begin on Monday.

Councilmember Moore commented on the Cedar Park Center and Earth Day at Faubion Elementary.

Mayor Pro Tem Thomas commented on the recent bowling challenge won by the Legal Department.

Councilmember Caputo commented on the ISO rating and recognized all the past Councils for their commitment and planning in helping the City achieve full staffing with the Fire Department and for building Fire Station #4.

- A.16 City Manager Report: Update On The Movie In The Park To Be Held On April 24, 2009 And The Concert In The Park To Be Held On May 8, 2009 - Curt Randa, Parks Director.

Curt Randa, Parks Director, provided Council with the dates and movies for the "Movies In The Park" event and also the concert being held at Milburn Park.

- A.17 City Manager Report: Recognition Of The Parks And Recreation Department.
Jose Madrigal, Assistant City Manager, spoke about the numerous events recently conducted and being planned by the Parks Department. The staff is to be commended for their hard work and dedication in the many successful events. Mr. Madrigal recognized the Parks Department staff for their dedication and commitment to the citizens of Cedar Park and the quality of life in the community.

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 removed from the Consent Agenda by Mayor Pro Tem Thomas.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D, excluding D.2.

Movant: Councilmember Powell

Second: Councilmember Moore

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

- B.1 Receipt Of Minutes From The Tourism Advisory Board Meeting Of February 13, 2009.
Received under the Consent Agenda.
- B.2 Receipt Of Minutes From The Cedar Park Community Development Corporation (4B) Meeting Of March 10, 2009.
Received under the Consent Agenda.
- B.3 Receipt Of Minutes From The Cedar Park Community Development Corporation (4B) Meeting Of March 30, 2009.
Received under the Consent Agenda.
- C.1 Second Reading Of An Ordinance Amending Chapter 8, Article 18.08 Drought Contingency And Water Emergency Plan And Article 18.11 Water Conservation Plan Of The Code Of Ordinances Of The City Of Cedar Park.
Approved under the Consent Agenda.

Ordinance Number CO44-09-04-23-C1

- C.2 Z-09-004 Second Reading Of An Ordinance To Rezone Approximately 21.467 Acres Of Land From Multi Family (MF) To Condominium Residential (CD), Owned By Portrait Homes, Located At 1900 Little Elm Trail, In Williamson County, Texas. (Z-09-004) **The Planning And Zoning Commission Voted 6-0 To Approve Condominium Residential (CD) For This Tract.**

Approved under the Consent Agenda.

Ordinance Z45-09-04-23-C2

- C.3 Z-09-005 Second Reading On An Ordinance To Rezone Approximately 0.73 Acres Of Land From General Retail (GR) To Multi Family (MF), Owned By Carolville LTD., Located At On The West Side Of North Vista Ridge Boulevard Just South Of 1431, In Williamson County, Texas. (Z-09-005) **The Planning And Zoning Commission Voted 6-0 To Approve Multi Family (MF) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z46-09-04-23-C3

- D.1 A Resolution Authorizing And Directing The City Manager To Execute A Fireworks Display Agreement With Pyrotechnico, LLC, For The July 4th And September 6th Events.

Approved under the Consent Agenda.

Resolution Number R136-09-04-23-D1

- D.2 A Resolution Authorizing And Directing The City Manager To Execute A Joint Election Agreement Between The City Of Cedar Park, Travis County Elections Department And Participating Entities For The May 9, 2009 General Election.

Agenda Item D.2 removed from the Consent Agenda by Mayor Pro Tem Thomas.

He would like to see enhanced notification to voters for Cedar Park on polling locations for early voting and Election Day. There is often confusion between November county-wide locations and May City elections.

Motion to approve the Resolution authoring and directing the City Manager to execute a joint elections agreement with Travis Council Elections Department for the May 9, 2009 General Election.

Movant: Mayor Pro Tem Thomas

Second: Councilmember Mitchell

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

Resolution Number R137-09-04-23-D2

- D.3 A Resolution Amending The Future Land Use Plan For Property Located At 1900 Little Elm Trail From High Density Residential To Medium Density Residential. (The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of The Amendment).

Approved under the Consent Agenda.

Resolution Number R138-09-04-23-D3

- D.4 A Resolution Authorizing And Directing The City Manager to Execute The Final Project Change Order With Oscar Renda Contracting, Inc. For The New Hope Drive Roadway Reconstruction Project (Bagdad Road to 183A Tollway) In The Amount Of \$73,917.30.

Approved under the Consent Agenda.

Resolution Number R139-09-04-23-D4

- D.5 A Resolution Authorizing The Mayor To Execute Interlocal Agreement Regarding Acquisition Of Right-Of-Way And Easements For Construction Of A Treated Water Transmission Main Along New Hope Road And Authorize The City Manager To Execute Easement Acquisition Contracts With Approval Of Appointed Special Counsel.

Approved under the Consent Agenda.

Ordinance Number R140-09-04-23-D5

- D.6 A Resolution Affirming Support Of And Partnership With The 2010 Census Community Outreach Program

Approved under the Consent Agenda.

Resolution Number Z141-09-04-23-D6

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing On An Ordinance Amending Chapter 11 The Zoning Ordinance Of The Code Of Ordinances Of The City Of Cedar Park, Texas, To Revise Division 35 Conditional Use Regulations Replace Division 36 With A Conditional Overlay Combining District And Add Division 37 For The Land Use Chart Comparison Of The Code Of Ordinances Of The City Of Cedar Park, Texas. **The Planning And Zoning Commission Recommended (6-0) Approval Of The Amendments.**

Duane Smith, Planning Director, stated the purpose of this amendment is to provide additional flexibility within the Zoning Chapter by offering the applicant, staff, Planning and Zoning Commission and City Council the ability to make a zoning district more restrictive. With this amendment staff proposes the adoption of the Conditional Overlay Combining District. This combining district allows for additional restrictions to be placed on a zoning request.

This overlay is not limited to the request of the applicant but may also be recommended by staff or added by the Planning and Zoning Commission as well as City Council. In addition to the Conditional Overlay Combining District, staff proposes to remove the opportunity of allowing a Conditional Use Combining District. Instead, staff is recommending that the Division 35 become Conditional Use Regulations only and therefore can be used as a tool in conjunction with the Conditional Overlay Combining District.

Emily Barron, Senior Planner, reviewed the proposed amendments.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing.

- E.2 First Reading And Public Hearing On An Ordinance Amending Portions Of Chapter 11 Zoning Ordinance And Appendix A Of The Code Of Ordinances Of The City Of Cedar Park, Texas, To Revise Article 11.10 Division 3 Section 11.10.027 And Appendix A, Section 2.400, Planning Fees. **The Planning And Zoning Commission Recommended (6-0) Approval Of The Amendments.**

Duane Smith, Planning Director, stated the amendments are being proposed to allow for clarification and revision to Section 11.10.027 of Chapter 11-Zoning Ordinance as well as Section 2.400 of Appendix A of the Code of Ordinances. Specifically this item deals with the notification area and fees associated with zoning and rezonings.

Emily Barron, Senior Planner, addressed Council on the specific amendments.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing.

General Discussion followed pertaining to the notification sign dimensions, color, and font size.

- E.3 First Reading And Public Hearing On An Ordinance Amending Chapter 1 General Administration Of The Code Of Ordinances Of The City Of Cedar Park, Texas, For The Purpose Of Renaming Article 1.10 Parks And Recreation Board To Parks And Recreation And Adopting Section 1.10.006 Youth Programs Standards Of Care.

Curt Randa, Parks Director, stated the City needs to adopt the Youth Program Standards of Care. This is intended to be minimum standards by which the City of Cedar Park - Parks and Recreation Department will operate the City's Youth Programs. These are basic regulations for programs operated by the City of Cedar Park. The programs operated by the City are recreational in nature and are not licensed by the State of Texas as certified day-care programs. Licensing exemptions are available for recreational programs run by municipalities that have adopted ordinances for standards of care.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing.

General Discussion followed pertaining the monitoring of the standards.

- E.4 First Reading And Public Hearing On An Ordinance Amending The FY 2008-09 Utility Fund Budget, Transferring A Position From Meter Services To Water Distribution; And Transferring \$11,623 For Salary And Benefits.

Aaron Rector, Budget Manager, stated this amendment will transfer a position within the Utility Department from Meter Services to Water Distribution and transfer \$11,623 related to salary and benefits. A Meter Reader position has become vacant and staff recommends reclassifying the position to a Utility Operator in the Water Distribution Department. The reclassification would allow staff to maintain current service levels which are increasing due to population growth and increased water usage. While the number of meters increases each year, the remote read/radio read meters that have been installed has increased efficiency for meter readers each year. By moving the position to Water Distribution, staff will be able to maintain current service levels, even with the increase in water demand.

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 Update On The Capital Area Council Of Governments ("CAPCOG") General Assembly Meeting: Councilmember Mitchell.
Councilmember Mitchell provided an update on the recent meeting and the review of by-laws. There are currently twenty-three members on the Executive Committee and according to population there should be twenty-five. It was approved to give Cedar Park one of the positions. The City now needs to appoint the member. Councilmember Mitchell is interested in serving on the Executive Committee and is currently involved with the General Assembly.
- No action taken.**
- F.2 Consideration Regarding A Junior City Council Program. (Councilmember Powell)
Katherine Woerner, Assistant to the City Manager, addressed the Council regarding Junior City Council Programs. The purpose of the program is to introduce high-school age students to local government and public service. Junior City Council programs typically include: information on how municipal government works, department tours, mock City Council meetings, an opportunity to job shadow, and a public service project. Ms. Woerner reviewed various types of programs offered.

General discussion followed pertaining to development of a program, costs, Chamber of Commerce programs offered, and mentoring roles for students.

No action taken.

- 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 (Councilmember Powell).

Phil Brewer, Economic Development Director, stated the International Council of Shopping Centers (ICSC) Annual Conference, referred to as “RECON” The Global Real Estate Convention is being held in Las Vegas on May 17th-20th. This is the largest retail real estate convention in the world with over 50,000 developers, retailers and lenders typically attending. A Council representative will travel with him to assist with the promotion of Cedar Park.

Motion to appoint Councilmember Powell as the Council representative to attend the ICSC Annual Conference.

Movant: Mayor Pro Tem Thomas

Second: Councilmember Moore

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

- F.4 Consideration Of Funding Options For Public Transportation: Goodman Corporation.
Barry Goodman. Goodman Corporation addressed Council regarding the funding options for public transportation. Mr. Goodman reviewed the possibility of the City seeking funding for a commuter rail and a commuter rail station.

Motion to authorize a letter of support be sent to pursue funds for commuter rail and rail station.

Movant: Mayor Pro Tem Thomas

Second: Councilmember Moore

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

- F.5. Status And Update On The City Of Cedar Park Franchise Agreements. (Councilmember Powell) (Amendment)

Charles Rowland, City Attorney, provided Council with a report summarizing all the current franchises with the City of Cedar Park.

Councilmember Powell would like to have additional details regarding the actual terms of the franchises, expiration dates, history on the length of the franchises and franchise fees.

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 9:13 p.m.

G.0 Executive Session

G.1 Section § 551.071 (1) Consultation With City Attorney Concerning Litigation.

A. Sandra Thomas v. City Of Cedar Park No. A-07-CA-002-LY.

G.2 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 Red River Service Corporation Agreement.

B. Legal Issues Concerning The Master Contract For The Financing, Construction And Operation Of The Brushy Creek Regional Utility Authority Regional Water Treatment And Distribution Project

C. Legal Issues Concerning The Brushy Creek Regional Utility Authority (BCRUA) System Operating Agreement Between Cedar Park, Round Rock, Leander and BCRUA.

D. Legal Issues Concerning The Wastewater Disposal Contract Between Brazos River Authority, Lower Colorado River Authority, City of Round Rock, City of Cedar Park and City of Austin.

E. Legal Issues Concerning The Acquisition Of The Brushy Creek Regional Wastewater System.

F. Legal Issues Concerning Water/Wastewater For Wilson Land And Cattle.

G. Legal Issues Concerning The Furniture, Fixture And Equipment Procurement And Installation Agreement Between Cedar Park And Hicks Cedar Park, LLC.

H. Legal Issues Concerning Raw Water Supply Agreement Between Cedar Park, Twin Creeks Holdings, Ltd., And Williamson-Travis Counties Water Control And Improvement District 1G. (Amendment)

G.3 Section § 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property

A. Legal Issues Concerning Property Acquisition For The Floating Raw Water Intake Contingency Project.

G.4 Section § 551.087 Deliberation Regarding Economic Development Negotiations:

A. Legal Issues Concerning Incentive Negotiations Related To 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 11:21 p.m.

No action taken on any item discussed in Executive Session.

H.1 Mayor And Council Closing Comments
None.

H.2 Adjournment
Mayor Lemon adjourned the meeting at 11:22 p.m.

PASSED AND APPROVED THIS 9TH DAY OF JULY, 2009.

Matt Powell, Mayor Pro Tem

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, APRIL 30, 2009 AT 6:30 P.M.
Cedar Park Public Library - 550 Discovery Boulevard**

CITY COUNCIL

Mayor Bob Lemon	Scott Mitchell, Place 3
Mayor Pro Tem Stephen Thomas	Lowell Moore, Place 4
Matt Powell, Place 1	Cobby Caputo, Place 6
Mitch Fuller, Place 2	Brenda Eivens, City Manager

PARKS & RECREATION ADVISORY BOARD

David Neely, Chair	David Powers, Place 4
Scott Rogers, Vice Chair	Jesse Holguin, Place 6
Wayne Ruark, Place 1	Janet Bartles, Place 7
Mike Tangorra, Place 3	

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

Mayor Pro Tem Thomas called the meeting to order at 6:40 p.m.

Mayor Lemon absent, all other Council present.

David Neely, Parks Chair, called the Parks Advisory Board to order at 6:40 p.m.

All present from the Parks Advisory Board.

2. Welcome/Introductions

Roundtable introductions were conducted.

3. Presentation: Leander Cedar Park Youth Football League – Mike Doherty, Board Member

Mike Doherty, Leander Cedar Park Youth Football League, addressed the Council and Parks Board on the current program for youth football in the Cedar Park area. The league is seeking public and private partnerships in building a future athletic complex or facility. Mr. Doherty reviewed the current statistics for participation, an overall complex concept and the needs for the growing community. The complex is presented in a three phase development plan. Highlights of the complex would include lighted fields and practice and playing fields in one location.

General Discussion followed regarding the anticipated growth of youth in the area, sizes of the practice fields, equivalent facilities located in the Texas area, contact with surrounding communities, estimated cost and size of proposed facility, the acreage needed for the proposed complex, tournaments and the bidding process, cheer and dance capabilities, pursuit of funding possibilities with Williamson County and Leander, and joint use or single use restrictions.

4. Discussion Only:

a. Update On Parks Facilities And Programs

- i. Recreation Center
- ii. Rosemary Denny Park
- iii. Phase 2 Design Of Veterans Memorial Park
- iv. Master Planning For Twin Creeks Historic Park
- v. Final Phase Of Brushy Creek Sports Park
- vi. Initial Design Of Skate Park

Curt Randa, Parks and Recreation Director, provided updates and status reports on each project.

b. Update On Parks Open Space Master Plan.

Curt Randa, Parks and Recreation Director, provided a general overview on the Parks Open Space Master Plan.

c. Update On Hike/Bike Trails Master Plan And Process.

Curt Randa, Parks and Recreation Director, reviewed the process for the Hike and Bike Trails Master Plan. There are two phases which will include public input meetings and analysis. The meetings are scheduled to be conducted in June and July. The Parks Board will evaluate the proposed plan in September and the item will be presented to Council in October.

General discussion followed on possible locations and for staff to research the possibility of a veloway.

d. Parks Advisory Board Participation With Future City Projects And/Or Initiatives
Agenda Item 4.D. called prior to Agenda Item 4.C,

Councilmember Powell inquired about the neighborhood parks development and the interest of the Park Board.

Chair David Neely stated it is the Board's priority to maintain all parks and addressed the build-out possibility for residential and the funds from developers as opposed to building local parks.

General discussion followed regarding maintenance, funds and redevelopment, operating and maintenance budgets, and long-term goals.

5. Closing Comments

Roundtable closing comments were conducted.

6. Adjournment

Mayor Pro Tem Thomas adjourned the Council and Chair David Neely adjourned the Parks Board at 8:25 p.m.

PASSED AND APPROVED THIS 23RD DAY OF JULY, 2009.

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 14, 2009 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 Stephen Thomas
Lowell Moore, Councilmember Place Four
Cobby Caputo, 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 Posting Of Colors By The Cedar Park Police Department Honor Guard.
The Cedar Park Police Department Honor Guard posted the colors.
- A.4 Pledges of Allegiance (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.5 Presentation: Proclamation Honoring National Police Officers' Memorial Day 2009 - Cedar Park Police Department.
Mayor Lemon presented Chief Henry Fluck, Police Department, and representatives from the Department with a Proclamation honoring National Police Officer's Memorial Day 2009.
- A.6 Presentation: Report On The Williamson County Transportation Master Plan: Commissioner Cynthia Long. (Thomas)

Commissioner Long briefly addressed Council regarding the Williamson County Transportation plan. This plan does include cities who have their own transportation plans.

Mike Weaver, Williamson County, addressed Council on the Williamson County Transportation Master Plan and the plan summary.

- A.7 Presentation: Update From The Veterans Memorial Advisory Committee: Bob Carter.
Bob Carter, Veterans Memorial Advisory Committee, updated Council on the activities of the committee. Fund raising is the primary focus of the committee at this time.
- A.8 Presentation: Quarterly Investment Report For The City Of Cedar Park: Patterson And Associates.
Linda Patterson, Patterson and Associates, presented Council with the Quarterly Investment Report for the period of December 2008 through March 2009.
- A.9 Presentation: Review Of The Comprehensive Annual Financial Report ("CAFR") 2008: Michael Firth, Lott, Vernon & Company, P.C.
Michael Firth, Lott Vernon & Company, presented Council with the Comprehensive Annual Financial Report for 2008. Mr. Firth briefly reviewed the audit process and highlighted areas of the report.
- A.10 Citizens Communications.(Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information.)

Darrell Lowrance, Round Rock, addressed Council on the proposed skate park and support for Phase Two of the project.

Scott Thiltgen, Cedar Park, addressed Council on the proposed skate park and support for Phase Two of the project.

Deborah Antich, Cedar Park, addressed Council in support of the skate park and local support from the community.

Anna Johndrow, Cedar Park, addressed Council to allow farmers markets in Cedar Park and change the code to allow for such a venue in the Ace Hardware parking lot.

- A.11 Mayor and Council Opening Comments.
Mayor Lemon commented on the first "Concert In The Park" program held at Milburn.

Councilmember Caputo asked for a future agenda item to further discuss farmers markets, and also commented on the skate park which was originally discussed in 2001.

Mayor Pro Tem Thomas congratulated Councilmembers Powell and Mitchell for being reelected and also commented on meetings he had attended for CAPCOG, CAMPO and LCRA.

Councilmember Moore commented on the Chamber of Commerce luncheon and golf tournament.

Councilmember Mitchell commented on the skate park and also the Capital Area Council of Governments meeting he had attended.

Councilmember Fuller commented on the recent election and congratulated the Village of Volente's new council.

Councilmember Powell thanked all the citizens who voted in the recent election. He also commented on the Police Department versus the Fire Department football game, and thanked Dr. Klein for his time with Cedar Park Regional Medical Center.

A.12 City Manager Report: April 2009 Building Permit Activity And Revenue Update: Mark Lewis, Building Inspections Director.

Mark Lewis, Building Inspections Director, reviewed the April 2009 building permit and activity report.

A.13 City Manager Report: Review Of The March Monthly Financial Report For Budget Year FY 2009: Stacie Carter, Interim Finance Director.

Stacie Carter, Interim Finance Director, reviewed the March monthly financial report.

A.14 City Manager Report: Overview Of Energy Efficiency Incentive Programs Offered By Pedernales Electric Cooperative And Austin Energy.

Katherine Woerner, Assistant to the City Manager, provided an overview of incentive programs offered by Pedernales Electric Cooperative. Austin Energy is a power generator and retailer.

Mr. Fred Yebra, Director of Energy Efficiency for Austin Energy, addressed Council on the Austin Energy Programs. There are numerous programs offered that are tailored to suit the targeted customer for residential and commercial.

Councilmember Powell would like additional information on the specific rebates or incentives offered that can be used for assisting economic development in Cedar Park.

A.15 City Manager Report: Update On The Development On An Early Seed Capital Fund For Cedar Park Entrepreneurs – Larry Holt.

Larry Holt, Economic Development Specialist, updated Council on the development of an entrepreneur network for Cedar Park.

A.16 City Manager Report: Update On The Status Of The BMC Rail Road Crossing. (Powell)

Sam Roberts, Assistant City Manager, updated Council on the status of the BMC Rail Road Crossing. The contractor, RCL, has indicated they will start construction in two weeks.

After the improvements are complete and approved by CapMetro, the City will send out the Notice to Establish letters, which begin the 21 day countdown to the quiet zone being established.

- A.17 City Manager Report: Update On The Parks And Recreation Department "Poolapalooza" Event At Veterans Memorial Pool On May 25: Curt Randa, Parks Director.
Curt Randa, Parks Director, updated Council on the Poolapalooza event being held at Veterans Memorial Pool on Memorial Day.

CONSENT AGENDA

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

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

Movant: Mayor Pro Tem Thomas

Second: Councilmember Mitchell

Vote: 7:0

- B.1 Approval of Minutes From The City Council Meeting Of February 26, 2009.
Approved under the Consent Agenda.
- B.2 Approval Of Minutes From The City Council Meeting Of March 12, 2009.
Approved under the Consent Agenda.
- B.3 Receipt Of Minutes From The Cedar Park Economic Development Corporation (4A) Meeting Of March 16, 2009.
Received under the Consent Agenda.
- C.1 Second Reading Of An Ordinance Amending Chapter 1 General Administration Of The Code Of Ordinances Of The City Of Cedar Park, Texas, For The Purpose Of Renaming Article 1.10 Parks And Recreation Board To Parks And Recreation And Adopting Section 1.10.006 Youth Program Standards Of Care.
Approved under the Consent Agenda.
Ordinance Number CO47-09-05-14-C1
- C.2 Second Reading Of An Ordinance Amending The Fiscal Year 2008-09 Utility Fund Budget, Transferring A Position From Meter Services To Water Distribution; And Transferring \$11,623 For Salary And Benefits.
Approved under the Consent Agenda.
Ordinance Number BF48-09-05-14-C2
- C.3 Second Reading Of An Ordinance Amending Chapter 11 The Zoning Ordinance Of The Code Of Ordinances Of The City Of Cedar Park, Texas, To Revise Division 35 Conditional Use

Regulations Replace Division 36 With A Conditional Overlay Combining District And Add Division 37 For The Land Use Chart Comparison Of The Code Of Ordinances Of The City Of Cedar Park, Texas. **The Planning And Zoning Commission Recommended (6-0) Approval Of The Amendments.**

Approved under the Consent Agenda.

Ordinance Number CO49-09-05-14-C3

- C.4 Second Reading Of An Ordinance Amending Portions Of Chapter 11 Zoning Ordinance And Appendix A Of The Code Of Ordinances Of The City Of Cedar Park, Texas, To Revise Article 11.10 Division 3 Section 11.10.027 And Appendix A, Section 2.400, Planning Fees. **The Planning And Zoning Commission Recommended (6-0) Approval Of The Amendments.**

Approved under the Consent Agenda.

Ordinance Number CO50-09-05-14-C4

- D.1 A Resolution Authorizing And Directing The City Manager To Execute An Interlocal Agreement With Williamson County To Fund \$50,000 For Construction Of The Cedar Park Skate Park Project.

Approved under the Consent Agenda.

Resolution Number R142-09-05-14-D1

- D.2 A Resolution Authorizing And Directing The City Manger To Execute Necessary Documents For Participation As Jobsite Host For The 2009 Summer Youth Job Placement Program Provided By Workforce Solutions - Rural Capital Area.

Approved under the Consent Agenda.

Resolution Number R143-09-05-14-D2

- D.3 A Resolution Authorizing And Directing The City Manager To Extend The Community Development Block Grant Cooperation Agreement With Williamson County.

Approved under the Consent Agenda.

Resolution Number R144-09-05-14-D3

- D.4 Authorization To Excuse The Absence Of Councilmember Fuller From The City Council Meeting Of April 23, 2009.

Approved under the Consent Agenda.

No Resolution Number assigned.

PUBLIC HEARINGS

- E.1 Z-09-003 First Reading And Public Hearing On An Ordinance To Rezone Approximately 9.65 Acres Of Land From Multi Family (MF) To Condominium (CD), Owned By RC Properties III LLC, Located At 401 Buttercup Creek Boulevard, In Williamson County, Texas. (Z-09-003) **The Planning And Zoning Commission Voted 6-0 To Approve Condominium (CD) Zoning For This Tract.**

Agenda Item E. 1 called after Agenda Item E.2

Duane Smith, Planning Director, stated the purpose of this agenda item is to rezone a property currently designated as Multi Family (MF) which is used for condominiums and will address compatibility between the existing usage and the appropriate zoning district. The request is to assign Condominium (CD) zoning district to this property. This is a city-initiated zoning request.

When this property was originally zoned, Condominium and Multi-Family uses were all contained in a single high intensity zoning district. The revisions to the Zoning Ordinance placed Condominiums in a medium density zoning classification. This rezoning will apply the appropriate zoning district to match the existing land use. The Planning and Zoning Commission voted 6-0 to approve the request.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing.

- E.2 Z-09-008 First Reading And Public Hearing On An Ordinance To Rezone Approximately 3.48 Acres Of Land Owned By Joseph Zsebenyi From Light Industrial (LI) To General Retail With A Conditional Use Of Warehouse And Distribution Limited (GR-CU), Located At 300 East New Hope Drive, In Williamson County, Texas. (Z-09-008) **The Planning And Zoning Commission Voted 7-0 To Approve General Retail With A Conditional Use Of Warehouse And Distribution Limited (GR-CU) For This Tract.**

Agenda Item E.2 called after Agenda Item E.3

Duane Smith, Planning Director, stated the applicant has requested to rezone approximately 3.48 acres from Light Industrial (LI) to General Retail with a Conditional Use of Warehouse and Distribution Limited (GR-CU), located at 300 East New Hope Drive. The Planning and Zoning Commission voted 7-0 to approve the request.

Mayor Lemon opened the Public Hearing

Christian Brooks, representing the owner of Lot #2 adjacent to the property in questions, stated his client is in opposition to the zoning. He addressed the current law suit between the property owners and the strip used for the driveway to each property.

Joseph Zsebenyi, Applicant, addressed the comments made by Mr. Brooks and the driveway access.

Mayor Lemon closed the Public Hearing

- E.3 **Z-09-006 First Reading and Public Hearing On An Ordinance To Rezone Approximately 3.91 Acres Of Land From Single Family (SF) to Transitional Commercial (TC), Owned By Scot and Rachel Farber, Located At 217 Thompson Street, In Williamson County, Texas. (Z-09-006) The Planning And Zoning Commission Voted 5-1 To Approve Transitional Commercial (TC) For This Tract.**

Agenda Item E. 3 called after the Consent Agenda.

Duane Smith, Planning Director, stated the applicant has requested to rezone approximately 3.91 acres of land from Single Family (SF) to Local Retail (LR) for property located at 217 Thompson Street. The applicant agreed to alternate designation of Transitional Commercial (TC) recommended by the Planning and Zoning Commission.

A petition has been received and validated for this item. In accordance with Texas Local Government Code 211.006(d) the proposed change must receive the affirmative vote of at least three-fourths of all members of City Council.

Councilmember Caputo inquired about the access to the tract. There is currently no road to the west of the property and no plans for development of the collector to the east. Current buildings on Industrial would impede the development of the road. There has been no commitment made regarding the road.

Mayor Lemon inquired how Thompson Street would be used.

Leonard Smith, representing the applicant Scott Farber, addressed the Council regarding his client's request. Mr. Smith addressed the comprehensive plan and stated the zoning requested is consistency with the comprehensive plan.

Charles Rowland, City Attorney, reminded Council zoning cases deal with how the land is to be used and does not address tree preservation, drainage or access. These items are dealt with under the site development stage.

Mayor Lemon opened the Public Hearing.

Citizen Comment: the following citizens spoke in opposition to the zoning request.

**Val Musgrave
Michael Sinclair
Bill Fischer**

**Joann Smith
John Hawkins
B.C. Knowlton**

**Tom Ritter
Curtis Carr
Barbara Sisk**

Judy Lidell

Elaine Blackwell

Jeff Perry

The following citizens did not speak but registered their opposition to the zoning request.

**Geoff Herring
Dawn Azbill Smith**

Mr. Smith readdressed the applicant's requested zoning and the zoning being consistent with the comprehensive plan.

General Discussion followed:

Councilmember Caputo addressed the comments made on the comprehensive plan.

Mayor Lemon commented on the zoning along Thompson Street, access concerns and the possibility of residential buffers.

Mayor Lemon closed the Public Hearing

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 Consideration Concerning Economic Stimulus Funding From CAMPO For RM1431 From 183A To Cottonwood Creek Trail.

Sam Roberts, Assistant City Manager, stated this project was submitted to CAMPO for economic stimulus funding. The project was submitted as a four lane roadway instead of a six lane roadway in order to increase the chances for selection by CAMPO for stimulus funding. Staff is working with Williamson County and TxDot on a way to build the four lane now with CAMPO funding and convert it to a six lane in the future with minimal additional cost and construction impact. Mr. Roberts updated Council on the meetings being conducted with Williamson County and TxDOT pertaining to environmental assessments needed, striping and the timeframe for the project to be completed. If approved by CAMPO and construction starts in March 2010 with an 18 month construction time, it is possible the environmental assessment could be approved at or prior to the completion of the four lane.

General discussion followed regarding medians, landscaping, government funding and restrictions, additional costs to the City, term of the project, access to local businesses, uncompleted projects using similar methods and funding mechanisms, regional approaches and the new process, and the possibility of the City managing the project.

Motion to approve the letter sent by the City in support of the project.

Movant: Mayor Pro Tem Thomas

Second: Mayor Lemon

No vote taken. New motion made.
General discussion continued.

Motion to table this item until the May 28, 2009 Council meeting.

Movant: Councilmember Caputo

Second: Councilmember Powell

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

- F.2 Consideration Of A Resolution Creating A Cedar Park Census 2010 Complete Count Committee.

Duane Smith, Planning Director, stated the purpose of this Resolution is to authorize the creation of a Cedar Park Complete Count Committee (CCC) whose purpose is to define and implement informational and promotional activities to enhance resident's awareness of and participation in the 2010 Census. In the past, Council has appointed a committee comprised of seven (7) citizens with each Councilmember appointing one member.

Motion to approve a Resolution creating a Cedar Park Census 2010 Complete Count Committee.

Movant: Councilmember Moore

Second: Mayor Pro Tem Thomas

Vote: 7:0

Resolution Number R145-09-05-14-F2

- F.3 Consideration Of The Continuation And Future Participation In The Adopt-A Brigade Program. (Fuller)

Councilmember Fuller asked for this item to be placed on the agenda. He inquired if the Council was interested in continuing the Adopt-A-Brigade program. He would like to see continuation of the recognition with the adoption of a local unit from the National Guard.

Councilmember Powell would like to see a citywide effort with greater participation. Council concurred their support on continuation of the program.

- F.4 Review Of The Roles And Responsibilities Of The Historic Preservation Commission. (Fuller)
Councilmember Fuller asked for this item to be placed on the agenda. He is uncertain about the roles and responsibilities of the board members and the Historic Preservation Officer. There appears to be confusion as to who is in charge of the board and also a lack of communications between the various boards.

General discussion followed pertaining to the responsibilities of the board and a possible joint meeting between the Heritage Society, Historic Commission and the Tourism Advisory Board.

Motion to suggest the Historic Commission conduct a joint meeting with the Tourism Advisory Board and the Heritage Society and report back to Council.

Movant: Councilmember Powell

Second: Councilmember Fuller

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 11:02 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 Red River Service Corporation Agreement.
 - B. Legal Issues Concerning The Master Contract For The Financing, Construction And Operation Of The Brushy Creek Regional Utility Authority Regional Water Treatment And Distribution Project
 - C. Legal Issues Concerning The Brushy Creek Regional Utility Authority (BCRUA) System Operating Agreement Between Cedar Park, Round Rock, Leander and BCRUA.
 - D. Legal Issues Concerning The Wastewater Disposal Contract Between Brazos River Authority, Lower Colorado River Authority, City of Round Rock, City of Cedar Park and City of Austin.
 - E. Legal Issues Concerning The Acquisition Of The Brushy Creek Regional Wastewater System.
 - F. Legal Issues Concerning Water/Wastewater For Wilson Land And Cattle.
 - G. Legal Issues Concerning The Limited Extra Territorial Jurisdiction Release To City Of Jonestown.
 - H. Legal Issues Concerning The Filing Of A Possible Violation Of Section 1.10 Of The Texas Disciplinary Rules Of Professional Conduct Pertaining To Conflict Of Interest. (amendment)
- G.2 Section § 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property
 - A. Legal Issues Concerning Property Acquisition For The Floating Raw Water Intake Contingency Project.
- G.3 Section § 551.087 Deliberation Regarding Economic Development Negotiations:
 - A. Legal Issues Concerning Incentive Negotiations Related To 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

Councilmember Caputo adjourned from the meeting at 11:30 p.m.

Council reconvened from Executive Session into Open Meeting at 11:42 p.m.

Agenda Item G.1C

Motion to authorize the Mayor to execute the Brushy Creek Regional Utility Authority System Operating Agreement.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 6:0 with Councilmember Caputo absent for vote.

H.1 Mayor And Council Closing Comments
None.

H.2 Adjournment
Mayor Lemon adjourned the meeting at 11:50 p.m.

PASSED AND APPROVED THIS 23RD DAY OF JULY, 2009.

Robert S. Lemon, Mayor

ATTEST:

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



**MINUTES
CITY OF CEDAR PARK
SPECIAL CALLED CITY COUNCIL MEETING
TUESDAY, MAY 19, 2009, AT 8:15 A.M.
City Hall, 600 North Bell Boulevard**

Mayor Bob Lemon
Matt Powell, Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Stephen Thomas
Lowell Moore, Councilmember Place Four
Cobby Caputo, Councilmember Place Six
Brenda Eivens, City Manager

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

§ Texas Election Law Chapter 67.004 (a) PROCEDURE FOR LOCAL CANVASS: Two members of the authority constitute a quorum for purposes of canvassing an election.

**Councilmember Fuller called the meeting to order at 8:15 a.m.
Councilmembers Fuller and Mitchell present.**

2) Discussion and Possible Action

- a. Resolution To Canvass General Election Results Of May 9, 2009 for:
 - i) Councilmember Place One
 - ii) Councilmember Place Three
 - iii) Councilmember Place Five

Motion to approve the Resolution canvassing the General Election results of the May 9, 2009 Election.

A. General Election Results: Council, Place One

	<u>Early Voting</u>	<u>Election Day</u>	<u>Total</u>	<u>%</u>
1. Matt Powell	300	203	503	100%

B. General Election Results: Council, Place Three

	<u>Early Voting</u>	<u>Election Day</u>	<u>Total</u>	<u>%</u>
1. Joe Y. Rogers	75	64	139	23.76%

2. Scott Mitchell 270 176 446 76.24%

C. General Election Results: Council, Place Five

	<u>Early Voting</u>	<u>Election Day</u>	<u>Total</u>	<u>%</u>
1. Stephen Thomas	300	195	495	100%

Movant: Councilmember Mitchell

Second: Councilmember Fuller

Vote: 2:0

Resolution Number R146-09-05-19-2A

3) Adjournment

Councilmember Fuller adjourned the meeting at 8:16 a.m.

PASSED AND APPROVED THIS 23RD DAY OF JULY, 2009.

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 28, 2009 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 Stephen Thomas
Lowell Moore, Councilmember Place Four
Cobby Caputo, 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 Moore absent, all others present.
- A.2 Invocation.
Don Olson gave the Invocation.
- 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 May 9, 2009 General Election:
i. Council Place One - Matt Powell.
ii. Council Place Three - Scott Mitchell.
iii. Council Place Five - Stephen Thomas.
Mayor Lemon ceremonially swore in Matt Powell, Council Place One, Scott Mitchell, Council Place Three, and Stephen Thomas, Council Place Five.
- A.5 Recess For Installation Of Council On Dais.
Council recessed from the dais at 6:45 p.m. until 6:50 p.m.
Meeting reconvened at 6:50 p.m.

A.6 Announcement Of Mayor Pro Tem In Accordance With Council Rules Of Procedure Rule 4.1. (Lemon)

Mayor Lemon recognized Stephen Thomas for his service as Mayor Pro Tem for the past year. Mayor Lemon announced the new Mayor Pro Tem would be Councilmember Matt Powell.

A.7 Presentation: Recognition Of Service With The City Of Cedar Park:

i. Chief Chris Connealy, Fire Department: Five Years.

Brenda Eivens, City Manager, presented Chief Connealy with his plaque in recognition of five years of service with the City of Cedar Park.

ii. Randle Blesing, Fire Department: Fifteen Years.

iii. Bruce Herms, Fire Department: Fifteen Years.

iv. Jonathan Morris: Fire Department: Fifteen Years.

Chief Connealy presented Randle Blesing, Bruce Herms and Jonathan Morris with their plaques in recognition of fifteen years of service with the City of Cedar Park.

A.8 Presentation: Recognition Of The Teen Advocates For Community Safety (TACS) Program Participants.

Chief Connealy, Fire Department, addressed Council on the Teen Advocates for Community Safety Program known as TACS. TACS is a career education program supported by the Cedar Park Fire Department for teens from the ages of 14-19. Chief Connealy highlighted the program activities and recognized members of the program.

A.9 Citizens Communications.(Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information.)

Deborah Antich, Cedar Park, addressed Council on the skate park. She would like more funds to be dedicated to the development of the park.

Darrell Lowrance, Round Rock, addressed Council regarding the features needed for the skate park and inquired about the process for adding additional funds for the project.

Scott Thiltgen, Cedar Park, addressed Council on the bowl features for the skate park and planning of Phase 1 with Phase 2.

Maria Talamo, 4B Board, addressed the proposed funding for the skate park and using additional 4B funds.

A.10 Mayor and Council Opening Comments.

Mayor Lemon commented on his support for the skate park.

Mayor Pro Tem Powell recognized his family in attendance at the meeting. He provided a brief update on the recent ICSC show he attended with Phil Brewer. He also stated it is an honor to be appointed Mayor Pro Tem for the City of Cedar Park.

Councilmember Fuller congratulated the incumbents for being re-elected and sworn in. He provided an update on the activities of the Brushy Creek Regional Utility Authority and also commented on the recent events he had attended.

Councilmember Mitchell commented on the Veterans Park Memorial Day event and thanked the citizens that voted for him.

Councilmember Thomas thanked the citizens and stated he looked forward to continuing to serve.

Councilmember Caputo commented on meeting with the designers for the skate park.

A.11 City Manager's Report: Update On The 2009 Summer Reading Program - Pauline Lam, Library Director.

Pauline Lam, Library Director, stated the 2009 Summer Reading Program would be from June 1st to August 1st. She reviewed the statistics and high participation from the 2008 program.

A.12 *ANNOUNCEMENT*: Zoning Case Z-09-008 Has Been Withdrawn By The Applicant.

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 removed from the Consent Agenda by Mayor Lemon.

Agenda Item D.3 removed from the Consent Agenda by Mayor Pro Tem Powell.

Agenda Item D.5 removed from the Consent Agenda by Councilmember Caputo.

Agenda Item D.6 removed from the Consent Agenda by Councilmember Caputo.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D, excluding C.2, D.3, D.5 and D.6.

Movant: Councilmember Thomas

Second: Councilmember Fuller

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

B.1 Receipt Of Minutes From The Tourism Advisory Board Meeting Of March 31, 2009.
Received under the Consent Agenda.

B.2 Receipt Of Minutes From The Tourism Advisory Board Meeting Of April 10, 2009.
Received under the Consent Agenda.

- C.1 Z-09-003 Second Reading On An Ordinance To Rezone Approximately 9.65 Acres Of Land From Multi Family (MF) To Condominium (CD), Owned By RC Properties III LLC, Located At 401 Buttercup Creek Boulevard, In Williamson County, Texas. (Z-09-003) **The Planning And Zoning Commission Voted 6-0 To Approve Condominium (CD) Zoning For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z51-09-05-28-C1

- C.2 Z-09-006 Second Reading On An Ordinance To Rezone Approximately 3.91 Acres Of Land From Single Family (SF) to Transitional Commercial - Conditional Overlay (TC-CO), Owned By Scot And Rachel Farber, Located At 217 Thompson Street, In Williamson County, Texas. (Z-09-006) **The Planning And Zoning Commission Voted 5-1 To Approve Transitional Commercial (TC) For This Tract.**

Agenda Item C.2 removed from the Consent Agenda by Mayor Lemon.

Duane Smith, Planning Director, stated a petition has been received and validated for this item. In accordance with LGC 211.006(d) the proposed change must receive the affirmative vote of at least three-fourths of all members of City Council.

The Applicant's requested to rezone approximately 3.91 acres of land from Single Family (SF) to Local Retail (LR) for property located at 217 Thompson Street. The applicant agreed to alternate designation of Transitional Commercial (TC) recommended by the Planning and Zoning Commission.

Charles Rowland addressed the Future Land Use Plan and the Collector Map. There are legal issues to be reviewed pertaining to access. The Collector Map has not been updated to show current development and the Future Land Use Map deals with large tracts or categories for zoning and does not deal with individual tracts of land. It is recommended to have this item table until staff can report back after further review.

Motion to table this item until the June 25, 2009 Council Meeting.

Movant: Councilmember Thomas

Second: Councilmember Mitchell

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

Due to the large audience and the number of citizens in attendance, Mayor Lemon allowed public comment.

Citizen Comment:

John Hawkins, Cedar Park, inquired if a new petition would need to be circulated and signed for opposition to the zoning recommendation. The citizens are against the rezoning of the land.

Geoff Herring, Cedar Park, commented on the Future Land Use Map and access. He is against the proposed rezoning.

Scott Farber, Applicant, addressed Council regarding the transitional commercial, limited hours of operation, drainage and the zoning classification being the least intensive zoning requested.

General discussion followed regarding conditional overlays, fencing between the property and residential, additional analysis on the zoning and impact to surrounding infrastructure, current access and future access to property, impacted roads, drainage, and guidelines for the general area.

- D.1 A Resolution Authorizing A Special Permit For Band Of The Hills To Hold A Father's Day Concert In Milburn Park.
Approved under the Consent Agenda.

Resolution Number R147-09-05-28-D1

- D.2 A Resolution Authorizing And Directing The City Manager To Execute Change Order Number Eight With Flintco Constructive Solutions For The Purpose Of Adding Contingency Items To The Recreation Center Project.
Approved under the Consent Agenda.

Resolution Number R148-09-05-28-D2

- D.3 A Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Professional Services Agreement With PBS&J For The Design Of Fire Station #1.
Agenda Item D.3 removed from the Consent Agenda by Mayor Pro Tem Powell.

Mayor Pro Tem Powell inquired about the scoring matrix and system used to evaluate the proposals. There is no information in the packet.

Sam Roberts, Assistant City Manager, reviewed the process used for the Request for Qualifications for the design of Fire Station #1. Staff will provide additional information for Council's review.

Motion to table this item until the June 4, 2009 Council Meeting.

Movant: Mayor Pro Tem Powell

Second: Councilmember Fuller

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

- D.4 A Resolution Amending The City Of Cedar Park Future Land Use Plan To Change The Designation Of 401 Buttercup Creek Boulevard From High Density Residential To Medium Density Residential.
Approved under the Consent Agenda.

Resolution Number R150-09-05-28-D4

- D.5 A Resolution Authorizing And Directing The Fire Chief To Execute The Williamson County Fire Protection Agreement For Fiscal Year 2009.

Agenda Item D.5 removed from the Consent Agenda by Councilmember Caputo.

Chief Chris Connealy, Fire Department, stated this item is for an agreement with Williamson County to provide fire protection in any area of the County when requested by another department, emergency service district, or by Williamson County. For this coverage, Williamson County will pay Cedar Park \$31,000 to be made in two payments

Councilmember Caputo addressed the level of the funding by Williamson County. He stated there are already mutual aid agreements in place and the amount offered by Williamson County does not pay for the coverage. He is not interested in approving the agreement with the current terms.

General Discussion followed pertaining to development of emergency service districts, formulation methods used to support the fee, Fire Station #4 and the commitment of space for emergency services, renegotiation of the contract and meeting further with Williamson County officials for further discussion.

Motion to table this item until the June 25, 2009 Council Meeting.

Movant: Councilmember Caputo

Second: Councilmember Mitchell

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

- D.6 A Resolution Authorizing And Directing The Mayor To Execute An Assignment Of Payment From The 4B Corporation, Originally To Go To Developer, Dennis McDaniel/Pecan Grove-SPVEF, L.P., To The Stillwater National Bank And Trust Company To Secure Their Loan To The Developer For Costs To Construct Water And Wastewater Infrastructure.

Agenda Item D.6 removed from the Consent Agenda by Councilmember Caputo.

Councilmember Caputo removed this item from the Consent Agenda for clarification of the item.

Motion to approve the Resolution authorizing and directing the Mayor to execute an Assignment Of Payment from the 4B Corporation, originally to go to developer, Dennis Mcdaniel/Pecan Grove-Spvef, L.P., to the Stillwater National Bank and Trust Company to secure their loan to the developer for costs to construct water and wastewater infrastructure.

Movant: Councilmember Caputo

Second: Councilmember Thomas

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

Resolution Number R152-09-05-28-D6

- D.7 A Resolution Granting A One Year Extension To The Temporary Use For A Driving Range For Property Located At 1700 Hur Industrial Boulevard.
Approved under the Consent Agenda.

Resolution Number R153-09-05-28-D7

- D.8 Authorization To Grant The Mayor The Authority To Appoint City Council As Alternates To The Capital Area Metropolitan Planning Organization ("CAMPO") In His Absence At CAMPO's Meetings Or Activities.
Approved under the Consent Agenda.

No Resolution Number assigned.

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 A Resolution Authorizing The Cedar Park Police Department To Apply For The Edward Byrne Memorial Justice Assistance Grant (JAG) To The U.S. Department Of Justice.

Chief Henry Fluck, Police Department, stated this item is for the Cedar Park Police Department (CPPD) to be given authorization to apply for the Edward Byrne Memorial Justice Assistance Grant (JAG). On April 9, 2009, the Cedar Park City Council authorized the CPPD to apply for the initial Byrne-JAG grant in which the CPPD was on the JAG allocation list established by the Bureau of Justice Statistics. By applying for the initial Byrne JAG grant, the CPPD became eligible to apply or the second Byrne-JAG Grant, which is handled by the Criminal Justice Division (CJD) of the Governor's Office.

Councilmember Powell inquired if this grant would include ticket writers.

Motion to approve the Resolution authorizing the Cedar Park Police Department to apply for the Edward Byrne Memorial Justice Assistance Grant (JAG) to the U.S. Department Of Justice.

Movant: Mayor Pro Tem Powell

Second: Councilmember Fuller

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

Resolution Number R155-09-05-28-F1

F.2 Consideration Of The Appointment Of Members To The 2010 Census Complete Count Committee.

Motion to appoint Mike McCloskey to the 2010 Census Complete Count Committee.

Movant: Councilmember Thomas

Second: Mayor Pro Tem Powell

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

F.3 Consideration Concerning Economic Stimulus Funding From CAMPO For RM1431 From 183A To Cottonwood Creek Trail.

Sam Roberts, Assistant City Manager, stated Council had requested additional information regarding the construction portion of the project and if the City could manage or oversee it. Staff met with the Texas Department of Transportation (TxDOT). In order to manage the project, the City would need to contribute over 50% of the entire cost of the project. Staff did address low maintenance landscaping for the area as opposed to just concrete medians. This can be agreed to and placed in the advance funding agreement.

General Discussion:

Mayor Lemon inquired if trees would be considered low maintenance.

Mayor Pro Tem Powell commented on environmental impact studies and if completion of the project would impact the 1890 Ranch businesses.

Councilmember Caputo inquired about the length of the project.

General Discussion followed pertaining to the length of the project being estimated at 18-24 months, the impact to local businesses, city controls for design and preparation of plans, possible problems with not accepting funds, and the timing of the project with a large sales tax generator area.

Motion to disapprove the economic stimulus funding.

Movant: Councilmember Caputo

Second: Councilmember Mitchell

Vote: 2:4 with Councilmember Mitchell and Caputo voting in favor. Mayor Lemon, Mayor Pro Tem Powell, Councilmember Thomas and Fuller voting against. Councilmember Moore absent from meeting. Motion fails.

Motion to approve the economic stimulus funding.

Movant: Councilmember Thomas

Second: Councilmember Fuller

Vote: 4:2 with Mayor Lemon, Mayor Pro Tem Powell, Councilmember Thomas and Fuller voting in favor. Councilmember Mitchell and Caputo voting against.

Councilmember Moore absent from meeting.

- F.4 Consideration Of Council Delegates To Meet With Pedernales Electric Cooperative. (Powell)
Mayor Pro Tem Powell asked for this item to be placed on the agenda. He would like to have Council delegates meet with Pedernales to see what incentives or programs they might be able to offer or assist with when the City recruits businesses to Cedar Park. Two representatives could meet with them.

Motion to appoint Mayor Pro Tem Powell and Councilmember Moore to be the delegates to meet with Pedernales.

Movant: Councilmember Caputo

Second: Councilmember Thomas

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

- F.5 Consideration For Incorporating The City Logo On Neighborhood Street Signs. (Powell)
Mayor Pro Tem Powell asked for this item to be placed on the agenda. He stated the community identity and branding of the city logo is very important. He would like to see new signs installed with the city logo and for the logo to be used for existing signs that are eventually replaced. The item appears to have a timeframe for five, seven or ten years, and should be included in the budget for gradual implementation.

Eric Rauschuber, Utilities Director, reviewed the costs associated with replacing the existing signs.

General discussion followed regarding how often street signs are replaced, phasing implementation possibilities, 4B participation and the general cost for street signs.

Motion to proceed with the signage for new construction incorporating the city logo and for existing signs to be redesigned for ADA specifications and inclusion of the city logo.

Movant: Mayor Pro Tem Powell

Second: Councilmember Mitchell

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

- F.6 Consideration Of A Resolution Authorizing The City of Cedar Park To Apply For A Grant With The Office Of The Department of Energy For The Energy Efficiency and Conservation Block Grant ("EECBG").

Katherine Woerner, Assistant to the City Manager, addressed Council regarding the Energy Efficiency and Conservation Block Grant. The American Recovery and Reinvestment Act of 2009, provides the U.S. Department of Energy with funding for grants to assist state, local, and tribal governments. Funding is allocated to governments to develop and implement projects to improve energy efficiency and reduce energy use and fossil fuel emissions in their communities.

The grant funds have been allocated using a pre-established formula based on 2007 U.S. Census population records. The City of Cedar Park's individual allocation is \$519,700. Ms Woerner reviewed the possible activities the monies could be used for.

Motion to authorize the City of Cedar Park to apply for the grant with the Office of the Department of Energy for the Energy Efficiency and Conservation Block Grant ("EECBG").

Movant: Councilmember Thomas

Second: Councilmember Fuller

Vote: 5:1 with Councilmember Caputo voting against and Councilmember Moore absent from meeting.

F.7 Consideration For The Renaming Of A Portion Of West New Hope Drive.

Duane Smith, Planning Director, stated since the new section of New Hope Drive has been completed (Gann Ranch to RM 1431) several residents have expressed concerns related to the duplication of roadway names. The section (old) of West New Hope Drive that enters Gann Ranch produces difficulty as there are now three legs of New Hope Drive; 1) The old section from Lakeline to Gann Ranch, 2) the old section entering Gann Ranch, and 3) the new section from Gann Ranch to RM 1431. Williamson County 9-1-1, Cedar Park Police and Cedar Park Fire Departments have all expressed strong concerns and desire to have the roadway names corrected.

The old section entering Gann Ranch directly impacts 15 parcels whose street address (not house number) could change. The issue however impacts all of the residents of Gann Ranch and The Preserve at Gann Ranch. At least two options are available for City Council consideration and discussion (1) Rename the section of New Hope Drive that enters Gann Ranch; and/or (2) Rename the section of New Hope Drive from the entry to Gann Ranch to RM 1431.

General discussion followed pertaining to renaming the major arterials, renaming the residential collector, roads have multiple names. Councilmember Fuller offered to meet with the impacted homeowners to further discuss the possibilities for renaming the road.

No action taken.

F.8 Consideration Of A Resolution Approving A Resolution By The Board Of Directors Of The Brushy Creek Regional Utility Authority, Inc. Authorizing The Issuance Of "Brushy Creek Regional Utility Authority, Inc. City Of Cedar Park, Texas Contract Revenue Bonds, (Brushy Creek Regional Water Treatment And Distribution Project)" Establishing The Procedures For Selling And Delivering The Bonds And Resolving Other Matters Incident And Relating To The Issuance, Payment, Security, Sale And Delivery Of Such Bonds.

Carol Polombo, McCall Parkhurst, addressed Council regarding the issuance of contract revenue bonds for the Brushy Creek Regional Utility Authority. She reviewed the procedure, process and timeframe for the issuance. Leander and Round Rock Councils

have authorized the issuance. Cedar Park is the last city that needs to authorize the issuance.

Motion to approve a Resolution Approving A Resolution By The Board Of Directors Of The Brushy Creek Regional Utility Authority, Inc. Authorizing The Issuance Of "Brushy Creek Regional Utility Authority, Inc. City Of Cedar Park, Texas Contract Revenue Bonds, (Brushy Creek Regional Water Treatment And Distribution Project)" Establishing The Procedures For Selling And Delivering The Bonds And Resolving Other Matters Incident And Relating To The Issuance, Payment, Security, Sale And Delivery Of Such Bonds.

Movant: Councilmember Fuller

Second: Mayor Pro Tem Powell

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

Resolution Number R157-09-05-28-F8

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 9:55 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 The Master Contract For The Financing, Construction And Operation Of The Brushy Creek Regional Utility Authority Regional Water Treatment And Distribution Project
 - B. Legal Issues Concerning The Brushy Creek Regional Utility Authority (BCRUA) System Operating Agreement Between Cedar Park, Round Rock, Leander and BCRUA.
 - C. Legal Issues Concerning The Wastewater Disposal Contract Between Brazos River Authority, Lower Colorado River Authority, City of Round Rock, City of Cedar Park and City of Austin.
 - D. Legal Issues Concerning The Acquisition Of The Brushy Creek Regional Wastewater System.
 - E. Legal Issues Concerning Water/Wastewater For Wilson Land And Cattle.
 - F. Legal Issues Concerning The Limited Extra Territorial Jurisdiction Release To City Of Jonestown.
 - G. Legal Issues Concerning HJ Trails Application For A Wastewater Permit.
 - H. Legal Issues Concerning The Filing Of A Possible Violation Of Section 1.10 Of The Texas Disciplinary Rules Of Professional Conduct Pertaining To Conflict Of Interest.
- G.2 Section § 551.087 Deliberation Regarding Economic Development Negotiations:
- A. Legal Issues Concerning Incentive Negotiations Related To 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 10:43 p.m.

Agenda Item G.1D

Motion to authorize the City Manager to execute a Memorandum of Understanding with the City of Round Rock and the Lower Colorado River Authority (LCRA) concerning acquisition of the Brushy Creek Regional Waste Water System.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

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

H.1 Mayor And Council Closing Comments

Councilmember Thomas requested a future agenda item pertaining to regulating taxi services in Cedar Park. He would also like to receive a report for accident statistics for New Hope and 183.

Councilmember Fuller reminded everyone of the Relay for Life event.

H.2 Adjournment

Mayor Lemon adjourned the meeting at 10:50 p.m.

PASSED AND APPROVED THIS 13TH DAY OF AUGUST, 2009.

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 4, 2009 AT 6:30 P.M.

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Stephen Thomas, Councilmember Place Five
Cobby Caputo, 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 6:36 p.m.
All present.
- A.2 Invocation.
Invocation given by Jeannie Marie Ellis.
- A.3 Pledges of Allegiance (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Recognition Of The School Resource Officers By Leander Independent School District.
Renee Williams and Lisa Shorman with Leander Independent School District recognized the Cedar Park Police Department and the School Resource Officers for their outstanding work through out the school year at schools in Cedar Park. Recognized were Officer Bobo, Officer Guthrie, Officer Johnson, Officer Selsky, Corporal Wilder, Sergeant Campbell, Captain Harmon, Lieutenant Wierzba and Chief Fluck.
- A.5 Presentation: Status Report On Cable And Broadband For The City Of Cedar Park: Katherine Woerner.

Katherine Worner, Assistant to the City Manager, briefly addressed Senate Bill 5 from the 2005 Texas Legislative Session. This bill impacted local franchise agreements.

i. Grande Communications: Hutch Bass, Austin Regional Vice President and Paul Lewis, Senior Manager Legal and Regulatory.

Hutch Bass and Paul Lewis, Grande Communications, addressed Council regarding the current services offered in Cedar Park. Grande is hoping to expand the service area in the future.

ii. AT&T: Susan Merrick, Director External Affairs.

Susan Merrick, AT&T, addressed Council on the new U-Verse feature being offered by AT&T.

iii. Time Warner Cable: Susan Patton, Director External Affairs.

Susan Patton was not able to attend the meeting. No report provided.

A.6 Citizens Communications.(Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information.)

Rob Alspaugh, Cedar Park, addressed Council regarding the 7th Annual Cedar Park Kid's Triathlon and the great turn out.

Sharon Wolfe, Heritage Society, addressed Council on the preservation of the Henry property.

Maria Talamo, 4B, spoke in support of preserving the Henry property as a historic site.

A.7 Mayor and Council Opening Comments.

Mayor Pro Tem Powell commented on the ice floor being poured at the Cedar Park Center, and requested a future agenda item regarding funding mechanisms for the skate park project.

Councilmember Fuller commented on the Relay for Life event, the Veteran Memorial Advisory group activities, and also the Brushy Creek Regional Utility Authority meeting.

A.8 City Manager Report: Review Of The Monthly Financial Report For April 2009: Stacie Carter, Interim Finance Director.

Withdrawn from agenda.

A.9 City Manager Report: Recognition Of The Distinguished Budget Presentation Award Received By The Government Finance Officers Association.

Aaron Rector, Budget Manager, stated the City of Cedar Park has received the Distinguished Budget Presentation Award from the Government Finance Officers Association. This is the thirteenth time the award has been received.

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.3 removed from the Consent Agenda by Councilmember Caputo.

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

Movant: Mayor Pro Tem Powell

Second: Councilmember Caputo

Vote: 7:0

B.1 Approval Of The Council Minutes From The Meeting Of March 26, 2009.

Approved under the Consent Agenda.

C.0 Second Reading Of An Ordinance: No Items For Consideration.

D.1 A Resolution To Authorize And Direct The Mayor To Execute An Amendment To The Williamson County Regional Animal Shelter Agreement To Provide For The Cost Participation Of Expenses Related To Personal Liability Claims.

Approved under the Consent Agenda.

Resolution Number R158-09-06-04-D1

D.2 A Resolution To Authorize And Direct The City Manager To Execute The Agreement Regarding Water And Wastewater Service To The Knight Tract.

Approved under the Consent Agenda.

Resolution Number R159-09-06-04-D2

D.3 A Resolution To Authorize And Direct The City Manager To Execute A Construction Contract With Viking Construction, Inc. For The 2009 Street Rehabilitation Project In The Amount Of \$221,682.54.

Removed from the Consent Agenda by Councilmember Caputo.

Councilmember Caputo questioned whether the section of road on Anderson Mill Road from 1431 to south of the Quarry could be partially funded by the Quarry. He would like a future agenda to further discuss reimbursement or partial payment for road rehabilitation through out the City due to heavy equipment.

General discussion followed regarding the Quarry and the maintenance of the road from 1431 to south of the Quarry.

Motion to approve the Resolution for a construction contract with Viking Construction for the 2009 Street Rehabilitation Project and to place a hold on the portion of Anderson Mill Road by the Quarry until more information is available on that portion of the road.

Movant: Councilmember Caputo

Second: Councilmember Thomas

Vote: 7:0

Resolution Number R160-09-06-04-D3

- D.4 A Resolution Finding Public Convenience And Necessity To Acquire Permanent Easements, Access And Authorizing Eminent Domain, If Necessary From Three Parcels Of Land To Effectuate The Floating Raw Water Intake Contingency Project: Parcels 5, 6, And 7.
Approved under the Consent Agenda.

Resolution Number R161-09-06-04-D4

- D.5 A Resolution Finding Public Convenience And Necessity To Acquire Permanent Easements, Access And Authorizing Eminent Domain, If Necessary From Two Parcels Of Land To Effectuate The Floating Raw Water Intake Contingency Project: Parcels 3 And 4.
Approved under the Consent Agenda.

Resolution Number R162-09-06-04-D5

- D.6 A Resolution Finding Public Convenience And Necessity To Acquire Permanent Easements, Access And Authorizing Eminent Domain, If Necessary From Three Parcels Of Land To Effectuate The Floating Raw Water Intake Contingency Project: Parcels 8, 9, And 11.
Approved under the Consent Agenda.

Resolution Number R163-09-06-04-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 Of The Appointment Of Members To The 2010 Census Complete Count Committee.

Motion to appoint Barbara Shaffer (Mayor), Jon Lutz (Powell), Morris Hickman (Fuller) and David Zaharis (Mitchell) to the 2010 Census Complete Count Committee.

Movant: Mayor Pro Tem Powell

Second: Councilmember Fuller

Vote: 7:0

Agenda Item F.1 recalled after Executive Session.

Mayor Lemon appointed Mike McCloskey as Chair of the 2010 Census Complete Count Committee.

F.2 Consideration For Permitting Farmer's Markets As A Seasonal Business Or Event Within The City. (Caputo)

Mark Lewis, Building Inspections Director, stated staff has researched Farmer's Markets in other municipalities and has compiled a summary of Farmer's Markets in the surrounding communities. Mr. Lewis highlighted the various venues located in the area.

No action taken.

F.3 Consideration Of A Resolution Authorizing And Directing The City Manager To Submit An Extraterritorial Jurisdiction (ETJ) Boundary Adjustment Request To The City Of Austin For The Release Of A Portion Of Extraterritorial Jurisdiction Commonly Referred To As Twin Lakes Park And To Express The Intent Of The City Council To Initiate Annexation Procedures Upon Release Of Said EJT By The City Of Austin And Acceptance By The City Of Cedar Park.

Duane Smith, Planning Director, stated the purpose and intent of this item is to request a release of the portion of the property from the City of Austin to the City of Cedar Park and, upon release and acceptance, to initiate annexation procedures. The City of Austin requires formal action by Council to initiate the process for requesting release. In addition letters from both Williamson County and the Texas Department of Parks and Wildlife, acknowledging and concurring with the exchange will be required.

General discussion followed regarding the cost of annexation and the fiscal impact for providing services.

Motion to approve the Resolution Authorizing And Directing The City Manager To Submit An Extraterritorial Jurisdiction (ETJ) Boundary Adjustment Request To The City Of Austin For The Release Of A Portion Of Extraterritorial Jurisdiction Commonly Referred To As Twin Lakes Park And To Express The Intent Of The City Council To Initiate Annexation Procedures Upon Release Of Said EJT By The City Of Austin And Acceptance By The City Of Cedar Park.

Movant: Councilmember Thomas

Second: Councilmember Mitchell

Vote: 7:0

Resolution Number R164-09-06-04-F3

F.4 Consideration For The Renaming Of A Portion Of West New Hope Drive.

Duane Smith, Planning Director, addressed Council regarding renaming the portion of New Hope Road portion leading into Gann Ranch.

General discussion followed regarding possible names, renaming minor roads as opposed to major roads.

Councilmember Fuller offered to speak with the residents to further discuss possibilities. No action taken.

- F.5 Consideration Of A Resolution To Authorize And Direct The City Manager To Negotiate And Execute A Professional Services Agreement With PBS&J For The Design Of Fire Station #1. **Emily Truman, Project Manager, addressed Council regarding Fire Station #1. She reviewed the process and procedure used for accepting requests for qualifications and how they were evaluated. The top three scores were interviewed and PBS&J was selected.**

Motion to approve the Resolution To Authorize And Direct The City Manager To Negotiate And Execute A Professional Services Agreement With PBS&J For The Design Of Fire Station #1.

**Movant: Mayor Pro Tem Powell
Second: Councilmember Thomas
Vote: 7:0**

Resolution Number R165-09-06-04-F5

- F.6 Consideration Of A Resolution Authorizing The Use Of The Construction Manager At Risk (CMR) Delivery Process For The Purpose Of Constructing Fire Station #1. **Emily Truman, Project Manager, addressed Council regarding the use of an alternate delivery method for Fire Station #1 construction other than the traditional design/bid/build process.**

Motion to approve the Resolution Authorizing The Use Of The Construction Manager At Risk (CMR) Delivery Process For The Purpose Of Constructing Fire Station #1.

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

Resolution Number R166-09-06-04-F6

- F.7 Consideration Of The Preliminary Design For The Brushy Creek Sports Park Skate Park Feature Phase One And Phase Two - Jamie Curtis, SPA Skatepark. (Caputo) **Curt Randa, Parks Director, James Hemenes, Assistant Parks Director, and Jamie Curtis, SPA Skatepark, addressed Council regarding the preliminary design for the skate park at Brushy Creek Sports Park. The project was discussed for Phase One and Phase Two and the features and enhancements being proposed. The enhancements would include lighting and landscaping. The final design will be presented to Council at a later date.**

General discussion followed regarding the number of parking spots, current contract, phasing of the project identified as phase one and two, funding for the entire project, bid requirements, features of the skate park, continuity of development for the entire project, and additional funding from the 4B Board.

Citizen Comment:

Deborah Antich and Darrell Lowrance addressed Council regarding the features of the park and providing additional funds.

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 9:08 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 The Master Contract For The Financing, Construction And Operation Of The Brushy Creek Regional Utility Authority Regional Water Treatment And Distribution Project

B. Legal Issues Concerning The Brushy Creek Regional Utility Authority (BCRUA) System Operating Agreement Between Cedar Park, Round Rock, Leander and BCRUA.

C. Legal Issues Concerning Possible City Charter Amendments.

D. Legal Issues Concerning The Texas Gas Service Rate Filing.

E. Legal Issues Concerning Red River Service Corporation Agreement.

F. Legal Issues Concerning Solid Waste Franchise Agreements.

G.2 Section § 551.087 Deliberation Regarding Economic Development Negotiations:

A. Legal Issues Concerning Incentive Negotiations Related To 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 9:35 p.m.

Agenda Item F.1 recalled. Refer to Item F.1 for action taken.

H.1 Mayor And Council Closing Comments

Mayor Pro Tem Powell asked for a report or listing of all the public tennis courts and would like a future agenda item to discuss funding mechanisms for public art.

Councilmember Thomas addressed taxi cab services and would like a future agenda item.

H.2 Adjournment

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

PASSED AND APPROVED THIS 13TH DAY OF AUGUST, 2009.

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 25, 2009 AT 6:30 P.M.

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Stephen Thomas, Councilmember Place Five
Cobby Caputo, 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.
All present with Mayor Pro Tem Powell arriving at 6:37 p.m.
- A.2 Invocation.
Invocation given by Don Olson.
- A.3 Pledges of Allegiance (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Check Presentation From HEB Grocery To The Parks Department For The Independence Day Fireworks Showcase.
A representative from HEB Grocery presented Curt Randa, Parks Director with a \$5000 cash and gift cards donation to assist with the July 4th Fireworks Display.
- A.5 Presentation: Recognition Of Service With The City Of Cedar Park:
i. Paula Spang, Finance Department: Five Years.
Stacie Carter, Interim Finance Director, presented Paula Spang, Finance Department, with a plaque in recognition of five years of service with the City of Cedar Park.
- A.6 Presentation: Recognition Of Judy Lindsey, Finance Department, Certified Payroll Professional With American Payroll Association.

Stacie Carter, Interim Finance Director, recognized Judy Lindsey, Finance Department, for her recent accomplishments in obtaining her Certified Payroll Professional credentials from the American Payroll Association.

A.7 Presentation: Trails Master Planning Process Update - Jim Carillo, Halff Associates.
Jim Carillo, Halff Associates, provided Council with an overview for the process to be used for the Trails Master Plan. There are three vital steps that include (1) public input process, (2) community outreach and (3) sector meetings. The City will be divided into six sectors. There will be two city wide presentations after the information gathered has been summarized. The final step will be to draft a proposed trails master plan with possible adoption in October or November, 2009.

A.8 Presentation: Status Report On Cable And Broadband For The City Of Cedar Park- Susan Patten, Time Warner Cable And Paul Lewis, Grande Communications.
Susan Patten, Time Warner Cable, reviewed the services and locations in Cedar Park. She briefly addressed features offered by Time Warner and commented on Senate Bill 5 and the current franchise with the City of Cedar Park.

Paul Lewis, Grande Communications, stated Grande is currently working with potential investors and will hopefully have funding issues resolved by August. Grande is projecting to begin new construction by the third quarter of 2009 and Cedar Park is scheduled for services.

A.9 Citizens Communications. (Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information).

Nickolas Kauffman, Cedar Park, stated he is interested in serving on the Planning & Zoning Commission and has submitted his application for consideration.

A.10 Mayor and Council Opening Comments.
Councilmember Caputo requested a future agenda to discuss the water level in the ponds located in the Town Center.

Councilmember Thomas commented on a recent tour of Cedar Park he gave his family and the new construction, parks, and services now available in Cedar Park.

Councilmember Mitchell commented on the numerous changes in the past three years that Cedar Park has experienced.

Councilmember Fuller commented on the George Strait concert announcement and Cedar Park becoming a city of destination. He also commented on recent activities he recently attended.

Mayor Pro Tem Powell commented on the Walking with Dinosaurs venue coming to the Cedar Park Center, the recent meeting with the Visitor Impact Group and also with

Commissioner Long regarding the fire protection agreement and rates with Williamson County. He also wished his wife a happy ten year anniversary.

- A.11 City Manager's Report: Update On Cedar Park Recreation Center- Curt Randa, Parks And Recreation Director.
Curt Randa, Parks Director, updated Council on the grand opening for the Recreation Center. The ribbon cutting will be held on July 11th. There will be an open house for citizens to view the facility from 10 – 2 on the same day. The Recreation Center will open for use on Monday, July 13th at 5:00 a.m.
- A.12 City Manager's Report: Update On July 4th Celebrations To Be Held At Milburn Park- Curt Randa, Parks And Recreation Director.
Curt Randa, Parks Director, updated Council on the activities planned for the Independence Day celebration on July 4th.
- A.13 City Manager's Report: Review of May Permit and Revenue Activity: Mark Lewis, Director of Building Inspections.
Mark Lewis, Building Inspections Director, provided Council with the May 2009 Building Permit and Revenue Activity report.
- A.14 City Manager's Report: Review Of The Monthly Financial Report For April, 2009: Stacie Carter, Finance Manager.
Stacie Carter, Interim Finance Director, presented Council with the April 2009 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 Mitchell
Vote: 7:0**

- B.1 Receipt Of Tourism Advisory Board Minutes From The Meeting Of April 10, 2009.
Received under the Consent Agenda.
- B.2 Receipt Of Tourism Advisory Board Minutes From The Meeting Of May 8, 2009.
Received under the Consent Agenda.
- C.0 Second Reading Of An Ordinance: No Items For Consideration.
- D.1 A Resolution Authorizing And Directing The City Manager To Execute An Interlocal Agreement With Central Texas Regional Mobility Authority To Incorporate Certain Roadway

Pavement Remedial Work As Part Of The Construction Contract For The 183A Southbound Frontage Road Auxiliary Lane
Approved under the Consent Agenda.

Resolution Number R167-09-06-25-D1

- D.2 A Resolution Adopting The City Of Cedar Park's Film Friendly Guidelines.
Approved under the Consent Agenda.

Resolution Number R170-09-06-25D2

PUBLIC HEARINGS

- E.1 Z-09-009 First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Public Service To Approximately 37.347 Acres Of Land, Owned By The Leander Independent School District, Located On The South Side Of Cougar Country Drive, West Of Lakeline Boulevard And North Of West New Hope Drive, In Williamson County, Texas. (Z-09-009) **The Planning And Zoning Commission Voted 5-0 To Approve Public Service (PS) Zoning For This Tract.**

Duane Smith, Planning Director, stated the purpose of this agenda item is to consider a city initiated zoning request to assign original zoning of Public Service (PS) to approximately 37.347 acres of property located south of Cougar Country Drive, west of Lakeline Boulevard and north of West New Hope Drive. The property is owned by the Leander Independent School District and currently houses a transportation facility and service center for the school district with an associated detention facility. This city initiated zoning request will address compatibility between the existing usage and the appropriate zoning district. The Planning and Zoning Commission voted 5-0-1 to approve the request.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing

- E.2 Z-09-010 First Reading And Public Hearing On An Ordinance To Rezone Approximately 5.154 Acres Of Land From Single Family (SF-2) To Open Space Greenbelt (OSG), Owned By The City Of Cedar Park, Located On The South Side Of Cougar Country Drive, East Of Mayfield Way And North Of East Gann Hill, In Williamson County, Texas. (Z-09-010) **The Planning And Zoning Commission Voted 6-0 To Approve Open Space Greenbelt (OSG) Zoning For This Tract.**

Duane Smith, Planning Director, stated the purpose of this agenda item is to consider a staff initiated request to rezone a property currently designated as Single Family (SF-2) which is used for a detention facility and will address compatibility between the existing usage and the appropriate zoning district. The request is to assign Open Space Greenbelt (OSG) zoning district to this property. This is a city-initiated zoning request. This rezoning will apply the appropriate zoning district to match the existing land use. The Planning and Zoning Commission voted 6-0 to approve the request.

**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 Consideration Of The Appointment Of Members To The 2010 Census Complete Count Committee.

Motion to appoint Linda Haywood to the 2010 Census Complete Count Committee.

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

- F.2 Consideration Of A Dedication Plaque For The Cedar Park Center: John Frew, Frew Management.
Agenda Item F.2. called after Agenda Item F.7

John Frew, Frew Management, addressed Council regarding the dedication plaque for the Cedar Park Center. Mr. Frew reviewed the City's plaque policy and the names and dates to be included. The policy covers the bond election date, the letting of the contract for the project, and the date of dedication. Mr. Frew showed Council the proposed wording for the plaque.

General discussion followed regarding the three dates, clarification of wording on the time line and general characteristics of the plaque.

No action taken.

- F.3 Update On The Construction Status For The Cedar Park Center by John Frew, Frew Management And Consideration Of The Use Of Construction Manager At Risk Contingency Fund.

John Frew, Frew Management, addressed Council regarding the timeline and activities for the next 170 days until the opening of the center. September 25th is the substantial completion date. He provided an update on the budget and contingency use. Addressed was the possibility and consideration of a fourth evaluator. Hunt Construction will absorb the cost from their contingency for the elevator.

General discussion followed regarding a consensus by Council. Action is not required by the Council according to the terms of the contract. Council consensus is to add the fourth elevator.

No action taken.

F.4 Consideration Of Requests From Developer's Representatives To Amend The Collector Roadway Plan To Provide For The Deletion Of The Extension Of Monaco Drive In Riviera Springs And Reagan Loop East On The Northeast Corner Of Reagan Boulevard East Whitestone (RM 1431).

Agenda Item F.4 called after Agenda Item F.1

Duane Smith, Planning Director, stated the purpose of this agenda item is for Council to consider proposals to amend the Collector Roadway Plan to remove two separate collectors.

Mr. Don Sansom, representing Urban Design Group, addressed Council regarding his request to remove the extension of Monaco Drive from the Collector Roadway Plan. The property located south of Riviera Springs and north of Lakeline Boulevard is currently under review for development. The extension of Monaco was placed on the Collector Plan as a Residential Collector to provide an alternate access point for Riviera neighborhood due to issues with the intersection of West Riviera Drive and Lakeline. The existing section of Monaco Drive that parallels Rosemary Denny Park is a local street, 50 feet ROW with 24 feet of pavement plus a four foot sidewalk. Monaco was identified as the extension area because of existing right-of-way (50') on the Riviera Subdivision plat. The right-of-way has not been built as a stub out and is currently unimproved. Monaco was also selected as it is possible to align the extension with the signal light at Ridgeline.

Mr. Jonathan Neslund, Bury and Partners is working on a development plan for F&F Capital on the northeast corner of West Whitestone. Mr. Neslund, on behalf of his clients, is requesting that the Collector Plan be amended to remove Reagan Loop East as they propose to provide access and connectivity through the site via existing TxDOT approved driveway cuts and future private drives that will be constructed as part of the proposed development. Mr. Nesland is proposing to accomplish the purposes of Reagan Loop East through the construction of private driveways.

General discussion followed regarding signal lights, purpose of collectors, and commercial development in deep lot situations.

No action taken.

F.5 Review Of Proposed City Charter Amendments By Members Of The City Charter Review Committee

Mike McCloskey and Don Olson addressed Council regarding the proposed amendments made by the Charter Review Committee for the City's Charter. The committee is comprised of fifteen citizens who have been working on the review of the Charter for the past 1 ½ year. There are 48 proposed amendments that have been categorized into seven (7) categories. The recommendations were briefly reviewed for the Council. It is proposed there be an election in November 2009 for the Charter amendments.

General discussion followed regarding the administrative or housekeeping amendments, filling vacancies on the Council, length of terms for Council, format for propositions on the ballot, public education and information, and laws mandated by the State.

Mayor Lemon proposed having a joint meeting with the Charter Review Committee to further review the recommendations.

No action taken.

- F.6 Update And Review Of A Taxi Franchise Ordinance (Stephen Thomas).
Councilmember Thomas requested this item be placed on the Agenda.

Julie Pandya, Assistant City Attorney, addressed Council regarding taxi franchises. There is not currently an ordinance that would allow for this, however, State law gives municipalities the authority to regulate.

General discussion followed regarding current operations of taxis in Cedar Park.

No action taken.

- F.7 Consider Developing A Funding Mechanism For Public Art (Matt Powell).
Mayor Pro Tem Powell requested this item to be placed on the Agenda. From the funding raising work being completed for the Veterans Memorial, he would like to see this expand into public art for the City.

Katherine Woerner, Assistant to the City Manager, addressed Council regarding possible funding mechanisms available to the City for funding of public art.

General discussion followed regarding voluntary options for funding on the City's utility bill, use of hotel occupancy tax revenue and preferred options.

No action taken.

- F.8 Consideration Of A Resolution Authorizing And Directing The City Manager To Execute A Change Order With Aaron Concrete Contractors, LP, For Intersection Improvements At Lakeline Blvd. And Cypress Creek Rd. In The Amount Of \$225,396.03.
Agenda Item F.8 called after Agenda Item F.3

Darwin Marchell, Engineering Director, stated improvements to this intersection include the construction of an additional left turn lane at both Lakeline Blvd. approaches to the intersection, which will increase safety and mobility. Funding for this change order will come from unallocated funds arising from cost savings from the Cypress Creek Rd. / US 183 and Lakeline Blvd. / RM 1431 intersection improvement projects.

Motion to approve the Resolution authorizing and directing the City Manager to execute a Change Order with Aaron Concrete Contractors, LP, for Intersection Improvements at Lakeline Blvd. and Cypress Creek Rd.

Movant: Mayor Pro Tem Powell

Second: Councilmember Thomas

Vote: 6:0 with Councilmember Moore off dais during vote.

Resolution Number R168-09-06-25-F8

F.9 Consideration Of An Ordinance Adopting The Application For A Gas Rate Increase By Texas Gas Service Company.

Larry Graham, Texas Gas Service Company, addressed Council regarding the application for a gas rate increase. Approximately 400 customers in Cedar Park will be impacted by the rate increase. This increase has been adopted by surrounding cities. Mr. Graham reviewed the timeline, process and the current and proposed rates.

Charles Rowland, City Attorney, stated this was a first reading of the ordinance. The second reading will also include a public hearing for citizen comment.

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 9:20 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 The Master Contract For The Financing, Construction And Operation Of The Brushy Creek Regional Utility Authority Regional Water Treatment And Distribution Project

B. Legal Issues Concerning The Purchase Agreement For The Brushy Creek Regional Wastewater System.

C. Legal Issues Concerning The Limited Extra Territorial Jurisdiction Release To City Of Jonestown.

D. Legal Issues Concerning Possible Violations Of The Texas Disciplinary Rules Of Professional Conduct Including Disciplinary Action, Claims, Demands And Possible Litigation.

E. Legal Issues Concerning Commercial Solid Waste Franchise Agreements.

F. Legal Issues Concerning Possible City Charter Amendments.

G. Legal Issues Concerning The Texas Gas Service Rate Filing.

H. Legal Issues Concerning The Leander Independent School District Development Agreement With City of Cedar Park.

I. Legal Issues Concerning The Suite Rental Agreement With Hicks Sports Group, LLC.

J. Legal Issues Concerning Owner's Representative Agreement with John Frew.

K. Legal Issues Concerning The Development Agreement Between Cedar Park, V-S Cedar Park and Continental Homes.

G.2 Section § 551.087 Deliberation Regarding Economic Development Negotiations:

A. Legal Issues Concerning Incentive Negotiations Related To 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 10:32 p.m.

Agenda Item G.1C

Legal Issues Concerning The Limited Extra Territorial Jurisdiction Release To City Of Jonestown.

Motion to approve a Resolution to authorize and direct the City Manager to execute a consent to transfer of certain property from the City of Austin's extraterritorial jurisdiction (ETJ) to the City of Jonestown and a release of ETJ from the City of Cedar Park to the City of Jonestown conditioned upon issuance of final development permits by the City of Jonestown to the Brushy Creek Regional Utility Authority (BCRUA) and to the City of Cedar Park for water related infrastructure projects on terms and conditions agreeable to the parties.

Movant: Mayor Pro Tem Thomas

Second: Councilmember Moore

Vote: 7:0

Resolution Number R169-09-06-25-G.1C

H.1 Mayor And Council Closing Comments

Councilmember Caputo said he would like to have a joint meeting with the Planning & Zoning Commission and also the Charter Review Committee.

H.2 Adjournment.

Mayor Lemon adjourned the meeting at 10:39 p.m.

PASSED AND APPROVED THIS 13TH DAY OF AUGUST, 2009.

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 9, 2009 AT 6:30 P.M.

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Stephen Thomas, Councilmember Place Five
Cobby Caputo, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Pro Tem Powell called the meeting to order at 6:31 p.m.
Mayor Lemon absent from meeting. All others present.
- A.2 Invocation: Senior Pastor Marty Brauer, Good Shepherd Lutheran Church.
Senior Pastor Marty Brauer, Good Shepherd Lutheran Church, 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 Quarterly Report And Update: Pete Brooks.
Leslie West, Pedernales Electric Cooperative, provided the quarterly report and presented the quarterly franchise check.
- A.5 Presentation: Austin Toros Basketball Activities And Cedar Park Night: Peter Luebell.
Peter Lubell, COO for the Austin Toros, addressed Council regarding a future Cedar Park Community Night at an Austin Toro's Game. The date will be established with next year's game schedule.
- A.6 Presentation: AT&T Services Update: Susan Merrick, Director External Affairs.

- Susan Merrick and Jason Cardwell, AT&T, addressed Council regarding the new 3G features.

A.7 Citizens Communications. (Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information).

Barb Misl, Volente, addressed Council regarding the raw water intake barge and condemnation of her property.

Tony Dale, P&Z Commissioner, expressed his interest in being reappointed to the Planning and Zoning Commission.

Kelly Brent, 4A Corporation, recognized the 4B Board for their cooperative spirit with assisting the 4A Board.

A.8 Mayor and Council Opening Comments.

Councilmember Fuller commented on the Independence Day activities and Congressman Carter's recent visit to Cedar Park. He also provided an update on the Gambler Guns. All soldiers deployed have safely returned home.

Councilmember Mitchell commented on the CAPCOG Executive Committee and requested a future agenda item for a third appointment to the General Assembly.

Councilmember Moore commented on the Recreation Center opening and ribbon cutting.

Councilmember Thomas commented on Congressman Carter's visit to Cedar Park and seeing local businesses. He also commented on the attendance at the fireworks.

Councilmember Caputo commented on the opening of the Recreation Center and also the fireworks.

Mayor Pro Tem Powell commented on the Independence Day activities and also reflected on the recent passing of one of his high school resource officers.

A.9 City Manager Report: Status Report On The BMC Railroad Crossing.

Tom Gdala, Planner, addressed Council on the status of the BMC Railroad Crossing. Staff has been informed this week that the upgrades will be complete by July 17, 2009. The quiet zone establishment date is to be determined by Capital Metro once the BMC gates are complete and approved. The Notice letters will be sent with the addition of several private property owners on the list of recipients since there are private crossings within this proposed quiet zone. Approximate timeframe for the quiet zone is 35 days.

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 removed from the Consent Agenda by Mayor Pro Tem Powell.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D, excluding D.2.

Movant: Councilmember Thomas

Second: Councilmember Mitchell

Vote: 6:0 with Mayor Lemon absent from meeting.

- B.1 Approval Of Council Minutes From The Meeting Of April 9, 2009.
Approved under the Consent Agenda
- B.2 Approval Of Council Minutes From The Meeting Of April 15, 2009.
Approved under the Consent Agenda
- B.3 Approval Of Council Minutes From The Meeting Of April 23, 2009.
Approved under the Consent Agenda
- B.4 Receipt Of Minutes From The Economic Development Sales Tax Corporation (4A) Meeting Of April 20, 2009.
Approved under the Consent Agenda
- B.5 Receipt Of Minutes From The Sign Control Board Meeting Of January 30, 2008.
Received under the Consent Agenda.
- C.1 Z-09-009 Second Reading Of An Ordinance To Assign Original Zoning Of Public Service To Approximately 37.347 Acres Of Land, Owned By The Leander Independent School District, Located On The South Side Of Cougar Country Drive, West Of Lakeline Boulevard And North Of West New Hope Drive, In Williamson County, Texas. (Z-09-009) **The Planning And Zoning Commission Voted 5-0 To Approve Public Service (PS) Zoning For This Tract.**

Approved under the Consent Agenda

Ordinance Number Z53-09-07-09-C1

- C.2 Z-09-010 Second Reading Of An Ordinance To Rezone Approximately 5.154 Acres Of Land From Single Family (SF-2) To Open Space Greenbelt (OSG), Owned By The City Of Cedar Park, Located On The South Side Of Cougar Country Drive, East Of Mayfield Way And North Of East Gann Hill, In Williamson County, Texas. (Z-09-010) **The Planning And Zoning Commission Voted 6-0 To Approve Open Space Greenbelt (OSG) Zoning For This Tract.**

Approved under the Consent Agenda

Ordinance Number Z54-09-07-09-C2

- D.1 A Resolution For City Acceptance Of Quest Village Section 2 Subdivision Improvements.
Approved under the Consent Agenda

Resolution Number R171-09-07-09-D1

- D.2 A Resolution Authorizing And Directing The City Manager To Execute Change Order Number Nine With Flintco Constructive Solutions To Decrease The Contract Sum For The Recreation Center From \$11,020,000 to \$9,870,962.94.

Removed from the Consent Agenda by Mayor Pro Tem Powell.

Curt Randa, Parks Director, stated this is the final change order that will complete the Recreation Center. The change order reflects the total amount of \$1,149,037.06 in savings.

Mayor Pro Tem Powell asked for this item to be removed from the Consent Agenda. He recognized staff and the contractors for the significant savings and the great building the Recreation Center is.

Motion to approve the Resolution authorizing Change Order #9 with Flincto Construction to decrease the contract sum for the Recreation Center from \$11,020,000 to \$9,870,962.94

Movant: Councilmember Fuller

Second: Councilmember Moore

Vote: 6:0 with Mayor Lemon absent from the meeting.

Resolution Number R172-09-07-09-D2

- D.3 A Resolution Authorizing And Directing The City Manager To Execute An Agreement Between The City Of Cedar Park And Whitestone Medical Partners, LP Concerning Dedication, Use, And Maintenance Of Drainage And Detention/water Quality Pond Easements And Facilities.

Approved under the Consent Agenda

Resolution Number R173-09-07-09-D3

- D.4 A Resolution Authorizing And Directing The Mayor To Execute Amendment No. 3 To The Interlocal Agreement Regarding Final Design Services For The Regional Water System.

Approved under the Consent Agenda

Resolution Number R174-09-07-09-D4

- D.5 A Resolution Finding Public Convenience And Necessity To Acquire Fee Simple Title, Access And Authorizing Eminent Domain, If Necessary For Three Parcels Of Land To Effectuate The Fire Station No. 1 Construction Project.

Approved under the Consent Agenda

Resolution Number R175-09-07-09-D5

D.6 A Resolution Finding Public Convenience And Necessity To Acquire Permanent Easements, Access And Authorizing Eminent Domain, If Necessary From One Parcel Of Land To Effectuate The Floating Raw Water Intake Contingency Project: Parcel 2 Above 640'.

Approved under the Consent Agenda

Resolution Number R176-09-07-09-D6

D.7 A Resolution Finding Public Convenience And Necessity To Acquire Permanent Easements, Access And Authorizing Eminent Domain, If Necessary From One Parcel Of Land To Effectuate The Floating Raw Water Intake Contingency Project: Parcel 2 Access.

Approved under the Consent Agenda

Resolution Number R177-09-07-09-D7

D.8 A Resolution Finding Public Convenience And Necessity To Acquire Permanent Easements, Access And Authorizing Eminent Domain, If Necessary From One Parcel Of Land To Effectuate The Floating Raw Water Intake Contingency Project: Parcel 2 Beneath 640'.

Approved under the Consent Agenda

Resolution Number R178-09-07-09-D8

D.9 A Resolution Authorizing The Assignment Of The Cedar Park Economic Development Corporation (4A) Project Agreement With Triad Hospital To The Cedar Park Community Development Corporation (4B).

Approved under the Consent Agenda

Resolution Number R179-09-07-09-D9

D.10 A Resolution Of The City Council Of The City Of Cedar Park, Texas, Approving The Submission Of A Grant Application For The Cedar Park Criminal Justice Efficiency And Effectiveness Enhancement Program To The Office Of The Governor.

Approved under the Consent Agenda

Resolution Number R180-09-07-09-D10

PUBLIC HEARINGS

E.1 Public Hearing And Consideration And Possible Action On The Second Reading Of An Ordinance Adopting The Application For A Gas Rate Increase By Texas Gas Service Company. **Larry Graham, Texas Gas Service Company, addressed the Council regarding the ordinance adopting the application for a gas rate increase. The impact for average consumption cost would increase by 83 cents per month for approximately four hundred Cedar Park customers.**

Motion to approve the Ordinance adopting the application for a gas rate increase by Texas Gas Service Company.

Movant: Councilmember Caputo
Second: Councilmember Thomas
Vote: 6:0 with Mayor Lemon absent from meeting.

Ordinance Number G55-09-07-09-E1

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 Consideration Of Re-Appointments To The Tourism Advisory Board Places One, Three, Five And Seven.

Don Moore and Mel Kirkland addressed Council regarding their interest in being reappointed to the Tourism Advisory Board.

Motion to reappoint Mel Kirkland to Place One, Jon Lux to Place Three, Don Moore to Place 5 and Robert Schoen to Place 7 on the Tourism Advisory Board.

Movant: Councilmember Fuller
Second: Councilmember Thomas
Vote: 6:0 with Mayor Lemon absent from meeting.

F.2 Consideration Of The Appointment Of Members To The 2010 Census Complete Count Committee.

No action taken.

F.3 Consideration For Using A Twitter Account As A Social Media Tool.

Melanie Carr, Media Relations Manager, addressed Council regarding the use of a Twitter account for the City of Cedar Park. This account was created by a citizen and turned over to the City of Cedar Park. The account can be used for press releases, announcements and emergency notification. There is no cost to the City for using the service.

Councilmember Thomas inquired how the links to the City's website work.

Councilmember Caputo inquired about the amount of time that would be spent on "Twitting"

Motion to authorize utilization of Twitter and Melanie Carr to be the official "Twitter".

Movant: Councilmember Moore
Second: Councilmember Mitchell
Vote: 6:0 with Mayor Lemon absent from meeting.

F.4 Consideration And Update On The Maintenance And Operation Of Town Center Ponds. (Caputo)

Councilmember Caputo asked for this item to be placed on the Agenda. With the new recreation center location, the large rooms look out over the adjacent pond area. A constant water level is needed for the appearance of the area.

Sam Roberts, Assistant City Manager, reviewed for Council how the ponds function in that area. The amount of water and vegetation in the pond impacts the floodplain and ramifications of increased water levels.

General discussion followed regarding the use of vegetation in the area, the depth of the current pond, flood potentials, and general maintenance of the area.

Jose Madrigal, Assistant City Manager, stated the Parks Department is reviewing the area for transitional landscaping.

No action taken.

F.5 Consideration Regarding Funding Public Art Through Voluntary Contributions, A Percent For Arts Program, And Hotel Occupancy Tax Funds. (Powell)

Katherine Woerner, Assistant to the City Manager, addressed Council regarding funding for public art. She reviewed various programs utilized by other cities that included the voluntary contribution through utility bills, percent for the arts through capital improvement projects, and the use of hotel occupancy tax funds.

General discussion followed regarding community support and involvement, preferences over funding mechanisms and the possible increase to construction projects.

No action taken.

F.6 Consideration Of A Resolution To Authorize And Direct The City Manager To Negotiate And Execute A Professional Services Agreement With RW Beck for Solid Waste Procurement.

Withdrawn from the Agenda.

F.7 Consideration Of The Final Design For The Brushy Creek Sports Park Skate Park Feature - Jamie Curtis, SPA Skatepark.

Agenda Item F.7 called after Agenda Item E.1

Jamie Curtis, SPA Skatepark, addressed Council regarding the final design for the skatepark. Renderings for the park were displayed.

Mayor Pro Tem Powell inquired about the proximity of the basketball courts adjacent to the skatepark.

Councilmember Thomas inquired about the timeline for the project.

Motion to approve the final design plans for the Brushy Creek Sports Park Skatepark.

Movant: Councilmember Caputo

Second: Councilmember Mitchell

Vote: 6:0 with Mayor Lemon absent from vote.

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)(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 The Master Contract For The Financing, Construction And Operation Of The Brushy Creek Regional Utility Authority Regional Water Treatment And Distribution Project

B. Legal Issues Concerning Interlocal Agreement For The Brushy Creek Regional Utility Authority Project Management.

C. Legal Issues Concerning Regional Water Agreement With Round Rock And Leander, Including Current Or Contemplated Interlocal Agreements Concerning Completion Of Phase I Of The Regional Water System.

D. Legal Issues Concerning The Purchase Agreement For The Brushy Creek Regional Wastewater System.

E. Legal Issues Concerning Possible Violations Of The Texas Disciplinary Rules Of Professional Conduct Including Disciplinary Action, Claims, Demands And Possible Litigation.

F. Legal Issues Concerning The Capital Metropolitan Transit Authority.

G.2 Section § 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property

A. Legal Issues Concerning Property Acquisition For The Floating Raw Water Intake Contingency Project.

G.3 Section § 551.087 Deliberation Regarding Economic Development Negotiations:

A. Legal Issues Concerning Incentive Negotiations Related To 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 9:04 p.m.

Agenda Item G.2A

Motion to authorize the City Manager to execute purchase contracts for two easement parcels on tracts of land owned by David L. Moss and David S. and Lisa A. Springer which are necessary for the construction of the raw water intake contingency project.

Movant: Councilmember Fuller

Second: Councilmember Moore

Vote: 6:0 with Mayor Lemon absent from meeting.

H.1 Mayor And Council Closing Comments

Councilmember Caputo would like to have a representative from LCRA attend a future meeting and explain the lake water levels.

Councilmember Fuller asked for a future agenda for the renaming of W. New Hope Road.

H.2 Adjournment

Mayor Pro Tem Powell adjourned the meeting at 9:10 p.m.

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2009.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**CITY OF CEDAR PARK
CITY COUNCIL SPECIAL CALLED MEETING
WITH THE CHARTER REVIEW ADVISORY COMMITTEE
THURSDAY, JULY 16, 2009, AT 6:30P.M.
Cedar Park Recreation Center – Meeting Room
1435 Main Street, Cedar Park TX 78613**

CITY COUNCIL

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Stephen Thomas, Councilmember Place Five
Cobby Caputo, Councilmember Place Six
Brenda Eivens, City Manager

CHARTER REVIEW ADVISORY COMMITTEE

Mike McCloskey
Danita Futch
Linda Haywood
Dick Galloway
John Jewett

Paul Solberg
Kelly Troy
Bobbi Fuller
Michael Dion
Dale Vannoy

William Reid
Tony Dale
Susan Merrick
Don Olson
Barbara Boulware Wells

MINUTES

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

Mayor Lemon called the meeting to order at 6:38 p.m.

Councilmember Thomas absent from Council. All other Council present, with Councilmember Fuller arriving at 7:25 p.m.

Charter Review Committee present: Mike McCloskey, Danita Futch, Dick Galloway, John Jewett, Michael Dion, Tony Dale, Susan Merrick, Don Olson and Barbara Boulware-Wells.

B. Introductions And Opening Comments.

Roundtable introductions and opening comments were completed.

C. Discussion And Possible Action:

1. Review And Evaluate Possible Charter Amendments.
Mike McCloskey, Charter Committee, reviewed the process the committee used for overview of the City Charter. The committee broke into sub-committees and addressed specific sections of the Charter.

Council and the Charter Review Committee reviewed the proposed amendments, identified as propositions. There are a total of 48 recommended amendments/propositions for the current Charter. The majority of recommendations are related to administrative or house keeping in nature to bring the Charter into alignment with State law.

Due to the number of recommendations, general discussion was focused on those recommendations pertaining to policy or administrative changes.

**Proposition 2 Section 3.01 Number, Selection and Term, Section 3.06
 Vacancies, Forfeiture, Filling of Vacancies**

Amendment is for three year staggered terms and vacancies to be filled by election of the voters.

General Discussion followed regarding the application of three year terms and the current method of filling vacancies by appointment.

**Proposition 3 Section 3.04 Compensation
Amendment to allow for compensation to Council for regular called meetings.**

General Discussion followed pertaining to compensation of actual expenses of Council, current method of no compensation, and giving voters the opportunity to decide.

**Proposition 4 Section 3.10 Quorum of City Council
Amendment clarifies the definition of quorum and will allow Council to maintain the ability to operate under situations due to vacancies caused by death, recall or other situations.**

**Proposition 5 Section 3.12 Voting
Amendment relates to existing procedure and eliminates the roll call method of voting unless requested by Council.**

**Proposition 6 Section 4.01 City Manager
Amendment is for clarification for wording of the section.**

General Discussion followed pertaining to the procedural ability of any Council to remove a person from the City Manager position. Super majority as opposed to a simple majority was discussed.

**Proposition 7 Section 4.01 City Manager
Amendment pertains to the City Manager's authority to appoint Assistant City Managers.**

**Proposition 8 Section 4.02 Municipal Court
Amendment clarifies the removal of judges.**

**Proposition 9 Section 4.03 City Attorney
Amendment clarifies the City Attorney's authority for appointing outside legal counsel.**

**Proposition 12 Section 5.02 Filing for Office
Amendment would require all candidates to pay a filing fee or petition in lieu of fee in order to apply for a place on the ballot.**

**Proposition 26 Section 8.12 Independent Audit
Amendment pertains to term associated with the city auditor. Currently at three years, the recommendation is to amend to five years.**

General discussion followed pertaining to the length of terms used by other cities.

Motion to direct staff to prepare a draft document of the proposed Charter amendments as recommended by the Charter Review Committee.

**Movant: Councilmember Moore
Second: Councilmember Mitchell
Vote: 7:0 with Councilmember Thomas absent from meeting.**

Council recessed from 8:20 p.m. to 8:40 p.m.

2. 2009 81st Legislative Session Update On Matters Affecting Municipalities.
Snapper Carr, Brandon Aghamalian and Clint Smith, Hillco Partners, addressed Council regarding the 81st Legislative Session. Review of the legislation passed or failed/defeated relative to the City of Cedar Park and/or local governments was reviewed.

D. Closing Comments.

None.

E. Adjournment.

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

PASSED AND APPROVED THIS 24TH DAY OF SEPTEMBER, 2009.

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 23, 2009 AT 6:30 P.M.

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Stephen Thomas, Councilmember Place Five
Cobby Caputo, 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 present.
- A.2 Invocation.
Captain Jeff Hayes, Cedar Park Police Department, 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 In Recognition Of World Breastfeeding Month: Sandi Halstead-Bohac Williamson County And Cities Health District.
Mayor Lemon presented Rose Alejo, Williamson County and Cities Health District, with a proclamation in recognition of World Breast Feeding Month.
- A.5 Presentation: Proclamation In Recognition Of National Night Out 2009: Cedar Park Police Department.
Mayor Lemon presented Chief Henry Fluck and representatives of the Cedar Park Police Department with a proclamation in recognition of National Night Out 2009.

- A.6 Citizens Communications. (Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information).

Darrell Lowrance, Round Rock, thanked Council for their support for the skate park at Brushy Creek Sports Park.

- A.7 Mayor and Council Opening Comments.
Councilmember Caputo thanked Hunt Construction for the tour of the Cedar Park Center.

Councilmember Moore commented on the opening of the Recreation Center.

Councilmember Mitchell commented on the National Night Event.

Councilmember Fuller requested two future agenda items for recognition of the Gambler Guns and an update on the Veterans Memorial Project.

Mayor Pro Tem Powell recognized the new head coach for the Texas Stars and also commented on the recent International Council For Shopping Centers Conference he attended.

- A.8 City Manager Report: Recognition Of Service With The City Of Cedar Park:
- i. Captain Jeff Hayes, Police Department: Fifteen Years.
Chief Henry Fluck, Police Department, presented Captain Jeff Hayes with a plaque in honor of fifteen years of service with the City.
 - ii. Sergeant Jessie Campbell, Police Department: Fifteen Years.
Chief Henry Fluck, Police Department, presented Sergeant Jessie Campbell with a plaque in honor of fifteen years of service with the City.
 - iii. Curt Randa, Parks Department: Ten Years.
Jose Madrigal, Assistant City Manager, presented Curt Randa with a plaque in honor of ten years of service with the City.
- A.9 City Manager Report: Review Of June 2009 Building Permit And Revenue Activity: Mark Lewis, Director Of Building Inspections.
Mark Lewis, Building Inspections Director, provided Council with the June 2009 Building Permit and Revenue activity report.
- A.10 City Manager Report: Review Of The Monthly Financial Report For May 2009: Stacie Carter, Interim Finance Director.
Stacie Carter, Interim Finance Director, provided Council with the May 2009 Monthly Financial report.
- A.11 City Manager Report: Cedar Park Organizational Development Program ("CPOD") Report: Adam Story, Garret Bonn and Jennifer Pyburn.

Lt. Adam Story, Fire Department, Garret Bonn, Engineering and Jennifer Pyburn, Parks Department, presented Council with a report on the Cedar Park Organizational Development Program. Staff reviewed the history, timeline, process and highlights of the program.

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.3 withdrawn from the Agenda.

Agenda Item D.6 removed from the Consent Agenda by Councilmember Caputo.

Motion to approve all items on the Consent Agenda consisting of Agenda Item B, C and D, excluding D.3 and D.6

Movant: Councilmember Fuller

Second: Councilmember Moore

Vote: 7:0

- B.1 Approval Of The Council Minutes From The Meeting Of April 30, 2009.
Approved under the Consent Agenda.
 - B.2 Approval Of The Council Minutes From The Meeting Of May 14, 2009.
Approved under the Consent Agenda.
 - B.3 Approval Of The Council Minutes From The Meeting Of May 19, 2009.
Approved under the Consent Agenda.
 - C.0 Second Reading Of An Ordinance: No Items For Consideration.
 - D.1 A Resolution Approving An Investment Policy And Strategy Guidelines For The City Of Cedar Park.
Approved under the Consent Agenda.
- Resolution Number R185-09-07-23-D1**
- D.2 A Resolution Authorizing And Directing The Fire Chief To Apply For The Department Of Homeland Security Assistance To Firefighters Fire Station Construction Grant Program To Provide Funding For The Construction Of New Fire Station 1.
Approved under the Consent Agenda.

Resolution Number R186-09-07-23-D2

D.3 A Resolution Authorizing And Directing The City Manager To Execute An Advanced Funding Agreement With The Texas Department Of Transportation For The 20% Local Match Of The Roadway Improvements For RM 2769 Between RM 620 And Volente Road.

Withdrawn from the Agenda.

D.4 A Resolution Awarding The Construction Bid For The Brushy Creek Sports Park Phase Three Improvements To Smith Contracting Co., Inc. In The Amount Of \$301,722.

Approved under the Consent Agenda.

Resolution Number R188-09-07-23-D4

D.5 A Resolution Approving A Service Plan For The Annexation Of The Ranch At Cypress Creek MUD No. 1 Pursuant To Provisions Of Chapter 43, Section 43.056, Texas Local Government Code; Authorizing And Directing The City Manager Of The City Of Cedar Park To Post The Service Plan On The City Web Site For Public Review And Inspection.

Approved under the Consent Agenda.

Resolution Number R189-09-07-23-D5

D.6 A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development (4B) Corporation For The Expenditure Of 4B Funds To Provide For Funding In An Amount Not To Exceed \$250,000 For The Construction Of Skate Park Phase II Improvements At Brushy Creek Sports Park. **(The 4B Corporation Recommended Approval Of This Project As Proposed By The City Of Cedar Park Parks And Recreation Department)**

Curt Randa, Parks Director, stated this item is for the financial support from 4B for the Brushy Creek Sport Park Skate Park Phase II. The funds will not exceed \$250,000. The project will consist of the design of Phase II of the facility and construction of Phase II improvements to facilitate development of the project. The Community Development (4B) Corporation approved the original project as submitted by the Parks and Recreation Department on August 12, 2008.

Citizen Comment:

Darrell Lowrance, Round Rock, thanked the Council for their support and the process used to allow for citizen input on the park features.

Motion to approve the Resolution to authorize the agreement with the 4B Board for expenditure of 4B funds in an amount not to exceed \$250,000 for the construction of the Skate Park Phase II.

Movant: Mayor Pro Tem Powell

Second: Councilmember Caputo

Vote: 7:0

Resolution Number R190-09-07-23-D6

- D.7 A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Department Of Justice For The Acceptance Of Funding For The Cedar Park Police Department To On Behalf Of The Edward Byrne Memorial Justice Assistance Grant (JAG) Award.
Approved under the Consent Agenda.

Resolution Number R191-09-07-23-D7

- D.8 A Resolution Approving A Change In The Tariffs Of Atmos Energy Corporation, Mid-Tex Division ("Atmos") As A Result Of A Settlement Between Atmos And The Atmos Texas Municipalities ("ATM").

Approved under the Consent Agenda

Resolution Number R192-09-07-23-D8

- D.9 A Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Professional Services Agreement With Iteris, Inc. For Professional Engineering Services Assistance With Advanced Traffic Signal Support.

Approved under the Consent Agenda.

Resolution Number R193-09-07-23-D9

- D.10 A Resolution Authorizing And Directing The City Manager To Execute Change Order No. 3 With Hunt Construction Group In The Amount Of \$22,838 For The Cedar Park Center Project.

Approved under the Consent Agenda.

Resolution Number R194-9-07-23-D10

- D.11 Authorization To Excuse The Absence Of Mayor Lemon From The Council Meeting Of July 9, 2009.

Approved under the Consent Agenda.

No Resolution Number Assigned.

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing On An Ordinance Repealing Chapter 4 Business Regulations, Article 4.08, Massage Establishments, Of The City Of Cedar Park Code Of Ordinances In Its Entirety.

Julie Pandya, Assistant City Attorney, addressed Council regarding the deletion of the massage establishment ordinance. In an effort to clean up City Ordinances that have been preempted by State law, this ordinance is proposed to be repealed in its entirety. Zoning regulations and any criminal issues that may arise out of the practice of massage therapy in the City are already addressed by other established City ordinances and State statutes.

Chapter 455 of the Texas Occupation Code preempts local regulation of massage establishments, except in terms of zoning regulations and regulations that aren't directly related to the practice of massage therapy.

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 Consideration Of The Appointment Of Members To The 2010 Census Complete Count Committee.

Motion to appoint Jody Herrera to the 2010 Census Complete Count Committee.

Movant: Councilmember Caputo

Second: Mayor Pro Tem Powell

Vote: 7:0

F.2 Consideration Of Appointments/Re-Appointments To The Parks And Recreation Advisory Board Places One, Three Five, And Seven.

Janet Bartles expressed her interest to Council to be reappointed to the Parks Board.

John Greeley introduced himself as an applicant for the vacancy on the Parks Board.

Motion to reappoint Wayne Ruark to Place One, Mike Tangorra to Place Three, and Janet Bartles to Place 7 on the Parks Advisory Board.

Movant: Mayor Pro Tem Powell

Second: Councilmember Thomas

Vote: 7:0

Motion to appoint John Greeley to Place Five on the Parks Advisory Board.

Movant: Mayor Pro Tem Powell

Second: Councilmember Caputo

Vote: 7:0

F.3 Consideration Of Appointments/Re-Appointments To The Planning And Zoning Commission Places One, Three Five, And Seven.

Eddie Hurst, Lorena Echeverria and Tony Dale addressed Council regarding their interest in being reappointment to the Commission.

Nicholas Kauffman and Mo Jhadi addressed the Council regarding their interest in serving on the Planning & Zoning Commission.

Motion to reappoint Lorena Echeverria to Place One on the Planning & Zoning Commission.

**Movant: Councilmember Mitchell
Second: Councilmember Thomas
Vote: 7:0**

Motion to reappoint Tony Dale to Place Seven on the Planning & Zoning Commission.

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

Motion to reappoint Eddie Hurst to Place Three on the Planning & Zoning Commission.

**Movant: Councilmember Caputo
Second: Mayor Pro Tem Powell
Vote: 7:0**

Motion to appoint Nicholas Kauffman to Place Five on the Planning & Zoning Commission.

**Movant: Councilmember Mitchell
Second: Councilmember Thomas
Vote: 7:0**

- F.4 Consideration Of Appointment For A Third Position Within the General Assembly To The Capital Area Council Of Governments (“CAPCOG”). (Mitchell)
Councilmember Mitchell requested this item to be placed on the Agenda. His recommendation is to appoint the City Manager to the City’s third position/seat to the CAPCOG General Assembly.

Motion to appoint Brenda Eivens, City Manager, to the third seat on the CAPCOG General Assembly.

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

- F.5 Consideration Of A Resolution Providing Consent For The Brushy Creek Regional Utility Authority To Execute An Engagement Letter With Peña Swayze & Co., LLP For Accounting Services.
Stacie Carter, Interim Finance Director, stated this is item is for the Brushy Creek Utility Authority (“BCRUA”) to utilize the accounting firm of Peña Swayze & Co., LLP to record cash deposits, pay invoices relative to construction of the utility infrastructure, prepare

payroll checks, generate monthly financial statements for presentation to the Board of Directors, and other accounting-related services.

Motion to approve the Resolution providing consent for the BCRUA to execute an engagement letter with Peña Swayze & Co., LLP for accounting services.

Movant: Councilmember Fuller
Second: Councilmember Thomas

Resolution Number R196-09-07-23-F5

F.6 Consideration Of A Resolution Approving The Proposed 2009 Operating Budget For The Brushy Creek Regional Utility Authority.

Stacie Carter, Interim Finance Director, stated the contracts between the member cities and the Brushy Creek Regional Utility Authority (“BCRUA”) require that the cities approve the Authority’s Operating Budget. The Authority operates on a fiscal year that ends on September 30. The Proposed Operating Budget being considered applies to the four months ending September 30, 2009.

Motion to approve the Resolution approving the proposed 2009 Operating budget for the BCRUA.

Movant: Mayor Pro Tem Powell
Second: Councilmember Fuller

Resolution Number R197-09-07-23-F6

General discussion followed regarding the cost process and procedure for setting up an accounting system.

F.7 Consideration For The Renaming Of A Portion Of West New Hope Drive. (Fuller)
Councilmember Fuller stated there are fifteen homes impacted by the renaming. He has met with the homeowners and stated that West New Hope Spur is the name recommended that least impacts the fifteen homes.

General discussion followed regarding concern for duplicating addresses on New Hope Road, emergency responder concerns and possible names for the road.

No action taken. Staff will further analyze the house numbering system for the proposed road renaming and for New Hope Road. The duplication of housing addresses is a great concern.

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 8:29 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 The Master Contract For The Financing, Construction And Operation Of The Brushy Creek Regional Utility Authority Regional Water Treatment And Distribution Project
 - B. Legal Issues Concerning Interlocal Agreement For The Brushy Creek Regional Utility Authority Project Management.
 - C. Legal Issues Concerning The Purchase Agreement For The Brushy Creek Regional Wastewater System.
 - D. Legal Issues Concerning The Ranch at Cypress Creek Tolling Agreement.
 - E. Legal Issues Concerning The Ranch at Cypress Creek Strategic Partnership Agreement.
 - F. Legal Issues Concerning The Annexation Plan.
 - H. Legal Issues Concerning Red River Service Corporation Agreement.
 - I. Legal Issues Concerning The R.W. Beck Agreement. (Amendment)
 - J. Legal Issues Concerning Agreements For Cost Sharing And Procurement Of Raw Water Floating Intake Contingency Project. (Amendment)
- G.2 Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property
 - A. Legal Issues Concerning Property Acquisition For The Dies Elevated Storage Tank Site.
- G.3 Section § 551.087 Deliberation Regarding Economic Development Negotiations:
 - A. Legal Issues Concerning Incentive Negotiations Related To 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 Opening Meeting at 9:35 p.m.

Agenda Item G.1D

Motion to authorize and direct the Mayor to execute a Tolling Agreement with the Ranch at Cypress Creek MUD #1.

Movant: Councilmember Fuller
Second: Councilmember Thomas
Vote: 7:0

Agenda Item G.1H

Motion to authorize and direct the City Manager to enter into an agreement with Red River Service Corporation eliminating the term of their franchise.

Movant: Councilmember Thomas
Second: Councilmember Fuller
Vote: 7:0

Agenda Item G.1I

Motion to authorize and direct the City Manager to enter into an agreement with RW Beck as consultants for municipal solid waste.

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

Agenda Item G.1J

Motion to approve the Resolution authorizing and directing the City Manager, with the approval of the City Attorney, to negotiate and execute all agreements and actions necessary for cost sharing, construction and procurement of engineering materials and labor for the construction of a floating raw water intake barge in the amount not to exceed \$6,500,000 without approval of the City Council

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

Resolution Number R195-09-07-23-G.1J

- H.1 Mayor And Council Closing Comments
Mayor Pro Tem Powell thanked Patrick Girard for his service on the Planning & Zoning Commission.
- H.2 Adjournment
Mayor Lemon adjourned the meeting at 9:38 p.m.

PASSED AND APPROVED THIS 24TH DAY OF SEPTEMBER, 2009.

Robert S. Lemon, Mayor

ATTEST:

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



**CITY OF CEDAR PARK
CITY COUNCIL RETREAT
FRIDAY, JULY 24, 2009, AT 3:00 P.M.
T Bar M Resort/Conference Center
2549 Highway 46 West, New Braunfels, TX 78132, 1-800-292-5469**

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Stephen Thomas, Councilmember Place Five
Cobby Caputo, 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 3:45 pm.
All present. Councilmember Fuller arrived at 6:00 p.m.**

**B. Mayor and Council Opening Comments.
None.**

C. Discussion Only:

1. Council Dynamics, Interaction and Participation With:
 - i) Council.
 - ii) City Staff.
 - iii) Boards and Commissions.
 - iv) Intra-Governmental Agencies.

General discussion followed with Brenda Eivens, City Manager regarding Council dynamics with city staff.

General discussion continued with Charles Rowland, City Attorney, pertaining to policy and procedures with the Boards and Commissions.

2. Review Fiscal Year 2009 General Fund Budget.
No discussion.

3. Update and Status Of The Fiscal Year 2010 Preliminary Budget.
No discussion.

Council recessed from 6:00 p.m. to 7:00 p.m.

4. Review And Evaluate Goals And Priorities:
 - i) Goal 1: Strategic Prioritization, Including: Utilities; Staffing; Budget; Traffic Signal Maintenance Department; Cedar Park Center Policy; Annexation; Regional Planning and Participation; Staff Efficiencies; and Succession Planning For Council, Staff, Boards and Commissions.
 - ii) Goal 2: Beautification of City.
 - iii) Goal 3: Diversified Tax Base/Balanced Land Use, Including: Planning and Zoning Board, Comprehensive and Future Land Use Plans, and Transportation Plan.
 - iv) Goal 4: City Facilities' Expansion and Green Effort.
 - v) Goal 5: Entertainment, Destination, Culture, Including: Theatre, Arts, Water Park, Tourism Board, Heritage Village, and Cedar Park Center.
 - vi) Goal 6: Redevelopment, Enhancement, Including: Rights-Of-Way, Parks, Sidewalks, Trails, and A Master Plan for Development.
 - vii) Goal 7: Economic Development Opportunities and Strategies.
 - viii) Goal 8: Public Transportation, Mobility.

No discussion.

- D. Mayor and Council Closing Comments.
None.

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

PASSED AND APPROVED THIS 24TH DAY OF SEPTEMBER, 2009.

Robert S. Lemon, Mayor

ATTEST:

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



**CITY OF CEDAR PARK
CITY COUNCIL RETREAT
SATURDAY, JULY 25, 2009, AT 8:00 A.M.
T Bar M Resort/Conference Center
2549 Highway 46 West, New Braunfels, TX 78132, 1-800-292-5469**

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Stephen Thomas, Councilmember Place Five
Cobby Caputo, 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 8:00 a.m.
All present.**

**B. Mayor and Council Opening Comments.
None.**

C. Discussion Only:

1. Review And Evaluate Goals And Priorities:

- i) Goal 1: Strategic Prioritization, Including: Utilities; Staffing; Budget; Traffic Signal Maintenance Department; Cedar Park Center Policy; Annexation; Regional Planning and Participation; Staff Efficiencies; and Succession Planning For Council, Staff, Boards and Commissions.
- ii) Goal 2: Beautification of City.
- iii) Goal 3: Diversified Tax Base/Balanced Land Use, Including: Planning and Zoning Board, Comprehensive and Future Land Use Plans, and Transportation Plan.
- iv) Goal 4: City Facilities Planning; Bond Priorities; and Green Effort.
- v) Goal 5: Entertainment, Destination, Culture, Including: Theatre, Arts, Water Park, Tourism Board, Heritage Village and Cedar Park Center.

- vi) Goal 6: Redevelopment, Enhancement, Including: Rights-Of-Way, Parks, Sidewalks, Trails, and A Master Plan for Development.
- vii) Goal 7: Economic Development Opportunities and Strategies.
- viii) Goal 8: Public Transportation, Mobility.

General discussion followed regarding each strategic goal as set by Council. Updates on the progress for each goal was provided by staff.

Council recesses from 11:25 to 12:30 p.m.

- 2. FY 2008/09 Proposed Annual Budget.
Brenda Eivens, City Manager, provided Council with an update on the current budget for FY2009.
- 3. General Discussion on Budget Issues.
Brenda Eivens, City Manager, addressed Council regarding the upcoming budget process for FY2010. Staff will begin working on the preliminary budget and meetings have been scheduled for presentation of the budget to Council. There will be a Saturday meeting schedule for August 1, 2009 for each department to review their budget with Council.

General discussion followed on budget issues including revenues and expenditures.

D. Mayor and Council Closing Comments.
None.

E. Adjournment.
Mayor Lemon adjourned the meeting at 3:00 p.m.

PASSED AND APPROVED THIS 24TH DAY OF SEPTEMBER, 2009.

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 JOINT MEETING
THURSDAY, JULY 30, 2009 AT 6:30 P.M.
Cedar Park Recreation Center – Meeting Room
1435 Main Street, Cedar Park TX 78613**

CITY COUNCIL

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

Lowell Moore, Place Four
Stephen Thomas, Place Five
Cobby Caputo, Place Six
Brenda Eivens, City Manager

PLANNING AND ZONING COMMISSION

Bobbie Fuller, Chair
Lorena Echeverria, Place One
Eddie Hurst, Place Three
Mike Perez, Place Four

Nicholas Kauffman, Place Five
Sandy Trujillo, Place Six
Tony Dale, Place Seven

MINUTES

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

Mayor Lemon called the meeting to order at 6:40 p.m.

Councilmember Fuller absent from meeting. All other Council present.

All present from Planning & Zoning Commission with Commissioner Trujillo arriving at 6:55 p.m.

2. Welcome/Introductions.

Mayor Lemon welcomed everyone and stated each Councilmember would be presenting a topic to the group.

Roundtable introductions were completed.

3. Discussion Only:

- a. Review Of The Comprehensive Master Plan.
- b. Review Of The Future Land Use Map.
- c. Review Of The Arterial And Collector Roadway Plan Maps.
- d. Review Of The Planning & Zoning Board's Roles And Expectations In Policy Implementation.
- e. Review Of Long Range Planning And Incorporation Of The City's Vision And Strategic Goals.

Agenda Items 3A – 3E called together.

Councilmember Caputo addressed the group regarding the policies guiding municipal development, and purpose of the Comprehensive Plan, Future Land Use Map, and Zoning Map. Councilmember Caputo discussed the infrastructure and build-out of the City in relation to water demand. The City has projected and planned for the water usage for future consumption in relation to potential development. Councilmember Caputo addressed single-family and new requests for zoning in relation to utilities and infrastructure.

Councilmember Caputo also addressed the 1998 Comprehensive Plan and the 2006 Updates to the Comprehensive Plan. He reviewed the context and the intent of the City's development goals and policies. Currently, there is more residential development than originally planned for in 1998. The land use analysis allowed for 30% single family development and .1% for multi-family. In 2009, single family development is at 46% and 51.6% for multi-family. There is less commercial currently than the City planned for. The Comprehensive Plan includes more than just the Future Land Use Map. The Planning & Zoning Commission should be using all documents when considered zoning or rezoning.

Councilmember Moore addressed the group on the original Comprehensive Plan and the history for the development of the 1998 plan. The 1998 Comprehensive Plan was citizen driven and included an extensive process for citizen input. Focus groups and charrettes were utilized for the drafting of the plan. The 1998 plan and the 2006 updates did not change dramatically.

Mayor Pro Tem Powell spoke about the goals, objectives and policies of the Comprehensive Plan. He reviewed the mission statement for the plan. MPT Powell briefly reviewed each goal established in the plan and highlighted the important goals. He reviewed the 1996 population, sales tax and city budget, as compared to 2009.

Councilmember Thomas addressed the community values portion of the Comprehensive Plan. The Comprehensive Plan looked at the City as a whole. The intent was to create a complete community that included retail, recreation and civic interaction. The goal was to maintain the quality of life for citizens and create a unique sense of place for all residents. The Comprehensive Plan provides a map for the projected urban growth and infrastructure.

Mayor Lemon addressed the myths of ad valorem taxes and the cost of providing services to residents. There is a deficit associated with providing services to residents that is not fully recaptured from property taxes. The cost of commercial services is greatly reduced from that of residential. Commercial development is needed in order to offset the cost of services for residents.

Councilmember Mitchell addressed the group on economic development. The Comprehensive Plan has a goal to diversify and broaden Cedar Park's economic base. The Plan includes specific conditions that have goals and objectives for each condition. Councilmember Mitchell briefly addressed the conditions dealing with economic development.

General Discussion followed regarding utility consideration for future development, buffer zones adjacent to waterways, possible future studies for land formation or topography concerns, support from engineering staff, discretion in Comprehensive Plan, planning conference for commissioners, build out for the City, undeveloped PUD's, the use of the Comprehensive Plan and the ability to deny zoning that is not in accordance with the plan.

Discussion continued regarding the role of the Planning & Zoning Commission in relation to abiding by the Comprehensive Plan, the Future Land Use Map not being a tract-by-tract zoning plan, visiting the areas proposed for zoning or rezoning, and site development not being the responsibility of the Commission. The Commission should be careful when considered zoning and consider the zoning classification and not the proposed use.

f. **Amendment To The Planning And Zoning Rules Of Procedure Regarding The Frequency Of Meetings.**

Sandy Trujillo stated the Commission would like to consider only having one meeting a month as opposed to meeting twice a month when there is not a full agenda. The second meeting can be used on an on-needed basis.

Mayor Lemon stated the rules of procedure do not necessarily have to be amended to reflect only one meeting.

Councilmember Caputo recommended wording the rules that would allow having as many meetings as needed or fewer meetings if needed.

4. **Closing Comments.**

Roundtable closing comments were conducted.

5. **Adjournment.**

Mayor Lemon adjourned the meeting at 9:45 p.m.

PASSED AND APPROVED THIS 24TH DAY OF SEPTEMBER, 2009.

Robert S. Lemon, Mayor

ATTEST:

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



MINUTES
SPECIAL CALLED CITY COUNCIL MEETING
SATURDAY, AUGUST 1, 2009, AT 8:30 A.M.
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Stephen Thomas, Councilmember Place Five
Cobby Caputo, Councilmember Place Six
Brenda Eivens, City Manager

1. **CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
Mayor Lemon called the meeting to order at 8:40 a.m.
All Council present.
2. Mayor and Council Opening Comments
Mayor Lemon briefly commented on the budget process.
3. Discussion Only:
 - a. FY 2009/10 Proposed Annual Budget
 - b. General Discussion On Budget Issues
 - c. Revenues And Expenditures Of General Fund Unreserved Fund Balance

Agenda Items 3A, 3B and 3C called together.

Brenda Eivens, City Manager, addressed Council regarding the preliminary budget and the challenges associated with the current economic situation. Council will be faced with closing the current gap between anticipated revenues and expenditures for FY10.

Also reviewed were the revenue sources which include ad valorem, sales taxes, development related fees, franchise fees, administrative contract services, fines and forfeits, fees for service, and misc. fees.

Discussion included the ad valorem tax calculations and overview, the current tax rate, taxable valuable, collection rates and also the decrease in

home values. Discussion also included the current tax, debt service rate and the maintenance and operation rate. The current tax rate is \$.489001. The effective tax rate is \$.53729.

Brenda Eivens also presented the expenditures and proposed enhancements for FY2010. Due to the economy and decrease in revenues, there are major challenges with decreasing expenditures citywide. Each department head will be reviewing their budget for Council later in the meeting.

Each Department Head reviewed their proposed budgets for FY2010 to the Council:

Curt Randa, Parks Department: general discussion included the recreation center recently opening and the maintenance costs associated with the operation of the center. Heating Milburn Pool and also a few of the community events have been proposed for deletion due to budget constraints.

Mayor Lemon allowed citizen comment regarding winter swim at Milburn Pool.

Citizen Communications:

Patty Aarons, Austin, spoke on behalf of Cedar Park Swimming and addressed the concern of not having the heating of Milburn Pool funded for their winter swimming program.

General discussion followed pertaining to the number of participants in the program, the number of Cedar Park residents, expenses and costs associated with a limited participation program, and the deficit from fees collected in comparison to the cost of heating the pool in winter.

Brenda Eivens addressed the Administrative budget: general discussion included the increase in health insurance premiums, community supported programs, and contract services.

Katherine Woerner addressed the Council and City Manager budget: general discussion included deleting the Conference of Mayors, reduction in travel and training, Junior Council Program, and decreasing the amount in contingency.

LeAnn Quinn, City Secretary, addressed her department budget: general discussion included the elections and a possible Charter Amendment election. Costs were discussed for a November election and the general election in May.

Stacie Carter addressed the Finance budget.

Council recessed from 12:00 p.m. to 12:30 p.m.

Andrew Manhein addressed the IT budget.

Miguel Ozuna addressed the Human Resources budget.

April Christiansen addressed the Municipal Court budget: general discussion followed pertaining to the bank service fee for the use of credit cards.

Chief Henry Fluck addressed the Police Department budget: general discussion followed regarding the staffing plan and ticket writers for patrol.

Captain Mike Harmon addressed the Animal Control budget.

Melanie Carr addressed the Media and Communications budget.

Phil Brewer addressed the Economic Development budget.

Darwin Marchell addressed the Engineering budget.

Mark Lewis addressed the Building Inspections budget.

Duane Smith addressed the Planning budget.

Chief Chris Connealy addressed the Fire Department budget.

Eric Rauschuber addressed the Field Operations budget: general discussion included the future street maintenance department, use of contract services and future funding options.

Pauline Lam addressed the Library budget.

Charles Rowland addressed the Legal Services budget.

This completed the Department Head overview of departmental budgets. Ms. Eivens, City Manager, continued review of the proposed enhancements for the FY 2010 budget. General discussion followed the budget deficit between revenues and expenditures, vehicle and equipment services fund, assumptions for future bond issuances, new facilities maintenance and operation costs and proposed road projects.

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 4:10 p.m.

- 4. Executive Session:
 - a. Section §551.087 Deliberation Regarding Economic Development Negotiations:
 - i. Legal Issues Concerning Incentives And Contract Terms Related To 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.

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

**Council reconvened from Executive Session into Open Meeting at 4:19 p.m.
No action taken on any item discussed in Executive Session.**

- 6. Mayor and Council Closing Comments
Council thanked staff for their work on the proposed budget.
- 7. Adjournment
Mayor Lemon adjourned the meeting at 4:21 p.m.

PASSED AND APPROVED THIS 15TH DAY OF OCTOBER, 2009.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



MINUTES
SPECIAL CALLED CITY COUNCIL MEETING
TUESDAY, AUGUST 11, 2009, AT 6:30 P.M.
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Stephen Thomas, Councilmember Place Five
Cobby Caputo, Councilmember Place Six
Brenda Eivens, City Manager

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

**Mayor Lemon called the meeting to order at 6:35 p.m.
Councilmember Moore absent, all others present.**

2. Presentation: Recognition Of Congressional Record By Congressman John Carter, Texas District 31.

The Honorable John R. Carter, Texas District 31 of the United States House of Representatives addressed Council regarding the City of Cedar Park being recognized and placed in the Congressional Record. Congressman Carter read the following statement which was officially noted in the Congressional Record of Tuesday, July 7, 2009:

(Mr. Carter): Madam Speaker, I would like to recognize the Cedar Park City Council and staff for their great work within the community and helping to identify economic drivers and the small business' in Cedar Park that make our community work.

I appreciate the work and dedication of the Cedar Park City Council and look forward to continuing to work with them in the future.

It is an honor to recognize the Cedar Park City Council for their great work.

3. Mayor and Council Opening Comments.

Mayor Lemon commented on the budget constraints for the 2010 Fiscal Year.

Councilmember Fuller congratulated Phil Brewer, Economic Development Director, for his work on the economic development of Cedar Park.

4. Discussion And Possible Action:

- a. Review And Discussion Of The Proposed Fiscal Year 2010 Budget As Presented By Staff On August 1, 2009.

Agenda Items 4.A and 4.B called together. Refer to Agenda Item 4.B for discussion.

- b. Review Of Revenues And Expenditures Of The General Fund Unreserved Fund Balance.

Agenda Items 4.A and 4.B called together.

Brenda Eivens, City Manager, provided a general overview of the proposed Fiscal Year 2010 budget. Revenues have been projected at \$26,266,298 and expenditures are at \$27,906,564. The delta, or budget deficit, is approximately \$1,640,266.

The current tax rate is \$.489001 and the effective tax rate is \$.53729. Ms. Eivens reviewed the notable changes and differences in the Fiscal Year 2009 budget and the proposed Fiscal Year 2010 budget.

Dan Wegmiller, Specialized Public Finance, Inc. addressed the Council regarding the debt service and the financial impact to the budget and tax rate.

General discussion followed regarding enhancements or one-time expenditures, potential bond projects, amount of bond issuance, and general tax rate for consideration.

No action taken.

- c. Review Of The Solid Waste Procurement Process: RW Beck.

Agenda Item 4.C called prior to Agenda Item 4.A.

Scott Pasternak, RW Beck, addressed Council regarding the procurement of solid waste services. He addressed the services for consideration in the Request for Proposals (“RFP”). The RFP will address residential, commercial, non-billed services such as city facilities and events, and cost implications for levels of service provided for residential. An evaluation and criteria committee will be formed to assist with the process. It is recommended the committee have representatives from the Council, City Manager, Legal, Utility Billing, business owners and citizens.

General discussion followed on core services provided, expectations of service provider, citizen input on services, level of services and cost for providing higher level services, brush pickup, size of trash containers and bulky pick ups.

Council stated the most important factor of the RPF is that the companies respond with actual services they can provide.

No action taken.

- d. Consideration Of A November 2009 Special Called City Charter Amendment Election.

Charles Rowland, City Attorney, is seeking Council's direction on the proposed Charter Amendment Election. Since the City needs to budget the expense of an election, staff needs direction as to whether or not the election will be held in November 2009 or May 2010.

General discussion followed regarding the anticipated cost of a November election as opposed to a May election, cost sharing of expenses with other entities. Council consensus is a November election is not viable due to the cost.

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":

No Executive Session conducted.

5. Executive Session:

- a. 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:
- i. Legal Issues Concerning The Terms Related To The Solid Waste Request For Proposals.

The Council Reconvenes into General Session.

OPEN MEETING

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

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

No Executive Session conducted.

7. Mayor and Council Closing Comments

Mayor Lemon complimented staff on the work completed on the proposed budget.

8. Adjournment

Mayor Lemon adjourned the meeting at 8:43 p.m.

PASSED AND APPROVED THIS 15TH DAY OF OCTOBER, 2009.

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 13, 2009 AT 6:30 P.M.

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Stephen Thomas, Councilmember Place Five
Cobby Caputo, 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 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: Recognition For The 4th Battalion, 4th Aviation Regiment, Combat Aviation Brigade, 4th Infantry Division "Gambler Guns". (Fuller)
Withdrawn from the Agenda.
- A.5 Presentation: Recognition Of Austin Meiteen As The Dance Showcase USA National Solo Championship Winner.
Mayor Lemon presented Austin Meiteen with a Certificate of Recognition for his accomplishments with dance.
- A.6 Presentation: Review Of The Quarterly Investment Report For The Period Of April 1, 2009 To June 30, 2009 - Howie Herring, Patterson & Associates.

Howie Herring, Patterson & Associates, provided Council with the Quarterly Investment Report.

- A.7 Presentation: Report For Traffic Control Adjacent To 1890 Ranch During Construction Of RM1431 - Chiang, Patel And Yerby.

Justin Word, Chiang, Patel and Yerby, addressed Council regarding the RM1431 Improvements from 183A to CR185 (Cottonwood Creek Trail). Mr. Word reviewed the construction phases. The intent is to minimize the construction duration and any impact to residents and local businesses. The main priorities for the project include maintaining thru traffic in the area and maintaining access to all businesses. Low profile barriers, business access signs and message boards will be utilized during the construction. Mr. Word reviewed for Council the four phases of the project. The total duration for the project is scheduled for fourteen months.

- A.8 Presentation: Update On The Lake Travis Water Level Projections - Lower Colorado River Authority ("LCRA"). (Caputo)

David Walker, Lower Colorado River Authority, addressed Council on the current drought projections. Mr. Walker reviewed the current lake levels, water supplies for Lake Travis and Lake Buchanan, and the history of the Highland Lakes. Mr. Walker also provided historical information for the water supply system. Currently 2/3 of the water supply is for agricultural uses and 1/3 is municipal use. Mr. Walker reviewed the constant level and pass-thru policies for the lakes and also reviewed the history of droughts in the central Texas area.

- A.9 Presentation: Update On The Veterans Memorial Advisory Committee Activities - Bob Carter.

Bob Carter updated Council on the activities of the Veterans Memorial Advisory Committee. The Committee has a fund raising goal of \$100,000. The project timeline for the project is November 11, 2009 to May 31, 2010. Mr. Carter introduced the volunteers in attendance at the meeting. The Committee is currently selling dog tags to assist with the fund raising activities.

- A.10 Citizens Communications. (Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information).

Preston Carlton, Cedar Park, addressed the Council regarding water resources and the over abundance of cedar trees.

- A.11 Mayor and Council Opening Comments.

Mayor Lemon commented on the Chamber of Commerce luncheon.

Mayor Pro Tem Powell thanked the Cedar Park Fire Department and Police Department for a successful National Night Out. He also thanked the Mayor for the state of the city address made at the Chamber of Commerce luncheon.

Councilmember Fuller commented on National Night Out, Chamber Night at Dell Diamond, Congressman Carter's recognition of Cedar Park and City Chaplain, Roger Wilson, for the military appreciation event held at Hill Country Church of Nazarene.

Councilmember Mitchell, Moore and Thomas also commented about National Night Out.

- A.12 City Manager Report: Recognition Of The Cedar Park Public Library 2009 Achievement Of Excellence In Libraries Award From The Texas Municipal Library Directors Association.
Jose Madrigal, Assistant City Manager, recognized Pauline Lam, Library Director, and staff for receiving the 2009 Achievement of Excellence in Libraries Award from the Texas Municipal Library Directors Association.
- A.13 City Manager Report: Review Of The Monthly Financial Report For The Month Of June 2009 - Stacie Carter, Interim Finance Director.
Stacie Carter, Interim Finance Director, presented the June 2009 Monthly Financial Report to Council.
- A.14 City Manager Report: Splash Jam And Beach Volley Ball Update: Curt Randa, Parks Director.
Curt Randa, Parks Director, provided an update on the Splash Jam Event which is being held on September 6, 2009 from 5-10pm at Milburn 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.2 removed from the Consent Agenda by Councilmember Caputo.
Agenda Item D.4 removed from the Consent Agenda by Councilmember Fuller.
Agenda Item D.7 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 D.2, D.4, and D.7.

**Movant: Mayor Pro Tem Powell
Second: Councilmember Thomas
Vote: 7:0**

- B.1 Approval Of Council Minutes From The Meeting Of May 28, 2009.
Approved under the Consent Agenda.
- B.2 Approval Of Council Minutes From The Meeting Of June 4, 2009.
Approved under the Consent Agenda.
- B.3 Approval Of Council Minutes From The Meeting Of June 25, 2009.
Approved under the Consent Agenda.
- B.4 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of June 16, 2009.
Received under the Consent Agenda.

- B.5 Receipt Of Minutes From The Planning & Zoning Commission Meeting Of July 7, 2009.
Received under the Consent Agenda.
- B.6 Receipt Of Minutes From The Cedar Park Community Development Corporation ("4B") Meeting Of June 9, 2009.
Received under the Consent Agenda.
- C.1 Second Reading Of An Ordinance Repealing Chapter 4 Business Regulations, Article 4.08, Massage Establishments, Of The City Of Cedar Park Code Of Ordinances In Its Entirety.
Approved under the Consent Agenda.

Ordinance Number CO56-09-08-13-C1

- D.1 A Resolution Authorizing A Special Permit To Hold A 26.2 Mile Run (Marathon) At Brushy Creek Lake Park
Approved under the Consent Agenda.

Resolution Number R196-09-08-13-D1

- D.2 A Resolution Authorizing And Directing The City Manager To Execute An Interlocal Agreement With Williamson County For The Purpose Of Allowing A Williamson County Twin Lakes Park Identification Sign To Be Located In The 100 Block Little Elm Trail Right-of-Way.
Removed from the Consent Agenda by Councilmember Caputo.

Mark Lewis, Building Inspections Director, stated this item is for the placement of the proposed Twin Lakes Park identification sign. The sign is to be located within the City's street right-of-way. A slight modification has been made to the proposed sign to include the City of Cedar Park logo. Jim Rodgers, Williamson County Parks Director, was available for any questions.

Motion to approve the Resolution authoring and directing the City Manager to execute an Interlocal Agreement with Williamson County.

Movant: Councilmember Mitchell

Second: Councilmember Moore

Vote: 7:0

Resolution Number R197-09-08-13-D2

- D.3 A Resolution Authorizing And Directing The City Manager To Execute An Easement Document Granting Pedernales Electric Cooperative The Right-of-Way To Install An Underground Electric Line Within Veterans Memorial Park.
Approved under the Consent Agenda.

Resolution Number R198-09-08-13-D3

- D.4 A Resolution Authorizing And Directing The City Manager To Enter Into A Interlocal Agreement With The Williamson County Municipal Purchasing Alliance Consisting Of The Cities Of Cedar Park, Round Rock, Leander, Georgetown, Hutto, And Taylor.

Removed from the Consent Agenda by Councilmember Fuller.

Stacie Carter, Interim Finance Director, stated this item is for an Interlocal Agreement that will establish a cooperative purchasing program between the cities of Cedar Park, Round Rock, Leander, Georgetown, Hutto and Taylor that will assist with savings when purchasing materials, supplies, goods, services or equipment, and allows ability to satisfy state laws requiring the cities to seek competitive bids for the purchase of goods and services.

Motion to approve the Resolution to authorize and direct the City Manager to enter into an Interlocal Agreement with the Williamson County Purchasing Alliance.

Movant: Councilmember Fuller

Second: Councilmember Thomas

Vote: 7:0

Resolution Number R199-09-08-13-D4

- D.5 A Resolution Authorizing And Directing The City Manager To Negotiate And Execute An Engineering Services Agreement With Weston Solutions, Inc. For The Design Of The Shenandoah Standpipe Demolition.

Approved under the Consent Agenda.

Resolution Number R200-09-08-13-D5

- D.6 A Resolution Authorizing And Directing The City Manager To Execute All Documents As Necessary To Effectuate The Assignment Of Four (4) Electric Utility Easements Along Trails End Rd. To Pedernales Electric Cooperative (PEC).

Approved under the Consent Agenda.

Resolution Number R201-09-08-13-D6

- D.7 A Resolution Consenting To The Brushy Creek Regional Utility Authority ("BCRUA") Executing A Contract With S.J. Louis Construction Of Texas Ltd. In The Amount Of \$19,371,138.19 For The Construction Of The BCRUA Raw Water Pipeline, Phase 1 - Contract 1 Project, Upon Approval From The Texas Water Development Board.

Removed from the Consent Agenda by Councilmember Fuller.

Councilmember Fuller wanted to highlight the low bid and also recognize the savings of \$12M.

Motion to approve Resolution consenting to the BCRUA executing a contract with S.J. Louis Construction for construction of Phase 1 of the BCRUA Raw Water Pipeline.

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

Resolution Number R202-09-08-13-D7

PUBLIC HEARINGS

E.1 First Reading And Public Hearing On An Ordinance Amending The City Of Cedar Park Code Of Ordinances By Repealing Chapter 4 Business Regulations Article 4.02 And Chapter 11 Zoning Article 11.06 Seasonal Businesses From The Cedar Park Code Of Ordinances.

Agenda Item E.1 and E.2 called together.
Refer to Agenda Item E.2 for discussion.

E.2 First Reading And Public Hearing On An Ordinance Amending The City Of Cedar Park Code Of Ordinances By Establishing Chapter 6 Article 6.01, Seasonal, Temporary And Mobile Businesses And Events For The Purpose Of Regulating, Nonprofit Seasonal Fundraisers, Seasonal Retail Businesses, Civic Sponsored Seasonal Festivals, Mobile Vendors, Peddlers, Door-to-door Solicitors, And Farmers Markets.

Agenda Item E.1 and E.2 called together.

Mark Lewis, Building Inspections Director, stated Agenda Item E.1 and E.2 are related. Agenda Item E.1 is for the consideration of for the purpose of considering repealing Article 11.06, Seasonal Businesses in the Code of Ordinances within the Zoning Ordinances. The Planning & Zoning Commission, by a unanimous vote of the five members present at the July 21st meeting, recommended repeal of this Article. The ordinance also repeals Article 4.02, Peddlers. Because Chapter 4 of the Code does not deal with zoning regulation, this component of the repealing ordinance did not require Planning and Zoning Commission consideration.

Agenda Item E.2 deals with the companion ordinance that will re-codify Seasonal Business and Peddler related regulations as part of a new Chapter 6 of the Code. The ordinance establishes regulations pertaining to farmers markets and also consolidates several other aspects of temporary business activity into one clearly identifiable chapter within the City's Code of Ordinances.

Mr. Lewis highlighted areas of the proposed ordinance.

Mayor Lemon opened the Public Hearings on Agenda Items E.1 and E.2
No Citizen Comment.

Mayor Lemon closed the Public Hearings.

E.3 First Reading And Public Hearing On An Ordinance Changing The Name Of The Portion Of West New Hope Drive Between West New Hope Drive And Wheaton Trail As New Hope Spur Due To The Realignment Of West New Hope Drive.

Duane Smith, Planning Director, addressed Council regarding the renaming of a portion of West New Hope Drive. At the July 23rd, City Council discussed options and alternatives for the renaming of a portion of New Hope Drive and asked for staff to research any duplication of addresses that might occur prior to the renaming. Staff has reviewed this situation and confirmed there will not be any duplication of street addresses. Staff recommends the portion of road to be renamed New Hope Spur.

General Discussion followed pertaining to citizen input from the impacted homeowners, confusion for Public Safety when responding to locations with dual names, and consideration of New Hope Spur name. Mayor Lemon requested signage to be placed in the area and direct notification sent to each impacted homeowner.

**Mayor Lemon opened the Public Hearings.
No Citizen Comment.
Mayor Lemon closed the Public Hearings.**

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 A Resolution Expressing Official Intent To Abandon Certain Voted But Unissued Bond Authorization.

Carol Pumbo, McCall Parkhurst and Horton, addressed Council regarding the intent to abandon certain voted but unissued bonds. In 2005 residents of Cedar Park authorized issuance of bonds for construction of a multi-purpose events center. The specific development plan as outlined in connection with the February 5, 2005 election was not pursued by the City due to changed circumstances and the bonds have not been issued. Construction of an Event Center has been accomplished through other means and the “Voted but Unissued Bonds” can now be abandoned.

Motion to approve the Resolution expressing official intent to abandon certain voted by unissued bond authorization.

**Movant: Councilmember Caputo
Second: Mayor Pro Tem Powell
Vote: 7:0**

Resolution Number R-09-08-13-F1

F.2 Consideration Of A Resolution Amending The City Of Cedar Park 2002 Collector Roadway Plan To Delete The Proposed Extension Of Monaco Drive From Riviera Springs To Lakeline Boulevard.

Duane Smith, Planning Director, stated this item is for Council’s consideration on a proposed amendment to the Cedar Park Collector Plan Map to delete the proposed extension of Monaco Drive from the Riviera Springs Subdivision to Lakeline Boulevard. Planning, Transportation, Fire, Police, Engineering and Parks Departments have met on

multiple occasions to review and discuss this request and supports favorable consideration of this request. A survey was sent to all identified property owners/residents to obtain neighborhood input. The comments from the neighborhood were 2-1 in opposition to the extension of Monaco.

General discussion followed pertaining to the deletion of the road.

Motion to approve the Resolution amending the 2002 Collector Roadway Plan to delete the proposed extension of Monaco Drive from Riviera Springs to Monaco Drive.

Movant: Councilmember Moore

Second: Councilmember Mitchell

Vote: 6:0 with Councilmember Thomas off dais during vote.

Resolution Number R203-09-08-13-F2

- F.3 Consideration For The Establishment Of A Public Art Program. (Powell)
Katherine Woerner, Assistant to the City Manager, addressed Council on the establishment of a public art program. At the July 9, 2009 Council meeting, staff was instructed to provide a framework for the establishment of a Public Art Program including specifics regarding funding and governance. Ms. Woerner reviewed options for funding mechanisms for a public art program. Funding options included (1) percent for arts which is a percentage of capital improvement projects, (2) Round Up for the Arts that allows utility customers to round up their utility bill to the nearest dollar, and (3) HOT funds which is the use of Hotel/Motel Occupancy taxes.

General discussion followed regarding the pros and cons for each option and the creation of an Arts Commission.

No action taken

- F.4 Consideration And Update On The Funding Mechanisms For Veterans Memorial. (Powell)
Katherine Woerner, Assistant to the City Manager, updated Council on the activities of the Veterans Memorial Advisory Committee.

No discussion followed. No action taken.

- F.5 Consideration For Forming A Review And Evaluation Committee For Solid Waste Procurement And Proposals.
Jose Madrigal, Assistant City Manager, addressed Council regarding the creation of a Review and Evaluation Committee for the Solid Waste Procurement. Mr. Madrigal presented Council with two options for the formation of the Committee.

General discussion followed pertaining to the formation of the Committee.

Motion to form a Review and Evaluation Committee for Solid Waste Procurement and Proposals to include the Assistant City Manager, City Attorney, Utility Billing Manager, City Councilmember, two citizens from the east and west sides of Cedar Park, and a commercial business owner that owns a business in Cedar Park and resides in Cedar Park.

Movant: Mayor Pro Tem Powell

Second: Councilmember Fuller

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 9:37 p.m.

- 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 The Master Contract For The Financing, Construction And Operation Of The Brushy Creek Regional Utility Authority Regional Water Treatment And Distribution Project
 - B. Legal Issues Concerning Interlocal Agreement For The Brushy Creek Regional Utility Authority Project Management.
 - C. Legal Issues Concerning The Purchase Agreement For The Brushy Creek Regional Wastewater System.
 - D. Legal Issues Concerning The Annexation Plan.
 - E. Legal Issues Concerning Raw Water Floating Intake Contingency Project.
 - F. Legal Issues Concerning The Development Agreement And Any Amendments Thereto With V-S Cedar Park, Ltd. Pertaining To The Tax Increment Reinvestment Zone Number One Known As The Cedar Park Town Center.
 - G. Legal Issues Concerning Possible Violations Of The Texas Disciplinary Rules Of Professional Conduct Including Disciplinary Action, Claims, Demands And Possible Litigation.
 - H. Legal Issues Concerning The Meet And Confer Agreement Between The Cedar Park Police Association And The City Of Cedar Park.
- G.2 Section § 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property
- A. Legal Issues Concerning Easements Acquisition Related To The Raw Water Floating Intake Contingency Project.
- G.3 Section § 551.087 Deliberation Regarding Economic Development Negotiations:
- A. Legal Issues Concerning Incentive Negotiations Related To 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 10:21 p.m.

No action taken on any item discussed in Executive Session.

H.1 Mayor And Council Closing Comments

Councilmember Fuller commented on the future adoption of the National Guard Calvary.

H.2 Adjournment

Mayor Lemon adjourned the meeting at 10:23 p.m.

PASSED AND APPROVED THIS 29TH DAY OF OCTOBER, 2009.

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 27, 2009 AT 6:30 P.M.

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Stephen Thomas, Councilmember Place Five
Cobby Caputo, 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 present.
- A.2 Invocation.
Invocation given by Trey Hensley.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Recognition For The 4th Battalion, 4th Aviation Regiment, Combat Aviation Brigade, 4th Infantry Division "Gambler Guns". (Fuller)
Councilmember Fuller read and presented a Proclamation to LTC Jeff Thompson with the 4th Battalion, 4th Aviation Regiment, Combat Aviation Brigade, 4th Infantry Division. After thirteen months in Iraq all soldiers returned home safely.
- A.5 Presentation: Dell Foundation Grant Check Presentation To The Cedar Park Public Library - Teresa Miller, Dell Foundation Manager.
Theresa Miller, Dell Foundation Manager, presented Phil Duprey, Library Foundation, with a check in the amount of \$25,000 for the Cedar Park Public Library.
- A.6 Citizens Communications. (Three Minutes Each. No Deliberations With Council)

(Council May Respond With Factual Information).

Lucille Turner, Cedar Park, thanked the Council and Staff for the recent opening of the Recreation Center.

Patti Aarons, Austin, addressed Council regarding the swim teams operating at Milburn Pool. She addressed the funding of winter swim and heating of the pool. She encouraged Council to approve the funding in the next budget year.

Tammy Martellotto, Cedar Park, addressed Council regarding the heating of the pool at Milburn for the winter swimming programs.

John Baltzell, Round Rock, addressed Council regarding the Cedar Park High School Swim Team and support of the winter swimming program.

Carder LaBlake, Cedar Park, addressed Council regarding the support for winter swimming at Milburn Pool.

Victor Wu, Cedar Park, addressed Council regarding his participation in Cedar Park Swimming and the heating of Milburn Pool.

Brent Aaron, Austin, addressed Council regarding his participation in Cedar Park Swimming and supporting the program with winter swim at Milburn Pool.

A.7 Mayor and Council Opening Comments.

Councilmember Thomas commented on recent House Bill 55 in relation to cell phones in school zones.

Councilmember Moore commented on the recent ribbon cutting of RM 1431 West.

Councilmember Fuller commented on the recent Military Appreciation Event held at the Hill Country Church of Nazarene in Cedar Park.

Mayor Pro Tem Powell commented on the new section of RM 1431 and addressing the Treasure of the Hills.

A.8 City Manager Report: Recognition Of Service With The City Of Cedar Park:

i. Don Sevall, Building Inspections, Fifteen Years of Service.

Mark Lewis, Building Inspections Director, presented Don Sevall with a plaque in recognition of fifteen years of service with the City of Cedar Park.

A.9 City Manager Report: Update On The Cedar Park Public Library's Cedar Park Reads Program (October 2009) And Fable Fest Program (November 2009) - Pauline Lam, Library Director.

Pauline Lam, Library Director, updated Council on the events planned for October and November at the Cedar Park Public Library.

- A.10 City Manager Report: Review Of July 2009 Building Permit And Revenue Activity: Mark Lewis, Director Of Building Inspections.
Mark Lewis, Building Inspections Director, presented Council with the July 2009 Building Permit and Revenue Activity 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.5 removed from the Consent Agenda by Mayor Pro Tem Powell.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C, and D excluding D.5.

Movant: Councilmember Fuller
Second: Councilmember Thomas
Vote: 7:0

- B.1 Receipt Of Minutes From The Tourism Advisory Board Meeting Of June 12, 2009.
Received under the Consent Agenda.
- B.2 Receipt Of Minutes From The Tourism Advisory Board Meeting Of July 10, 2009.
Received under the Consent Agenda.
- C.1 Second Reading On An Ordinance Amending The City Of Cedar Park Code Of Ordinances By Repealing Chapter 4 Business Regulations Article 4.02 And Chapter 11 Zoning Article 11.06 Seasonal Businesses From The Cedar Park Code Of Ordinances.
Approved under the Consent Agenda.
- Ordinance Number CO57-09-08-27-C1**
- C.2 Second Reading On An Ordinance Amending The City Of Cedar Park Code Of Ordinances By Establishing Chapter 6 Article 6.01, Seasonal, Temporary And Mobile Businesses And Events For The Purpose Of Regulating, Nonprofit Seasonal Fundraisers, Seasonal Retail Businesses, Civic Sponsored Seasonal Festivals, Mobile Vendors, Peddlers, Door-To-Door Solicitors, And Farmers Markets.
Approved under the Consent Agenda.
- Ordinance Number CO58-09-08-27-C2**
- C.3 Second Reading On An Ordinance Changing The Name Of The Portion Of West New Hope Drive Between West New Hope Drive And Wheaton Trail As New Hope Spur Due To The Realignment Of West New Hope Drive.
Approved under the Consent Agenda.
- Ordinance Number G59-09-08-27-C3**

- D.1 A Resolution Authorizing A Special Permit To Hold A Kids Triathlon At Milburn Park.
Approved under the Consent Agenda.
Resolution Number R204-09-08-27-D1
- D.2 A Resolution Authorizing The Purchase Of A Playscape For Rosemary Denny Park In The Amount Of \$57,013 From Recreation Consultants Of Texas.
Approved under the Consent Agenda.
Resolution Number R205-09-28-27-D2
- D.3 A Resolution Authorizing The Cedar Park Police Department To Apply For A Grant To Capital Area Council Of Governments For The Regional Standardized Mobile Field Force And Law Enforcement Strike Team Project.
Approved under the Consent Agenda.
Resolution Number R206-09-08-27-D3
- D.4 A Resolution Authorizing And Directing The Mayor To Execute A Document Granting An Easement To The Brushy Creek Regional Utility Authority Within Veterans Memorial Park.
Approved under the Consent Agenda.
Resolution Number R207-09-05-27-D4
- D.5 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 Fire Station #1.
Removed from the Consent Agenda by Mayor Pro Tem Powell.

Emily Truman, Project Manager, stated the renovation or relocation of Fire Station #1 was authorized in November 2007. Due to site constraints at the existing Fire Station #1 site, the City decided to purchase a 1.7 acre tract of undeveloped land near the existing station. The 2008 General Obligation Bond takedown included the money for the purchase of land and the design of Fire Station #1. The City advertised a Request for Proposal (RFP) for the construction of Fire Station #1 on July 9, 2009. The City received eleven (11) responses from prospective construction managers on July 29, 2009. The response packages submitted were evaluated using a numerical grading criteria matrix specified in the RFP rating each firm's qualifications.

The top (3) three scoring firms were interviewed by a committee of five (5) members that included the Fire Chief, Assistant Fire Chief, Assistant Director of Parks and Recreation, the Architect and the City's Project Manager. Based on average interview scores from the committee, the interviewed firms were ranked as follows; SpawGlass Contractors, Inc., Flintco, and Braun and Butler. Staff is recommending SpawGlass Contractors, Inc. be chosen to construct this project.

Mayor Pro Tem Powell inquired about the interview process and the results from Flintco.

General discussion followed regarding staff's recommendation to award SpawGlass the Construction Manager-At-Risk Contract.

Motion to approve the 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 Fire Station #1.

**Movant: Mayor Pro Tem Powell
Second: Councilmember Moore
Vote: 7:0**

Resolution Number R208-09-08-27-D5

- D.6 A Resolution Adopting An Amendment To Rule 1.1 Of The City Of Cedar Park Planning And Zoning Commission Rules Of Procedures.
Approved under the Consent Agenda.

Resolution Number R209-09-08-27-D6

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing On An Ordinance Amending Appendix A, Article 2.000, Development Services Related Fees and Article 3.000, Business Related Fees of the Of The City Of Cedar Park Code Of Ordinances.
Mark Lewis, Building Inspections Director, stated this item is related to Agenda C.2 and allows for the adoption of a fee structure related to the permitting and operation of farmers markets and also establishes a process for appealing a permit denial. The permit fee recommended for an annual farmers market permit is \$100. The recommended fee for filing an appeal of a staff determination is also \$100.

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

Councilmember Thomas inquired about the annual fee and the number of visits the Fire Marshal would have to conduct.

- E.2 First Reading And Public Hearing On An Ordinance To Amend Chapter 17 Section 17.04.014 Of The City Of Cedar Park Code Of Ordinances To Provide For The Removal Of Vehicles Illegally Parked Where Designation Of No Parking Tow Away Zones Have Been Established On Public Streets And Roadways Within The Jurisdiction Of The City Of Cedar Park.
Duane Smith, Planning Director, stated this item is in reference to placing no parking signs on East New Hope Road between 183A and Main Street. The basis of the signs is due to safety reasons for incoming and outgoing traffic from the Cedar Park Center. The large amount of vehicles at the Center will need to utilize each lane for exiting and entering from

the New Hope access point. These lanes will need to remain open for safety and police and fire response.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearings.

E.3 First Reading And Public Hearing On An Ordinance Adopting The Proposed Budget For Fiscal Year 2009-2010, Beginning On October 1, 2009 And Ending September 30, 2010.

Brenda Eivens, City Manager, reviewed the proposed budget for Fiscal Year 2010. Reviewed were the budget goals for Fiscal Year 2010 (FY2010). There are no proposed program enhancements for FY2010. The General Fund was reviewed with two possible options, Option A and Option B. Option A proposes the current tax rate. Option B proposes a \$.00045 increase in the tax rate. The projected revenue for Option A is \$27,310,075 and for Option B is \$27,474,933. Projected expenditures for either Option A or B remain the same at \$27,474,933.

Ms. Eivens presented the revenue summaries and revenue projections for Option A and Option B. The effective tax rate is \$.537021. The rollback rate is \$.536998. The tax rate for Option A is \$.489001 (current rate) and Option B has a tax rate of \$.493562. Ms. Eivens reviewed each option and the impact to the financial average home and general impact to the General Fund budget. Further review included the historic tax rate, expenditure summary and the cuts made to expenditures, potential bond projects and the Utility Fund.

Mayor Lemon inquired if the proposed budget included the heating of Milburn Pool for winter swim. Ms. Eivens stated the current proposed budget did not include this item.

Mayor Lemon opened the Public Hearing

Citizen Comment:

Kathy Galloway, Cedar Park, addressed Council regarding the level of funding for the Williamson County and Cities Health District. She addressed the census count and also the per capital basis for funding.

Scott Kendrick, Cedar Park, addressed Council regarding support for heating the pool at Milburn for winter swim.

General Discussion followed regarding winter swim and the higher cost per participant to heat the pool in comparison to other sports, budget constraints and the limited number of participants impacted by winter swimming, shutting down the pool for general swimming in the winter, cost sharing of expenses by swim teams, lifeguards during winter swim and the actual number of Cedar Park residents utilizing the pool for winter swimming.

Mayor Lemon closed the Public Hearing

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 Consideration Of A Resolution Authorizing and Directing The City Manager To Execute A Contract With Blue Cross Blue Shield Of Texas For Employee Group Medical Insurance, Sun Life Insurance Company For Employee Group Dental Insurance, And Aetna For Life Insurance, AD&D, And Long Term Disability.

Miguel Ozuna, Human Resources Director, reviewed the plan recommendation and changes to the medical insurance coverage for city employees. Staff is recommending Council authorize the City Manager to execute a contact with Blue Cross Blue Shield. The current provider is United Health Care and due to the rate increase is not being recommended for continuance. The other providers will not be changed.

Motion to authorize the City Manager to execute a contract with Blue Cross Blue Shield Of Texas For Employee Group Medical Insurance, Sun Life Insurance Company For Employee Group Dental Insurance, And Aetna For Life Insurance, AD&D, And Long Term Disability.

Movant: Mayor Pro Tem Powell

Second: Councilmember Moore

Vote: 7:0

Resolution Number R210-09-08-27-F1

F.2 Consideration Of A Resolution Amending The City Of Cedar Park 2002 Collector Roadway Plan Map To Delete The Proposed Collector Referred To As Reagan Loop East Located On The Northeast Corner Of The Intersection Of East Whitestone (RM 1431) And Reagan Boulevard.

Duane Smith, Planning Director, stated this item addresses a request from F&F Capital to amend the Collector Plan to remove Reagan Loop East. The developer proposes to commit to the construction of a cross access easement from East Whitestone to Reagan Boulevard to provide for and address mobility, connectivity and access concerns, through and within the development.

Staff does recommend approval with the addition that terms and conditions as mutually determined, be set forth in a binding agreement between the City of Cedar Park and F&F Capital. The Restrictive Covenant would address various items and the general location and alignment of the cross access easement, the timing (phasing) of the construction of the cross access easement, a restriction of No Parking (Fire Lane) the entire length of the drive aisle and no physical devices on the drive aisle that would hamper or impede fire, police and other emergency services, construction in compliance with all city ordinances.

Citizen Comment:

Sharon Krienke, Cedar Park, addressed the Council regarding the drive way access and having the specifics placed in writing.

Matt Gamble, Land Owner, addressed Council regarding the request to remove the proposed collector and the future development of the area.

Roland Krienke, Cedar Park, stated items need to still be worked out regarding access to his property and the driveways on Ronald Reagan Blvd.

Motion to table this item until the September 10, 2009 Council Meeting.

Movant: Councilmember Mitchell

Second: Councilmember Fuller

Vote: 7:0

- F.3 Consideration Of Appointing A Council Representative To Attend The Central Texas InterCity Visit.

Mayor Lemon stated this visit is coordinated with the Austin Chamber of Commerce in conjunction with the Cedar Park Chamber of Commerce. It is a very beneficial trip for the City of Cedar Park and inquired who on Council would like to attend.

Mayor Pro Tem Powell stated he would be interested in attending.

Motion to have Mayor Pro Tem Powell attend the Central Texas InterCity Visit.

Movant: Councilmember Thomas

Second: Councilmember Mitchell

Vote: 7:0

- F.4 Consideration For Forming A Review And Evaluation Committee For Solid Waste Procurement And Proposals.

Agenda Item F.4 called after Agenda Item F.1

Jose Madrigal, Assistant City Manager, stated an application has been received for the vacancy on the Solid Waste Procurement Committee.

Bob Heckathorn, Cedar Park, introduced himself to Council and is seeking appointment for the west Cedar Park resident vacancy on the committee.

Motion to appoint Bob Heckathorn to the Solid Waste Procurement Committee.

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

- F.5 Consideration Of Appointment To The Historic Preservation Commission Place Two With An Unexpired Term Of October 2010.
Mayor Lemon inquired if any applications had been received from residents of Cedar Park.

No further discussion or action taken.

- F.6 Consideration Regarding Funding Mechanism For The Purpose Of A Public Art Program. (Powell/Thomas)
Katherine Woerner, Assistant to the City Manager, reviewed the models for the “Percent for the Arts” variations based on different capital amounts. Staff will come back to Council with an ordinance for consideration at a later meeting.

General discussion followed regarding the costs associated with implementation for a public art program and citizen contributions.

Motion to authorize and direct staff to create a 1% for the Percent for the Arts program and a \$.50 Utility Billing donation for participation in the Public Art Program

Movant: Mayor Pro Tem Powell
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 10:30 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 The Master Contract For The Financing, Construction And Operation Of The Brushy Creek Regional Utility Authority Regional Water Treatment And Distribution Project
 - B. Legal Issues Concerning Interlocal Agreement For The Brushy Creek Regional Utility Authority Project Management.
 - C. Legal Issues Concerning The Purchase Agreement For The Brushy Creek Regional Wastewater System.
 - D. Legal Issues Concerning Raw Water Floating Intake Contingency Project.
 - E. Legal Issues And Discussion Of Complaints And Claims Regarding The Prior City Attorney.

- F. Legal Issues Concerning The Meet And Confer Agreement Between The Cedar Park Police Association And The City Of Cedar Park.
 - G. Legal Issues Concerning The Use Of Cell Phones In School Zones.
 - H. Legal Issues Concerning The Regulation Of Ticket Scalping.
 - I. Legal Issues Concerning The Terms And Conditions For The Request For Proposals For Solid Waste Services.
 - J. Legal Issues Concerning The Master Contract For The Financing, Construction, Ownership And Operation Of The Brushy Creek Regional Wastewater System.
- G.2 Section § 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property
- A. Legal Issues Concerning Easements Acquisition Related To The Raw Water Floating Intake Contingency Project.
 - B. Legal Issues Concerning Purchase Of Water Tank Site And Additional Uses.
 - C. Legal Issues Concerning New Hope Road Right-Of-Way Acquisitions.
- G.3 Section § 551.087 Deliberation Regarding Economic Development Negotiations:
- A. Legal Issues Concerning Incentive Negotiations Related To 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 12:23 a.m. (August 28, 2009)**

Agenda Item G.1C

Motion to approve a Resolution authorizing and directing the City Manager, with the approval of the City Attorney, to execute the Purchase Agreement for the Brushy Creek Regional Wastewater System between Cedar Park, Lower Colorado River Authority (LCRA), City of Round Rock and City of Austin.

Movant: Councilmember Fuller
Second: Councilmember Caputo
Vote: 7:0

Agenda Item G.1F

Motion to approve the 2009/2010 Meet And Confer Agreement between the Cedar Park Police Association and the City of Cedar Park

Movant: Councilmember Caputo
Second: Councilmember Mitchell

Vote: 7:0

H.1 Mayor And Council Closing Comments

Councilmember Fuller stated he would be absent from the September 10th Council meeting.

H.2 Adjournment

Mayor Lemon adjourned the meeting at 12:25 a.m., August 28, 2009

PASSED AND APPROVED THIS 29TH DAY OF OCTOBER, 2009.

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 10, 2009 AT 6:30 P.M.

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Stephen Thomas, Councilmember Place Five
Cobby Caputo, 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 6:36 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 Presentation: Proclamation For Keep America Beautiful, City Of Cedar Park Keen On Clean Program.
Mayor Lemon presented a Proclamation for Keep America Beautiful to Yvonne Lane, Grant Coordinator.
- A.5 Presentation: Update On Construction Progress Of The Cedar Park Center- John Frew, Frew Management Group.
John Frew provided Council with an update on the Cedar Park Center. Everyone is working towards the grand opening taking place in two weeks. He provided pictures of the progress made on the center and also gave an update on the budget and expenditures.

- A.6 Citizens Communications. (Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information).

Shawn Toops, Cedar Park, introduced himself to Council. He is seeking appointment to the Solid Waste Committee.

- A.7 Mayor and Council Opening Comments.
Mayor Lemon commented on the Cedar Park Center and the anticipated grand opening and also the volleyball tournament held at Milburn Park during Splash Jam.

Mayor Pro Tem Powell thanked the Parks Department for a successful Splash Jam Event and spectacular fireworks display.

Councilmember Mitchell commented on the 9-11 anniversary and reflected on the loss of life.

Councilmember commented on the 9-11 anniversary, Splash Jam, and the Cedar Park Center opening.

Councilmember Caputo commented on the Cedar Park Center and thanked everyone involved.

- A.8 City Manager Report: Update On The Monthly Financial Report For July 2009 - Stacie Carter, Interim Finance Director.
Stacie Carter, Interim Finance Director, provided Council with the July 2009 Monthly Financial Report.

- A.9 City Manager Report: Train Horn Quiet Zone Update - BMC Drive - Tom Gdala, Planner.
Tom Gdala, Planner, stated as of Wednesday, September 9th all remaining work and testing have been completed by Capital Metro and the quiet zone began on September 10th.

- A.10 City Manager Report: Update On The BYDEE Festival Scheduled For September 19, 2009 - Curt Randa, Parks Director.
Curt Randa, Parks Director, updated Council on the events planned for the BYDEE Festival.

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.3 removed from the Consent Agenda by Councilmember Caputo.
Agenda Item D.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 excluding D.3 and D.4

Movant: Mayor Pro Tem Powell

Second: Councilmember Moore

Vote: 6:0 with Councilmember Fuller absent from meeting

- B.1 Approval Of City Council Minutes From The Meeting Of July 9, 2009.
Approved under the Consent Agenda.
- B.2 Receipt Of Minutes From The Economic Development Corporation ("4A") Meeting Of June 15, 2009.
Received under the Consent Agenda.
- C.1 Second Reading On An Ordinance Amending Appendix A, Article 2.000, Development Services Related Fees and Article 3.000, Business Related Fees of the Of The City Of Cedar Park Code Of Ordinances.
Approved under the Consent Agenda.
- Ordinance Number CO60-09-09-10-C1**
- C.2 Second Reading On An Ordinance To Amend Chapter 17 Section 17.04.014 Of The City Of Cedar Park Code Of Ordinances To Provide For The Removal Of Vehicles Illegally Parked Where Designation Of No Parking Tow Away Zones Have Been Established On Public Streets And Roadways Within The Jurisdiction Of The City Of Cedar Park.
Approved under the Consent Agenda
- Ordinance Number CO61-09-09-10-C2**
- D.1 A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development Corporation ("4B" For The Expenditure Of 4B Corporation Funds In An Amount Not To Exceed \$20,000 To Provide For The Construction Of Sidewalk Gap Closure Improvements At The Intersection Of Cluck Creek Trail And Cypress Creek Road. **(The 4B Corporation Recommended Approval Of This Project As Proposed By The City Of Cedar Park Planning And Transportation Department)**
- Approved under the Consent Agenda.**
- Resolution Number R211-09-09-10-D1**
- D.2 A Resolution Authorizing And Directing The City Manager To Execute A Professional Services Agreement With PBS&J In The Amount Of \$59,820 For The Design Of Roadway, Drainage, And Waterline Improvements For Brushy Creek Road And South Cougar Avenue.
Approved under the Consent Agenda.
- Resolution Number R212-09-09-10-D2**

- D.3 A Resolution Authorizing And Directing The City Manager To Execute An Exchange Agreement And Property Conveyance Document (Deed) Between The City Of Cedar Park And The Texas Department Of Transportation Concerning The Exchange Of Property To Facilitate The Park Street / US 183 Intersection Improvement Project.

Agenda Item D.3 removed from the Consent Agenda by Councilmember Caputo.

Sam Roberts, Assistant City Manager, stated this project is a 2001 General Obligation bond project. This project has been on hold due to right-of-way acquisition issues with a tract of land located directly adjacent to the project. Staff has been working diligently with TxDOT regarding an agreement for the right-of-way exchange. Once this agreement has been executed the intersection improvements can be completed.

Councilmember Caputo asked for this item to be removed from the Agenda. This project has been in the works for over fifteen years and he wanted to acknowledge staff's work and congratulate them for getting the project in the final stages.

Motion to approve an Exchange Agreement and Property Conveyance document (deed) between the City of Cedar Park and the Texas Department of Transportation concerning the exchange of property to facilitate the Park Street / US 183 Intersection Improvement Project.

Movant: Councilmember Caputo

Second: Mayor Pro Tem Powell

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

Resolution Number R213-09-09-10-D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute An Advance Funding Agreement With The Texas Department of Transportation For The RM 1431 (183A To Cottonwood Creek Trail - C.R. 185) Reconstruction Project.

Agenda Item D.4 removed from the Consent Agenda by Councilmember Mitchell.

Sam Roberts, Assistant City Manager, stated this is an FY08 General Obligation Bond project jointly funded by American Recovery and Reinvestment Act, Federal Demonstration Funding, Williamson County, and the City of Cedar Park to reconstruct and improve RM1431 from 183A to Cottonwood Creek Trail (CR 185). TxDOT policy requires that an Advance Funding Agreement (AFA) be executed for any third party cost participation in a roadway project. This project was previously approved by Council and the agreement is housekeeping in nature.

Councilmember Mitchell stated he had voted against this project the first time it was approved due to the funding mechanism. He is still opposed.

Mayor Pro Tem Powell stated he is comfortable with the project and the funding.

Councilmember Caputo stated he is comfortable with the project but still against the funding.

Motion to approve the Advance Funding Agreement with TxDOT for the RM1431 Reconstruction Project (Cottonwood Creek Trail to CR185)

Movant: Mayor Pro Tem Powell

Second: Councilmember Thomas

Vote: 4:2 with Councilmember Mitchell and Caputo voting against and Councilmember Fuller absent from meeting.

Resolution Number R214-09-09-10-D4

- D.5 A Resolution Authorizing And Directing The City Manager To Apply For Two Capital Area Council Of Governments ("CAPCOG") Homeland Security Grants Associated With The Fire Department For Equipment And Training For The Cedar Park Community Emergency Response Team (CERT) And Teen Advocates For Community Safety (TACS) Programs In The Amount Of \$24,067.

Approved under the Consent Agenda.

Resolution Number R215-09-09-10-D5

- D.6 A Resolution Authorizing And Directing The Mayor To Execute The 2009 Basic Emergency Management Plan.

Approved under the Consent Agenda.

Resolution Number R216-09-09-10-D6

- D.7 A Resolution Consenting To The Brushy Creek Regional Utility Authority Executing A Contract With Pepper-Lawson Construction, L.P. In The Amount Of \$47,323,000 For The Construction Of The BCRUA Water Treatment Plant, Phase 1A Project, Upon Approval From The Texas Water Development Board.

Approved under the Consent Agenda.

Resolution Number R217-09-09-10-D7

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing On An Ordinance Amending A Portion Of Chapter 14 The Site Development Ordinance Of The Code Of Ordinances Of The City Of Cedar Park, Texas, To Revise Article 14.03, Non-Residential And Multi-Family Development To Establish An Exception And Variance Process.

Duane Smith, Planning Director, stated the amendment establishes a process for requesting exceptions or variances to the Site Development Ordinance, Chapter 14 of the City's Code of Ordinances. The proposed language is intended to provide a mechanism for applicants of development projects to request an exception to any requirement of the Site Development Ordinance. These exceptions will be considered administratively by the Development Services Committee. As proposed, the requested exception would have to be technically equivalent to the requirements set forth in the Site Development Ordinance.

If the Development Services Committee finds that the request is not technically equivalent to an existing Site Development Ordinance requirement, the applicant could then file a variance request to be considered by the Planning and Zoning Commission. Staff proposes adopting the same variance process that is currently provided in Section 12.12.019 of the Subdivision Ordinance.

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

E.2 Second Reading and Public Hearing On An Ordinance Adopting the Proposed Budget for the City of Cedar Park TX for the Fiscal Year Beginning October 1, 2009, and Ending September 30, 2010

**Agenda Items E.2, E.3 and E. 4 called together.
Refer to Agenda Item E.4 for discussion.**

E.3 First Reading And Public Hearing On An Ordinance To Consider A Tax Rate Of \$0.493562 Increase The Total Tax Revenues Of The City Of Cedar Park And Levy Taxes For The Year 2009/2010.

**Agenda Items E.2, E.3 and E. 4 called together.
Refer to Agenda Item E.4 for discussion.**

E.4 First Reading And Public Hearing On An Ordinance Providing For Interfund Transfers; Adopting A Municipal Operating Budget For The Fiscal Year Beginning October 1, 2009, And Ending September 30, 2010; Appropriating Funds In Accordance With The Budget; Providing For Effective Date And Ordaining Other Related Matters.

Agenda Items E.2, E.3 and E. 4 called together.

Councilmember Thomas off dais during presentation and discussion.

Brenda Eivens, City Manager, reviewed the proposed budget for Fiscal Year 2010 and the budget goals. There are no proposed program enhancements for FY2010. The General Fund was reviewed with Option A and Option B. Option A proposes the current tax rate. Option B proposes a \$.00045 increase in the tax rate. The tax rate for Option A is \$.489001 (current rate) and Option B has a tax rate of \$.493562.

Ms. Eivens reviewed the General Fund revenues, the rollback and effective rates, General Fund expenditures and the notable increases and decreases to expenditures, FY10 enhancements and the unreserved fund balance.

Ms. Eivens reviewed the specific items related to the FY 2010 enhancements which total \$814,022.

Dan Wegmiller, Specialized Public Finance, addressed Council and provided additional information regarding the bond issuances, I&S fund balance and the debt scenarios.

General discussion followed regarding recallable debt, impact to debt modules, and impact to with different debt scenarios in future years.

Ms. Eivens stated that staff needs further direction from Council regarding the tax rate. This rate must be published by September 17th. The two options as presented to Council are as follows:

	Option A	Option B
O&M	\$244440	\$248893
I&S	\$244561	\$244669
Total	\$489001	\$493562
Change	No Change	Increase \$.004562

General discussion of the tax rate continued pertaining to issuance of \$12M in bonds, debt scenarios and impact to the budget.

Mayor Lemon opened the Public Hearing

Citizen Comment:

Carla Young, Faith In Action, thanked Council for their continued support of the Faith In Action program.

Patti Aarons, Cedar Park Swim, addressed Council regarding the letter of intent from the swim club to pay for the gas bill for heating the pool at Milburn for winter swimming for the swim teams. She would like Council to consider eliminating the Cedar Park staffing at the pool for winter swimming which result in a \$14,000 savings for the swimming teams.

Jose Madrigal, Assistant City Manager, stated the City is not able to eliminate City Lifeguards from winter swimming due to contracts with Ellis & Associates.

Councilmember Caputo reiterated the fact that any funding for winter swimming will go away next year. The City will not subsidize any portion of the costs associated with winter swimming for swim teams and it will need to be paid for by the swim teams.

Mayor Lemon stated the City would not be paying for solar improvements to the pool.

Mayor Pro Tem Powell stated he would like a letter from LISD confirming their commitment to assist with the payment of the gas bill associated with heating the pool, a agreed upon billing schedule for payment of the gas bill and consequences for non-payment of the actual bill.

Mayor closed the Public Hearing

Councilmember Thomas returned to the dais at 9:20 p.m.

E.5 First Reading And Public Hearing On An Ordinance Amending Chapter 9, Municipal Civil Service, Article 9.11 Of The Code Of Ordinances Revising The Number Of Positions In The Police Department.

Miguel Ozuna, Human Resources Director, stated staff is proposing to amend the existing Strength of Force by transferring a position from the Police Officer rank to the Sergeant rank. This action does not increase the number of civil service positions in the Police Department. The new sergeant will be tasked with coordinating all special events responsible for security, adequate staffing, and enforcement actions. Staff recommends amending the current Strength of Force ordinance to the following, effective October 1, 2009:

- **Captain – 2**
- **Lieutenant – 3**
- **Sergeant – 9**
- **Corporal/Detective - 17**
- **Police Officer - 47**

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 Consideration Of Revenues And Expenditures Of General Fund Unreserved Fund Balance.

Agenda Item F.1 and F.2 called together.

Refer to Agenda F.2 for discussion.

F.2 Consideration Of Bond Issuance Schedule And Projects For Fiscal Year 2010.

Brenda Eivens, City Manager, stated that Agenda Items F.1 and F.2 are related to the Fiscal Year 2010 budget.

General discussion followed regarding the proposed expenditures for the FY2010 budget from the unreserved fund balance. Added to the proposed list were the purchase of a fire engine, a one-time COLA pay for employees, and lifeguards for winter swim.

Motion to approve expenditures from the General Fund Unreserved Fund Balance as proposed by staff to include amendments as discussed.

Movant: Councilmember Caputo

Second: Councilmember Mitchell

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

General discussion followed related to the bond issuance amount, projects considered for funding, and the cost for each project.

Motion to authorize the issuance of \$12M for the Capital Improvement Projects as discussed.

Movant: Councilmember Caputo

Second: Councilmember Mitchell

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

F.3 Consideration To Appoint City Council To Serve As The Cedar Park Town Center Tax Increment Reinvestment Zone Number One ("TIRZ") Board Of Directors.

Due to this infrequent need for the board to meet and a need to have board members that have a good understanding of how the reinvestment zone functions, staff is recommending that each member of the City Council and the Mayor be appointed to the seven (7) vacant positions on the board. Council will serve as follows: Mayor Lemon to Position One and serve as Board Chair, Council Place 1 to Board Position Three, Council Place 2 to Board Position Two, Council Place 3 to Board Position Five, Council Place 4 Board Position Four, Council Place 5 Board Position Six and Council Place 6 to Board Position Seven.

Motion to appoint Council to serve as the Cedar Park Town Center Tax Increment Reinvestment Zone Number One Board of Directors as recommended by staff.

Movant: Councilmember Caputo

Second: Councilmember Moore

Vote: 6:0 with Councilmember Fuller absent from vote.

F.4 Consideration Of A Resolution Amending The City Of Cedar Park 2002 Collector Roadway Plan Map To Delete The Proposed Collector Referred To As Reagan Loop East Located On The Northeast Corner Of The Intersection Of East Whitestone (RM 1431) And Reagan Boulevard; Authorizing And Directing The City Manager Of The City Of Cedar Park To Execute The Restrictive Covenant Regarding Access With F And F Capital Upon Final Completion And Approval By The City Attorney.

Agenda Item F.4 called after the Consent Agenda.

Duane Smith, Planning Director, addressed Council regarding the deletion of the Reagan Loop East from the 2002 Collector Roadway Plan Map. At the last Council meeting, Council directed staff to work with the owners, their agents, and the Krienkes to work out the final details of access. Based on these meetings and discussions with the developer and his agent, staff can support the use of common access driveways to provide for mobility, access and quality development as requested by the applicant. Staff does recommend in addition, that terms and conditions as mutually determined, be set forth in a binding agreement between the City of Cedar Park and F&F Capital. A Restrictive Covenant is being reviewed. The Restrictive Covenant would address the general location and alignment of the cross access easement, the timing (phasing) of the construction of the cross access easement, a restriction of No Parking (Fire Lane) the entire length of the drive

aisle and no physical devices on the drive aisle that would hamper or impede fire, police and other emergency services, construction in compliance with all city ordinances.

Roland Krienke thanked staff for working on the agreement in a short time frame. Mr. Krienke stated with the agreement in place, he supports the decision to remove the road.

Motion to approve the Resolution amending the City of Cedar Park 2002 Collector Roadway Plan Map to delete the proposed collector referred to as Reagan Loop East located on the northeast corner of the intersection of East Whitestone (RM 1431) and Reagan Boulevard

Movant: Mayor Pro Tem Powell

Second: Councilmember Moore

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

Resolution Number R218-09-09-10-F4

- F.5 Consideration Of A Resolution Approving The Cedar Park Center Suite And Event Policy. **Charles Rowland, City Attorney, stated this policy was developed to ensure that the suite's use is for economic development and marketing of the City. This policy will regulate access and scheduling of the suite.**

Motion to approve the Resolution approving the Cedar Park Center Suite and Event Policy.

Movant: Councilmember Moore

Second: Councilmember Mitchell

Vote: 5:0 with Councilmember Caputo off dais during vote and Councilmember Fuller absent from vote.

Resolution Number R219-09-09-10-F5

- F.6 Consideration For Forming A Review And Evaluation Committee For Solid Waste Procurement And Proposals.
Agenda Item F.6 called after Agenda Item F.4

Jose Madrigal, Assistant City Manager, stated the following appointments still need to be made to the Committee: (1) Council Representative, (2) Citizen from west area of Cedar Park and (3) a Business Owner.

Motion to appoint Councilmember Fuller to the Committee for Solid Waste Procurement.

Movant: Councilmember Moore

Second: Councilmember Thomas

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

Motion to appoint Torsten Weirich to the Committee for Solid Waste Procurement.

Movant: Councilmember Mitchell
Second: Councilmember Moore
Vote: 6:0 with Councilmember Fuller absent from meeting.

Motion to appoint Shawn Toops to the Committee for Solid Waste Procurement.

Movant: Mayor Pro Tem Powell
Second: Councilmember Moore
Cote: 6:0 with Councilmember Fuller absent from meeting.

- F.7 Consideration Of Restricting The Use Of Cell Phones In School Zones.
Tom Gdala, Planner, addressed Council regarding the costs associated with the restriction of cell phones in school zones. Thirteen schools with forty-two school zones would require signage. Due to height restrictions new poles would need to be installed. Staff anticipates the cost to be \$11,891. Staff is seeking Council direction. TxDOT has designed the specific sign that must be used but does not distinguish the use of hand free devices.

Discussion followed regarding the use of hand free devices, enforcement issues, intent of legislation passed, lack of funding by State to implement signage, enforcement for active schools or school zones in general and the ambiguity in the legislation.

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 9:57 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 The Purchase Agreement For The Brushy Creek Regional Wastewater System.
 - B. Legal Issues Concerning The Master Contract For The Financing, Construction, Ownership And Operation Of The Brushy Creek Regional Wastewater System.
 - C. Legal Issues Concerning Raw Water Floating Intake Contingency Project.
 - D. Legal Issues Concerning Fire Protection In Extra-Territorial Jurisdictions.
 - E. Legal Issues And Discussion Of Complaints And Claims Regarding The Prior City Attorney.
- G.2 Section § 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property:

A. Legal Issues Concerning Easements Acquisition Related To The Raw Water Floating Intake Contingency Project.

- G.3 Section § 551.087 Deliberation Regarding Economic Development Negotiations:
A. Legal Issues Concerning Incentive Negotiations Related To 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 10:24 p.m.

No action taken on any item discussed in Executive Session.

- H.1 Mayor And Council Closing Comments.

Mayor Lemon thanked staff for the work and dedication shown with the FY2010 budget.

- H.2 Adjournment.

Mayor Lemon adjourned the meeting at 10:27 p.m.

PASSED AND APPROVED THIS 12TH DAY OF NOVEMBER, 2009.

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 24, 2009 AT 6:30 P.M.

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Stephen Thomas, Councilmember Place Five
Cobby Caputo, 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: Wendell Holmes, Mt. Sinai Church.
Invocation given by Wendell Holmes with Mt. Sinai Church.
- A.3 Pledges Of Allegiance. (U.S. And Texas) Led By The Boy Scouts Junior Webelos Den Pack 158, Cedar Park.
The Boy Scout Junior Webelos Den Pack 158 of Cedar Park led the audience in the Pledges of Allegiance.
- A.4 Presentation: Cedar Park Youth League Report - Ron Huntington And Brian Nabb.
Brian Nabb updated Council on the Cedar Park Youth League activities. He reviewed the field expansion and the newly installed lights. The next phase will include the construction of an all-purpose building and renovation of the existing bathrooms. With the newly expanded facilities, CPYL will be able to host more tournaments.
- A.5 Presentation: Proclamation Recognizing October As Cedar Reads Month And Texas Ranger Appreciation Month In Cedar Park
Agenda Item A.5 called prior to Agenda Item A.4

Mayor Lemon presented Pauline Lam, Library Director, with a Proclamation in recognition of October 2009 as Cedar Park Reads Month and Texas Ranger Appreciation Month.

- A.6 Citizens Communications. (Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information).

Elizabeth Frey, Leander ISD School Board, thanked the Council for their cooperation with construction projects and thanked City Staff for their assistance.

- A.7 Mayor and Council Opening Comments.
Mayor Lemon commented on the Grand Opening of the Cedar Park Center and the first concert to be held.

Councilmember Caputo commented on the Cedar Park Center and also the recent passing of Jack Spillman.

Councilmember Moore also commented on the Cedar Park Center and reflected on Jack Spillman's recent passing.

Councilmember Fuller thanked the Leander School Board for their cooperation with Cedar Park.

Mayor Pro Tem Powell commented on the Cedar Park Center.

- A.8 City Manager Report: Recognition For The Retirement Of Kathryn Turner, Library Circulation Supervisor, On October 2, 2009.

Pauline Lam, Library Director, recognized the retirement of Kathryn Turner and her service to the City of Cedar Park.

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

i. LeAnn M. Quinn, City Secretary, Ten Years Of Service.

Charles Rowland, City Attorney, presented LeAnn Quinn, City Secretary, with a plaque in recognition of ten years of service with the City of Cedar Park.

ii. Jose Madrigal, Assistant City Manager, Five Years Of Service.

Brenda Eivens, City Manager, presented Jose Madrigal, Assistant City Manager, with a plaque in recognition of five years of service with the City of Cedar Park.

- A.10 City Manager Report: Review Of August 2009 Building Permit And Revenue Activity - Mark Lewis, Director Of Building Inspections.

Mark Lewis, Director of Building Inspections, presented the August 2009 Building Permit and Revenue Activity report.

- A.11 City Manager: Report Regarding Adoption Of The 2009 Edition of the International Codes - Mark Lewis, Building Inspections Director.

Mark Lewis, Director of Building Inspections, reviewed the proposed changes and adoption of the 2009 Edition of the International Building Code. Mr. Lewis reviewed the proposed amendments to the codes.

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.5 removed from the Consent Agenda by Councilmember Fuller.
Agenda Item D.7 withdrawn from Agenda.**

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D excluding D.5 and D.7.

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

- B.1 Approval Of Minutes From The Council Meeting Of July 16, 2009.
Approved under the Consent Agenda.
- B.2 Approval Of Minutes From The Council Meeting Of July 23, 2009.
Approved under the Consent Agenda.
- B.3 Approval Of Minutes From The Council Meeting Of July 24, 2009.
Approved under the Consent Agenda.
- B.4 Approval Of Minutes From The Council Meeting Of July 25, 2009.
Approved under the Consent Agenda.
- B.5 Approval Of Minutes From The Council Meeting Of July 30, 2009.
Approved under the Consent Agenda.
- B.6 Receipt Of Minutes From The Tourism Advisory Board Meeting Of July 10, 2009.
Received under the Consent Agenda.
- B.7 Receipt Of Minutes From The Historic Preservation Commission Meeting Of April 8, 2009.
Received under the Consent Agenda.
- B.8 Receipt Of Minutes From The Historic Preservation Commission Meeting Of May 27, 2009.
Received under the Consent Agenda.
- B.9 Receipt Of Minutes From The Historic Preservation Commission Meeting Of June 4, 2009.
Received under the Consent Agenda.
- B.10 Receipt Of Minutes From The Historic Preservation Commission Meeting Of June 24, 2009.

Received under the Consent Agenda.

- C.1 Second Reading On An Ordinance Amending A Portion Of Chapter 14 The Site Development Ordinance Of The Code Of Ordinances Of The City Of Cedar Park, Texas, To Revise Article 14.03, Non-Residential And Multi-Family Development To Establish An Exception And Variance Process.

Approved under the Consent Agenda.

Ordinance Number CO62-09-09-24-C1

- D.1 A Resolution Authorizing And Directing The City Manager To Execute A Supplemental Agreement With Lockwood, Andrews, And Newnam, Inc. Under The Brushy Creek Road (Parmer Lane To Arrowhead Trail) Reconstruction Project In The Amount Of \$75,190.

Approved under the Consent Agenda.

Resolution Number R214-09-09-24-D1

- D.2 A Resolution Authorizing And Directing The City Manager To Execute A Supplemental Work Order With Mactec, Inc, In The Amount Of \$49,950.07 For The Park Street /US 183 Intersection Improvement Project.

Approved under the Consent Agenda.

Resolution Number R215-09-09-24-D2

- D.3 A Resolution Authorizing And Directing The City Manager To Execute A Contract With James Enterprise For The Cleaning Of City Buildings For A Period Of One Year, With The Option To Renew For Four Additional One Year Periods.

Approved under the Consent Agenda.

Resolution Number R216-09-09-24-D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute Agreements With CDW-G For The Amount of \$120,589. For The Purchase Of A Data Storage Network And RedMoon Broadband For The Amount Of \$46,939.20 For The Purchase Of Point-To-Point Wireless Radios.

Approved under the Consent Agenda.

Resolution Number R217-09-09-24-D4

- D.5 A Resolution Authorizing And Directing The Fire Chief To Execute A Fire Protection Agreement With Williamson County For Calendar Year 2009.

Agenda Item D.5 removed from the Consent Agenda by Councilmember Fuller.

Councilmember Fuller inquired about the meetings conducted with Williamson County.

Brenda Eivens, City Manager, stated staff has met with Commissioner Long and the 2010 Agreements are currently being reviewed. This item is for payment for calendar year 2009 and is payment in arrears for services already provided.

Councilmember Powell commented on the over-sizing of Fire Station #4 in order to accommodate Williamson County EMS at the City's expense. Williamson County needs to pay their fair share for facilities and services provided.

Motion to approve the Fire Protection Agreement with Williamson County for Calendar Year 2009.

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

Resolution Number R218-09-09-24-D5

- D.6 A Resolution Authorizing And Directing The City Manager To Execute Change Order No. 4 With Hunt Construction Group In The Amount Of \$61,068 For The Cedar Park Center Project.
Approved under the Consent Agenda.

Resolution Number R219-09-09-24-D6

- D.7 A Resolution Authorizing And Directing The City Manager To Execute The Suite Rental Agreement Between Cedar Park And Hicks Cedar Park LLC Upon Final Approval By City Attorney.
Agenda Item D.7 withdrawn from Agenda.
- D.8 Authorization To Excuse The Absence Of Councilmember Fuller From The Council Meeting Of September 10, 2009.
Approved under the Consent Agenda.

PUBLIC HEARINGS

- E.1 Z-09-011 First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 3.00 Acres Of Land Owned By Lakehills Freewill Baptist Church, Located At 1580 Cypress Creek Road, In Williamson County, Texas. (Z-09-011) **The Planning And Zoning Commission Voted 6-0 To Approve Local Retail (LR) For This Tract.**

Duane Smith, Planning Director, stated this item is to assign original zoning of Local Retail (LR) to approximately 3.00 acres of land located at 1580 Cypress Creek Road. The Planning and Zoning Commission voted 6-0 to approve the request.

Dave Green, applicant, stated this request for zoning protection for the church. The church is currently located on this property. Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing.

- E.2 Z-09-012 First Reading And Public Hearing On An Ordinance To Amend Approximately 2.95 Acres Of Land Known As Tract Five Of The La Jaita Planned Development To Add Permitted Uses Of Assisted Living, Long Term Care, Nursing Home, Place of Worship and Civic Club And Reduce The Minimum Lot Size To One-Half Acre, Owned By Austin Investment Group Management, LLC, Located On The Northeast Corner Of La Jaita Drive And Cottonwood Creek Trail, In Williamson County, Texas. (Z-09-012) **The Planning And Zoning Commission Voted 6-0 To Approve The Additional Permitted Uses And The Reduction In Lot Size For Tract Five Of The La Jaita Planned Development.**

Duane Smith, Planning Director, stated the applicant and requested to add permitted uses of assisted living, long term care, nursing home, place of worship and civic club to Tract 5 of the existing La Jaita Planned Development. The applicant is also requesting a reduction in the minimum lot size to allow one-half (1/2) acre lots within Tract 5. The Planning and Zoning Commission voted 6-0 to approve the request.

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 Consideration Of Appointment/Reappointments To Places One (Unexpired Term), Two, Four, And Six On The Cedar Park Community Development Corporation ("4B").
Maria Talamo, Ryan Wood, and John Allen all addressed Council and are seeking reappointment to the 4B Board.

Mo Jahadi addressed the Council and is seeking to be appointed to the vacancy on the 4B Board.

Motion to reappoint Ryan Wood to Place 6 on the 4B Board.

Movant: Councilmember Mitchell

Second: Councilmember Moore

Vote: 7:0

Motion to reappoint John Allen to Place 4 on the 4B Board.

Movant: Mayor Pro Tem Powell

Second: Councilmember Fuller

Vote: 7:0

Motion to appoint Mo Jahadi to Place 1 on the 4B Board.

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

Motion to reappoint Maria Talamo to Place 2 on the 4B Board.

Movant: Councilmember Caputo
Second: Councilmember Fuller
Vote: 7:0

Councilmember Fuller thanked David Burger for his service on the Historic Commission and the 4B Board.

F.2 Third/Final Reading And Consideration Of An Ordinance Adopting The Proposed Budget For The City Of Cedar Park, Tx For The Fiscal Year Beginning October 1, 2009, And Ending September 30, 2010.

Brenda Eivens, City Manager, reviewed the final proposed budget for Fiscal Year 2010. The review included the General Fund revenue summary and expenditures, one time expenditures, ad valorem tax rate, impact to the average home value, and the proposed bond take down of \$12M and projects.

Council commented on the paperless process, the one time payment for city employees, and the overall efficiency of the budget process, and no increases to the tax rate.

Motion to approve the ordinance adopting the proposed budget for the Fiscal Year beginning on October 1, 2009 and ending September 30, 2010.

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

Ordinance Number BF63-09-09-24-F2

Councilmember Thomas commented on the budget and staff's diligent efforts with providing a high level of service with the existing tax rate. He also commented on the recent ISO rating which will also assist citizens with saving money.

Mayor Pro Tem Powell stated staff had gone above and beyond with maintaining the existing tax rate during this tough economic time. Staff made sacrifices and made immediate cuts to expenditures in order to minimize any impact. Council is also to be commended for seeing the future and not impacting future Councils and providing a fiscally sound budget.

Councilmember Fuller commented on the budget process and stated due to sound decisions made by the Council in the past and with proactive insight for the future the City was able to pass a hard budget with no tax increases for its citizens.

Councilmember Caputo commented on the work completed by staff and the extensive spreadsheets used during the process. The FY2010 budget meets the needs of the City and its citizens and fits the economic times.

F.3 Second Reading And Consideration Of The Adoption Of An Ordinance To Consider A Tax Rate Of \$0.489001 And Levy Taxes For The Year 2009/2010.

Brenda Eivens, City Manager, reviewed the proposed tax rate which is the same as last year. The proposed tax rate is \$0.489001/\$100 of valuation, with \$0.248783/\$100 applied to Maintenance and Operations and \$0.240218/\$100 for Interest and Sinking. The first reading of the rate was held on September 10, 2009. The proposed rate is the same rate as FY 2008-09. The I&S rate includes the issuance of \$12M of authorized General Obligation debt.

Motion to approve an ordinance adopting a tax rate of \$.489001 and levying taxes for the year 2009/2010.

Movant: Mayor Pro Tem Powell

Second: Councilmember Fuller

Vote: 7:0

Ordinance Number BF64-09-09-24-F3

F.4 Second Reading And Consideration Of The Adoption Of An Ordinance Providing For Interfund Transfers; Adopting A Municipal Operating Budget For The Fiscal Year Beginning October 1, 2009, And Ending September 30, 2010; Appropriating Funds In Accordance With The Budget; Providing For Effective Date And Ordaining Other Related Matters.

Brenda Eivens, City Manager, stated this item is to appropriate the funds with the FY2010 budget.

Motion to approve an ordinance providing for interfund transfers; adopting a municipal operating budget for the fiscal year beginning October 1, 2009, and ending September 30, 2010; appropriating funds in accordance with the budget; providing for effective date and ordaining other related matters.

Movant: Councilmember Thomas

Second: Councilmember Mitchell

Vote: 7:0

Ordinance Number BF65-09-09-24-F4

F.5 Second Reading And Consideration Of The Adoption Of An Ordinance Amending Chapter 9, Municipal Civil Service, Article 9.11 Of The Code Of Ordinances Revising The Number Of Positions In The Police Department.

Miguel Ozuna, Human Resources Director, stated this item is to amend the current Strength of Force ordinance to the following, effective October 1, 2009:

- **Captain – 2**
- **Lieutenant – 3**
- **Sergeant – 9**
- **Corporal/Detective - 17**
- **Police Officer - 47**

Motion to approve the ordinance amending Chapter 9, Municipal Civil Service, Article 9.11 of the Code of Ordinances revising the number of positions in the police department.

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

Ordinance Number CO66-09-09-24-F5

F.6 Consideration Of A Resolution To Authorize The City's Financial Advisor And Bond Counsel To Begin Preparations For Issuances Of General Obligation Bonds And Utility System Revenue Bonds.

Dan Wegmiller, Specialized Public Finance Inc., addressed the Council regarding the bond issuances. Mr. Wegmiller reviewed the process for the pricing and actual sale of the bonds. A site visit to Cedar Park is being recommended for Standard & Poors. The specific day will be finalized at a later date, but will be held at the end of October.

Motion to approve a Resolution authorizing the City's Advisory and Bond Counsel to begin preparations for a bond issuance.

Movant: Councilmember Fuller
Second: Councilmember Caputo
Vote: 7:0

Resolution Number R221-09-09-24-F6

F.7 Consideration Of A Request For Proposal For Solid Waste Services.

Scott Pasternak of RW Beck addressed Council regarding the Request for Proposal for Solid Waste Services. The Solid Waste Evaluation Committee met and recommended one suggestion to the proposed Request for Proposal. The Committee believed that it would be beneficial to raise the percentage grading for cost from 40% to 50%. The services included in the proposal are covered under six options that include:

- Option A: Residential and City Services**
- Option B: Commercial Services**
- Option C: Construction and Demolition (C&D) Debris Services**

- Option D: Residential, City, and Commercial Services**
- Option E: Commercial and C&D Services**
- Option F: Residential, City, Commercial, and C&D Services**

Mr. Pasternak reviewed the highlights of the proposed Request for Proposals and reviewed the evaluation criteria. He reviewed the two evaluation criteria options and is seeking Council direction as to which option to proceed with.

Mr. Pasternak also reviewed the schedule and timeframe for the entire process.

General discuss followed pertaining to the evaluation committee, the process for the RFP, preference on the options for the evaluation criteria, and general items located in the RFP. Also discussed were the levels of service, scoring on the commercial side and clients lists provided by the proposers.

Motion to approve Option A as the evaluation scoring criteria to include

<i>Cost</i>	<i>40</i>
<i>Proposed Approach</i>	<i>25</i>
<i>Experience & Qualifications</i>	<i>15</i>
<i>References</i>	<i>10</i>
<i>Finance & Litigation History</i>	<i>10</i>

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

Motion to approve the Request For Proposal as presented with non-substantial changes as deemed necessary by the Solid Waste Evaluation Committee.

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

F.8 Consideration Of Restricting The Use Of Cell Phones In School Zones.

Tom Gdala, Planner, addressed Council regarding the restriction of cell phone use in school zones. House Bill 55 (HB 55 - amended) was enacted during the 81st Texas Legislative session which prohibits hand held cell phone use in a school crossing zone while operating a motor vehicle.

The bill provided discretionary power to local jurisdictions. Jurisdictions choosing to enforce the law are required to post signs that comply with department sign standards. The Texas Department of Transportation (TxDOT) has developed a standard sign to be used.

Concerns are the limited text of the standard sign is not accurate, since cell phone use is allowed in a school speed zone under certain circumstances. HB 55 does allow the use of hands free communication devices to be used in a school zone, and allows an emergency

phone call to be made by a hand held device so long as the call is to police, fire or certain medical providers.

Also, a TxDOT Memorandum stated that HB55 is enforceable only if the signs are attached beneath a school speed zone sign. This would require the installation of new, longer poles. The cost for installing the new signage and poles is approximately \$11,891. A total of 47 school zones have been identified to be within the jurisdiction of the City of Cedar Park. There are currently no funding mechanisms for financial assistance offered thru the State.

General discussion followed regarding the wording on the TxDOT sign being poorly worded and unclear, unfunded State mandates, hours of enforcement, laws for reckless driving already in place, and cities not being required to adopt.

Motion to install signs at the 47 locations in Cedar Park.

Movant: Mayor Pro Tem Powell
Motion dies due to lack of second.

No action taken.

- F.9 Consideration To Re-Appoint Mitch Fuller To The Brushy Creek Regional Utility Authority ("BCRUA").

Motion to reappoint Mitch Fuller to the Brushy Creek Regional Utility Authority.

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

- F.10 Consideration To Appoint A Council Representative For The Brushy Creek Regional Utility Authority ("BCRUA") Strategic Retreat. (Fuller).

Motion to appoint Mayor Lemon as the Council representative for the BCRUA strategic retreat.

Movant: Councilmember Fuller
Second: Councilmember Thomas
Vote: 7:0

- F.11 Consideration Of Activities On Veterans Day (November 11, 2009) At Veterans Memorial Park. (Fuller)

Councilmember Fuller requested this agenda item. The Veterans Advisory Committee would like to develop a Veteran's Day program for the City of Cedar Park. After the development of Phase 2 of Veterans Park, this event could be held there.

General discussion followed regarding a remembrance ceremony, possible events, and an event held with the cooperation of the Parks Department. Staff will work with the Veterans Advisory Committee for a program this year.

No action taken.

F.12 Consideration Of The Current Animal Control Ordinance In Relation To The Number Of Animals Per Residence And Leash Laws. (Mayor)

Katherine Woerner, Assistant to the City Manager, addressed Council regarding the policy of neighboring cities pertaining to the maximum number of animals allowed per residence and whether or not leash laws pertain to domestic cats.

Brenda Eivens, City Manager, stated this item had been brought to staff's attention after receiving a complaint about cats-at-large.

General discussion followed regarding enforcement issues pertaining to cats at-large, stray cats, limiting the number of animals per residence, nuisance laws, and health and safety laws.

Krista James, Cedar Park Animal Control, addressed the Council regarding the current Animal Control Ordinance. Currently, the City of Cedar Park does not limit or restrict the number of animals per residence. Homeowner associations can regulate the number of animals thru deed restrictions. Regarding the issue of animals on neighboring properties, a more pro-active approach would be leash laws as opposed to trapping animals. Ms. James proceeded to review the procedure and process used by Animal Control for trapping animals.

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 9:47 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 Raw Water Floating Intake Contingency Project.

B. Legal Issues Concerning The Master Contract For The Financing, Construction, Ownership And Operation Of The Brushy Creek Regional Wastewater System.

C. Legal Issues Concerning The Regulation Of Ticket Scalping.

G.2 Section § 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property

A. Legal Issues Concerning Easements Acquisition Related To The Raw Water Floating Intake Contingency Project.

B. Legal Issues Concerning New Hope Road And Cottonwood Creek Trail Right-Of-Way Acquisitions.

G.3 Section § 551.087 Deliberation Regarding Economic Development Negotiations:

A. Legal Issues Concerning Incentive Negotiations Related To 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 10:31 p.m.

No action taken on any item discussed in Executive Session.

H.1 Mayor And Council Closing Comments

Councilmember Moore acknowledged the 4A Board and their work on the Cedar Park Center.

Councilmember Caputo requested a future agenda item pertaining to the renaming of Lynnwood Trail.

Councilmember Thomas stated this would be his last meeting. Effective October 1, 2009, he will resign his Council seat and will be making an announcement at a later date pertaining to his future.

Mayor Lemon and Council commended Councilmember Thomas for his work while on the Council.

H.2 Adjournment

Mayor Lemon adjourned the meeting at 10:38 p.m.

PASSED AND APPROVED THIS 10TH DAY OF DECEMBER, 2009.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**MINUTES
THE CITY OF CEDAR PARK CITY COUNCIL
SPECIAL CALLED MEETING
FRIDAY, SEPTEMBER 25, 2009 AT 1:00 P.M.
Cedar Park Center Atrium– 2100 Avenue of the Stars, Cedar Park TX 78613**

CITY COUNCIL

Mayor Bob Lemon	Lowell Moore, Place 4
Mayor Pro Tem Matt Powell	Stephen Thomas, Place 5
Mitch Fuller, Place 2	Cobby Caputo, Place 6
Scott Mitchell, Place 3	Brenda Eivens, City Manager

**THE CITY OF CEDAR PARK WILL BE HOSTING A RIBBON CUTTING
CEREMONY FOR THE CEDAR PARK CENTER.**

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
The meeting began at 1:05 p.m. All Council present.

2. Presentation of Colors: Cedar Park Police Department Honor Guard.
The Cedar Park Police Department Honor Guard presented the colors.

3. Opening Comments.

a. Rick McLaughlin – President, Texas Stars, and General Manager, Cedar Park Center.

Rick McLaughlin introduced Mayor Lemon.

b. Mayor Bob Lemon.

Mayor Lemon welcomed everyone in attendance and provided a brief history of the Cedar Park Center project. Mayor Lemon introduced and recognized Commissioner Cynthia Long and Constable Dale Vannoy in attendance at the event. Mayor Lemon extended his gratitude to the voters of Cedar Park for their vision in approving the \$43M used for building the Cedar Park Center.

c. Mayor Pro Tem Matt Powell.

Mayor Pro Tem Powell addressed the Council and audience on the Cedar Park Center. This facility is an exercise in belief. Cedar Park has found a way to do things other cities don't do. The Cedar Park Center represents a process that works in central Texas. Mayor Pro Tem Powell recognized the many people involved in making the Cedar Park Center a reality.

- d. Randy Locey – Executive Vice President, Dallas Stars.
Randy Locey also thanked the many people involved with the Cedar Park Center.
- e. Tommy Hicks – Hicks Cedar Park, LLC.
Tommy Hicks and members of the Hicks family commented on the opening of the Cedar Park Center and the relationship between Hicks Cedar Park and the City of Cedar Park.

Rick McLaughlin also commented on the opening of the Cedar Park Center, Hicks Cedar Park and the Texas Stars.

- 4. Discussion Only:
 - a. History Of The Cedar Park Center Project.
 - b. Current and Future Plans For The Cedar Park Center.
 - c. Building Recognition Plaque/Ribbon Cutting For The Cedar Park Center.
Council and representatives from the Texas Stars and Hicks Cedar Park assisted with the unveiling of the plaque and the ribbon cutting for the grand opening of the Cedar Park Center.
- 5. Adjournment.
Meeting adjourned at 1:30 p.m.

PASSED AND APPROVED THIS 10TH DAY OF DECEMBER, 2009.

Robert S. Lemon
Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**MINUTES
THE CITY OF CEDAR PARK CITY COUNCIL AND
THE CEDAR PARK HISTORIC AND CULTURAL PRESERVATION COMMISSION
SPECIAL CALLED JOINT MEETING
THURSDAY, OCTOBER 1, 2009, AT 6:30 P.M.
Cedar Park Recreation Center - 1435 Main Street, Cedar Park TX 78613**

CITY COUNCIL

Mayor Bob Lemon	Lowell Moore, Place 4
Mayor Pro Tem Matt Powell	Stephen Thomas, Place 5
Mitch Fuller, Council Place 2	Cobby Caputo, Place 6
Scott Mitchell, Place 3	Brenda Eivens, City Manager

CEDAR PARK HISTORIC AND CULTURAL PRESERVATION COMMISSION

Joe Greene, Chair	J. Preston Carlton, Place 3
Ginger Tremblay, Vice Chair	Yvonne Lane, Place 6
VACANT, Place 2	Leigh Anne Fulcher, Secretary
Linda Satter, Place 5	Diane Goodwin, Historic Preservation Officer

- 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
Mayor Lemon called the meeting to order at 6:31 p.m.
Mayor Pro Tem Powell absent from meeting. Place Five currently unoccupied.
Linda Satter and Preston Carlton from the Historic Commission were absent.
All others present.
- 2. Introductions/Welcome**
Roundtable introductions were conducted.
- 3. Discussion Only:**
 - a. Review Of The Roles And Responsibilities Of The Historic Commission, Historic Preservation Officer And City Staff.**
Agenda Item 3.A and 3.B called together.
Refer to Agenda Item 3.B for discussion.

- b. Review Of The Structure Of The Historic Commission.
Agenda Item 3.A and 3.B called together.

Julie Pandya, Assistant City Attorney, provided an overview of the roles and responsibilities of the Historic Commission, Historic Preservation Officer and City Staff. The local and state laws were also reviewed.

Councilmember Fuller inquired about the Certified Local Government annual reports.

Mayor Lemon inquired about the differences between the Historic Preservation Officer and the staff liaison.

- c. Review Of The Results Of The Historic Commission's Strategic Planning.
Brenda Eivens, City Manager asked for the Historic Commission to share their thoughts on the strategic plan.

Joe Greene, Chair, stated Diane Goodwin (Historic Preservation Officer) worked with a sub-committee and addressed items of interest for the visioning process.

Diane Goodwin spoke about the preservation plan. Items from a June 4th retreat for the Historic Commission identified areas of interest or items to be considered. The Commission will work with other Boards and Commissions to integrate items from the comprehensive plan.

Mayor Lemon commented that the Master Plan approved by the Board needs to be submitted to Council for their final approval.

Leigh Ann Fulcher stated the Commission will review other Boards and Commissions Master Plans when developing the Historic plan.

General discussion followed pertaining to finalizing a list of projects or areas of focus, placing a value for each item, utilizing the Council Strategic Map and proposed items for the Master Plan.

- d. Update On Current Projects And Activities:
- i. Cedar Park Historic Preservation Website Project.
Yvonne Lane, Historic Commission, gave a brief update on the website project. The website was developed using funds received from a grant.

Diane Goodwin stated an advisory committee has been established to work on the development and framework of the website. The committee is comprised of various citizens from the community. The website is expected to launch in October.

ii. **Historical Significance Of The Betty Henry Property.**

Joe Green, Chair, addressed the historical significance of the Betty Henry property. He stated this property is important for the City for historical reasons and should be considered by the Council. He addressed the Consultecon study and stated a Phase 2 study could address the property on a limited scope. The Commission is seeking direction from Council.

Mayor Lemon inquired about the actual size of the property, limited parking capacity, park zoning classification, and development of a park on a piece of property zoned and priced as commercial property.

General discussion followed regarding the land, proposed uses of the land, limited capacity of the area, pricing of the property and rezoning, and location adjacent to the railroad tracts.

Mayor Lemon asked for the Commission to analyze the two issues with the property. These issues are (1) consideration of rezoning the property to parkland, and (2) safety concerns with the proximity of the railroad tracts.

Sharon Wolfe and Betty Henry commented on the City purchasing the property.

iii. **Veterans Memorial Group's Fundraising**

Joe Greene, Chair, commented on the Veterans Memorial and artist submissions of the actual memorial.

iv. **Current And Proposed Archeological Landmark Designations In Cedar Park.**

Diane Goodwin, Historic Preservation Officer, commented on the King Log Cabin. The Commission is working on a program to identify sites in Cedar Park.

e. **Historic Commission Participation With Future City Projects And/Or Initiatives.**

Mayor Lemon inquired if the Commission could assist with Public Art.

General discussion followed regarding possible involvement of the Historic Commission with future City projects.

- f. Consideration Of The Establishment Of A Future Budget For The Historic and Cultural Preservation Commission.

Brenda Eivens, City Manager, stated the FY2010 budget does not included funds for the Historic Preservation Commission.

Joe Greene, Chair, asked for Council to consider approving a budget for the Commission in future budgets.

Diane Goodwin stated a budget will be used for training, applications fees, and the cost for historical markers.

4. Closing Comments

Mayor Lemon thanked the Commission for their work on the board.

5. Adjournment

Mayor Lemon adjourned the meeting at 8:10 p.m.

PASSED AND APPROVED THIS 10TH DAY OF DECEMBER, 2009.

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 15, 2009 AT 6:30 P.M.

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Stephen Thomas, Councilmember Place Five
Cobby Caputo, 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 Powell absent, all others present. Place Five currently unoccupied.
Note: Councilmember Thomas resigned from Place Five effective October 1, 2009.
- 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: Recognition Of Councilmember Stephen Thomas And His Service To The City Of Cedar Park.
Mayor Lemon presented Stephen Thomas with a plaque and street sign in recognition of his service to the City of Cedar Park. Stephen Thomas served on the Council from 2005 to 2009 and as Mayor Pro Tem for one year during that time.

Stephen Thomas reflected on his term while on Council, his experiences and also Council's many accomplishments. He stated he has resigned his position with the Council to run for District 20 State Representative.

- A.5 Presentation: Proclamation For National Friends Of The Library Week October 18 - October 24, 2009.
Mayor Lemon presented Pauline Lam, Library Director, with a Proclamation in recognition of National Friends of the Library week.
- A.6 Presentation: Proclamation For Operation Christmas Child Month October 23 - November 23, 2009.
Mayor Lemon presented Nancy Green and Janelle Brown with a Proclamation in recognition of Operation Christmas Child Month.
- A.7 Presentation: Pedernales Electric Cooperative Quarterly Report - Pete Brooks/Leslie West.
Leslie West, PEC, presented Council with the quarterly franchise check and gave a brief quarterly report.
- A.8 Presentation: Update On The Capital Area Metropolitan Planning Organization ("CAMPO") 2035 Plan.
Joe Cantalupo, Executive Director of CAMPO, updated Council on the long range plan for the central Texas Region. CAMPO is currently working on updating the long range plan for the region and anticipate completion by June 2010. Mr. Cantalupo reviewed the 2035 Growth Concept and addressed issues pertaining to population growth, funding, implementation of no-build versus trends, center concepts, and the development of centers. Addressed also were the challenges facing implementation of long range plans.
- Councilmember Fuller inquired about RM1431 and whether a center was planned for this area. He asked how 29 and 1431 are equivalent in comparison.**
- Councilmember Caputo commented on the history of 1431 and how it is now being skipped or overlooked. He also commented on funding and the distribution of funds.**
- A.9 Presentation: Update On The Solid Waste Request For Proposals Process: RW Beck.
Scott Pasternak, RW Beck, addressed Council regarding the Solid Waste Proposal. He reviewed the time frame for implementation and award of a final contract. The anticipated start date for the solid waste provided is scheduled for February 1, 2010.
- A.10 City Manager Report: Review Of The September 2009 Building Permit And Revenue Activity - Mark Lewis, Director Of Building Inspections.
Mark Lewis, Building Inspections Director, presented Council with the September 2009 Building Permit and Revenue Activity report.
- A.11 City Manager Report: Update On Veterans Day Event.
Katherine Woerner, Assistant to the City Manager, updated Council on the activities being planned for Veterans Day. The event is scheduled to be held on Sunday, November 8th at the Cedar Park Recreation Center.

- A.12 Citizens Communications. (Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information).

Richard Kennedy, Cedar Park, addressed Council regarding the drainage and flooding problems on Royal Lane.

- A.13 Mayor and Council Opening Comments.

Councilmember Fuller thanked Joe Cantalupo for his presentation to Council. He commented on being Principal For A Day at Deer Creek Elementary and acknowledged Katherine Woerner for being appointed to the Kansas University Alumni Executive Committee.

Councilmember Mitchell requested a future agenda regarding an appointment to the CAMPO General Assembly.

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 Moore

Vote: 5:0 with Mayor Pro Tem Powell absent from meeting. Place Five currently unoccupied.

- B.1 Approval Of The Council Minutes From The Meeting Of August 1, 2009.
Approved under the Consent Agenda.

- B.2 Approval Of The Council Minutes From The Meeting Of August 11, 2009.
Approved under the Consent Agenda.

- C.1 Z-09-011 Second Reading On An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 3.00 Acres Of Land Owned By Lakehills Freewill Baptist Church, Located At 1580 Cypress Creek Road, In Williamson County, Texas. (Z-09-011) The Planning And Zoning Commission Voted 6-0 To Approve Local Retail (LR) For This Tract.
Approved under the Consent Agenda.

Ordinance Number Z01-09-10-15-C1

- C.2 Z-09-012 Second Reading On An Ordinance To Amend Approximately 2.95 Acres Of Land Known As Tract Five Of The La Jaita Planned Development To Add Permitted Uses Of Assisted Living, Long Term Care, Nursing Home, Place of Worship and Civic Club And Reduce The Minimum Lot Size To One-Half Acre, Owned By Austin Investment Group Management, LLC, Located On The Northeast Corner Of La Jaita Drive And Cottonwood Creek Trail, In Williamson County, Texas. (Z-09-012) The Planning And Zoning Commission Voted 6-0 To

Approve The Additional Permitted Uses And The Reduction In Lot Size For Tract Five Of The La Jaita Planned Development.

Approved under the Consent Agenda.

Ordinance Number Z02-09-10-15-C2

- D.1 A Resolution Authorizing The Liability Release For Cedar Park Square Two Ltd. In Conjunction With The 2009 Blue Santa Program.

Approved under the Consent Agenda.

Resolution Number R01-09-10-15-D1

- D.2 A Resolution Authorizing And Directing The City Manager To Execute A Supplemental Agreement With Cobb Fendley And Associates, Inc. Under The Park Street Reconstruction Project In The Amount Of \$115,061.

Approved under the Consent Agenda.

Resolution Number R02-09-10-15-D2

- D.3 A Resolution Authorizing And Directing The City Manager To Execute An Easement Dedication Agreement Between The City Of Cedar Park And Terry Lamar Robinson, Cary Robinson Trust, Daryl Robinson Trust, And Cedar Knob Properties L.P., Collectively Referred To As Property Owner, Concerning The Dedication Of Easements To Facilitate The Brushy Creek Road (183A To Parmer Lane) Reconstruction Project.

Approved under the Consent Agenda.

Resolution Number R03-09-10-15-D3

- D.4 A Resolution Awarding The Construction Bid For The Rosemary Denny Park Rehabilitation Project To Fazzone Construction Company, Inc. In The Amount Of \$685,608.04.

Approved under the Consent Agenda.

Resolution Number R04-09-10-15-D4

- D.5 A Resolution Setting A Date, Time, And Place For Public Hearings On The Petition By RS 180 Joint Venture, Philip C. Joseph, And Don Ray George Trustee For Voluntary Annexation Of Approximately 29.22 Acres Of Land Located On The West Side North Ronald Reagan Boulevard Just South Of The City Limits Line. (ANX-09-001).

Approved under the Consent Agenda.

Resolution Number R05-09-10-15-D5

- D.6 A Resolution Authorizing A Friday, October 30, 2009 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 R06-09-10-15-D6

- D.7 A Resolution Authorizing The Filing Of Grant Applications With The Capital Area Council Of Governments ("CAPCOG") For A Regional Solid Waste Program Grant.
Approved under the Consent Agenda.

Resolution Number R07-09-10-15-D7

- D.8 A Resolution Approving the Proposed 2010 Operating Budget for the Brushy Creek Regional Utility Authority.
Approved under the Consent Agenda.

Resolution Number R08-09-10-15-D8

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing On An Ordinance Amending Chapter 9, Municipal Civil Service, Section 9.11.004 (b), Educational Incentive And Certification Pay And Adding Section 9.11.006, Bilingual And Sign Language Pay.

Miguel Ozuna, Human Resources Director, addressed Council regarding the proposed amendments to educational incentive and certification. The proposed amendments include increases the current Educational Incentive Pay for Police Officers who hold a Bachelors (\$175) and Masters Degree (\$250). In addition, the Agreement provides a Spanish and Sign Language Proficiency Incentive to Police Officers who demonstrate proficiency and become certified either in Spanish or sign language (ASL) through a testing process.

This ordinance also extends the increase in Educational Incentive along with the Spanish and Sign Language Proficiency Incentive to Firefighters.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing.

- E.2 First Reading And Public Hearing On An Ordinance Amending Chapter 3, Sec. 3.01.001, Building Codes Adopted Of The City Of Cedar Park Code Of Ordinances For The Purpose Of Adopting The 2009, International Building Code, The 2009 International Residential Code, The 2009 International Plumbing Code, The 2009 International Fuel Gas Code, The 2009 International Mechanical Code, The 2009 International Existing Building Code, The 2009 International Energy Conservation Code And The 2009 International Property Maintenance Code.

Mark Lewis, Building Inspections Director, stated this item is for the adoption of the 2009 International Building Codes. Mr. Lewis reviewed the major changes to the code. The proposed amendments will become effective date on January 1, 2010.

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

- E.3 First Reading And Public Hearing On An Ordinance Amending Sections 18.10.005, Refuse Collection, And 8.08.002(11), Specific Acts, Refuse Collection For The Purpose Of Changing The Time When Refuse Collection Is Prohibited In Or Within 300 Feet Of Any Area Zoned Residential.

Charles Rowland, City Attorney, stated the purpose of this ordinance is to amend the hours when the collection of refuse is prohibited within 300 feet of any residential area located in the City to 6:00 p.m. - 7:00 a.m. Collection is currently prohibited from 10:00 p.m. - 7:00 a.m.

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 Consideration To Validate The Resignation Of Councilmember Stephen Thomas, Place 5, Declaring The Office To Be Vacant According To Section 3.06 Of The City Of Cedar Park Home Rule Charter And Discuss Procedure For Filling Vacancy.

Motion to validate the resignation of Councilmember Stephen Thomas, Place 5, and declare the office to be vacant.

Movant: Councilmember Mitchell

Second: Councilmember Fuller

Vote: 5:0 with Mayor Pro Tem Powell absent from meeting and Place Five vacant.

General discussion followed regarding the application process, submittal of application, letter of interest and resume to the City Secretary. There will be a two week deadline, October 30th, and interviews will be conducted on November 5, 2009.

- F.2 Consideration Of A Resolution Authorizing And Directing The Mayor To Execute An Agreement For Tourism Services With The Cedar Park Chamber Of Commerce.

Melanie Carr, Communications Relations Manager, stated this item is to renew the contract between the City of Cedar Park and the Cedar Park Chamber of Commerce. The Chamber of Commerce provides a location for the Visitor Center, Hospitality Staff and Volunteers, and also marketing and advertising assistance.

Harold Dean and Amy George, Chamber of Commerce, provided an update on the activities provided for the City of Cedar Park.

Mayor Lemon commented on the possibility of having volleyball tournaments in Cedar Park.

Councilmember Fuller thanked the Chamber for their services and complimented Amy George on her work and efforts with tourism in Cedar Park.

Motion to approve the Resolution authorizing and directing the Mayor to execute an agreement for Tourism Services with the Cedar Park Chamber of Commerce.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 5:0 with Mayor Pro Tem Powell absent from meeting and Place Five vacant.

Resolution Number R09-09-10-15-F2

F.3 Consideration Of Nomination For The Board Of Directors For Williamson Central Appraisal District.

Katherine Woerner, Assistant to the City Manager, stated in accordance with Section 6.03(e) of the Texas Property Code, each taxing unit may nominate by resolution one candidate for each position to be filled on the board of directors. The City of Cedar Park receives 140 votes. The deadline for nominations is October 15, 2009.

Motion to nominate Deborah Hunt for the Board of Directors for Williamson Central Appraisal District.

Movant: Councilmember Mitchell

Second: Councilmember Moore

Vote: 5:0 with Mayor Pro Tem Powell absent from meeting and Place Five vacant.

Resolution Number R10-09-10-15-F3

F.4 Consideration of Nomination For The Board Of Directors For Travis Central Appraisal District.

Katherine Woerner, Assistant to the City Manager, stated this item is for the Travis Central Appraisal District Board of Directors. The deadline for nominations if October 15, 2009; therefore, staff is prepared to complete a resolution with the Council's nomination.

Motion to nominate Hugh Farmer for the Board of Directors for Travis Central Appraisal District.

Movant: Councilmember Caputo

Second: Councilmember Fuller

Vote: 5:0 with Mayor Pro Tem Powell absent from meeting and Place Five vacant.

Resolution Number R11-09-10-15-F4

- F.5 Consideration Of The Renaming Of Lynnwood Trail, South Of RM 1431. (Caputo)
Councilmember Caputo asked for this item to be placed on the Agenda. There is confusion with the citizens in Forest Oaks subdivision as to whether this road will be continued as a direct connection to 1431.

Duane Smith, Planning Director, addressed Council regarding the Lynnwood Trail. This is a developer road.

General discussion followed regarding renaming the road to C-Bar Ranch, no direct connection into Forest Oaks, development in the area, and the small section currently built.

Motion to rename N. Lynnwood Trail, South of RM 1431 to C-Bar Ranch Road.

Movant: Councilmember Caputo

Second: Councilmember Moore

Vote: 5:0 with Mayor Pro Tem Powell absent from meeting and Place Five vacant.

- F.6 Consideration Of Councilmember Participation For The Bond Rating Visit To Cedar Park.
Brenda Eivens, City Manager, stated representatives from Standard and Poors will be visiting Cedar Park for a site visit for the bond rating. This rating will be for the 2010 bond issuances. The visit is planned for October 20, 2009. The visit will include a tour of Cedar Park. A presentation will also be given on the highlights of Cedar Park. This item is to determine which Councilmembers will be participating with the tour.

General discussion followed regarding the visit, facilities toured and the presentation. Mayor Lemon, Mayor Pro Tem Powell and Councilmember Caputo will participate with the tour section of the visit.

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 9:07 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 The Master Contract For The Financing, Construction And Operation Of The Brushy Creek Regional Utility Authority Regional Water Treatment And Distribution Project
 - B. Legal Issues Concerning The Master Contract For The Financing, Construction, Ownership And Operation Of The Brushy Creek Regional Wastewater System.

C. Legal Issues Concerning The Purchase Agreement For The Brushy Creek Regional Wastewater System.

D. Legal Issues Concerning Raw Water Floating Intake Contingency Project.

G.2 Section § 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property:

A. Legal Issues Concerning Easements Acquisition Related To The Raw Water Floating Intake Contingency Project.

B. Legal Issues Concerning The Acquisition Of Parkland.

G.3 Section § 551.074 Deliberate The Appointment, Employment, Duties Of A Public Officer Or Employee.

A. Finance Director.

Agenda Item G.3 called after Agenda Item E.1.

This item discussed in Open Meeting and not called under Executive Session.

Brenda Eivens, City Manager, stated the Finance Director position is appointed by the City Manager and approved by the City Council. Josh Selleck from the City of Kerrville has accepted the position of Finance Director with the City of Cedar Park.

Josh Selleck introduced himself to the Council.

Motion to approve the City Manager's recommendation to hire Josh Selleck as the Finance Director.

Movant: Councilmember Moore

Second: Councilmember Mitchell.

Vote: 5:0 with Mayor Pro Tem Powell absent from meeting and Place Five unoccupied.

G.4 Section § 551.087 Deliberation Regarding Economic Development Negotiations:

A. Legal Issues Concerning Incentive Negotiations Related To 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 10:09 p.m.

No action taken on any items discussed in Executive Session.

H.1 Mayor And Council Closing Comments

None.

H.2 Adjournment

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

PASSED AND APPROVED THIS 10TH DAY OF DECEMBER, 2009.

Robert S. Lemon
Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**CITY OF CEDAR PARK
SPECIAL CALLED CITY COUNCIL MEETING
TUESDAY, OCTOBER 20, 2009, AT 11:00 A.M.
Cedar Park Recreation Center - 1435 Main Street, Cedar Park TX 78613**

Mayor Bob Lemon
Mayor Pro Tem Matt Powell
Mitch Fuller, Place 2
Scott Mitchell, Place 3

Lowell Moore, Place 4
VACANT, Place 5
Cobby Caputo, Place 6
Brenda Eivens, City Manager

MINUTES

- 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
Mayor Pro Tem Powell called the meeting to order at 11:30 a.m.
Mayor Lemon arrived at 11:35 p.m.
Councilmember Mitchell absent, all others present.

- 2. Introductions/Welcome**
Brenda Eivens, City Manager, welcomed everyone.
Roundtable introductions were conducted.

Russell Bryce and James Breeding were in attendance from Standard and Poor's.

- 3. Presentation And Discussion With Standard and Poor's Bond Rating Visit**
 - General Economic Conditions Of The City Of Cedar Park.
 - Financial Condition Of The City of Cedar Park And Overview Of Interactive Budget Process.
 - Fiscal Year 2010 Bond Projects.
Agenda Items 3.A, 3.B and 3.C called together.

Councilmember Caputo provided an overview of the City of Cedar Park that included the strategic map, goals, stability in staffing and Council, and the community identity.

Mayor Pro Tem Powell reviewed three projects that City has been involved in that included the Cedar Park Center, regional partnerships for utilities and transportation including the Brushy Creek Regional Utility Authority

and the proposed water resort. MPT Powell briefly reviewed the process for the development and building of the Cedar Park Center.

Councilmember Fuller provided an overview of the Brushy Creek Utility Authority and the regional efforts in the development of Phase 1. This project serves as a model for Texas for long-term thinking and acquisition of water.

Councilmember Caputo also reviewed the upgraded ISO Rating recently received for the City of Cedar Park, real estate ad valorem, building permit and revenue activity, sales tax performance and also fund balances.

Doug Davidson, BMC Corporation, and Charlie Northington, Endeavor/1890 Ranch, addressed the group on the business environment in Cedar Park.

Brenda Eivens, City Manager, commented on the interactive budget process and paperless system utilized during the FY2010 budget process. Also discussed were the 2010 General Obligation Bond projects. The projects range from transportation to facilities.

d. Overview Of Tour Of City Of Cedar Park.

Brenda Eivens, City Manager, provided the facilities that would be included in the site tour for Standard and Poors.

4. Closing Comments
None.

5. Adjournment
Mayor Lemon adjourned the meeting at 1:20 p.m.

PASSED AND APPROVED THIS 17TH DAY OF DECEMBER, 2009.

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 29, 2009 AT 6:30 P.M.

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
VACANT, Councilmember Place Five
Cobby Caputo, 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 6:36 p.m.
All present. Councilmember Caputo arrived at 7:20 p.m. Place Five currently vacant.
- 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 Declaring November 2009 As "Pancreatic Cancer Awareness Month".
Mayor Lemon presented Erika Priddy with a Proclamation for Pancreatic Cancer Awareness Month.
- A.5 Presentation: Update On The Draft Master Plan For The Twin Creeks Historic Park – Charles Mabry, Land Design Partners.
Charles Mabry from Land Design Partners and Owen Herrod from MWM Design Group addressed Council on the draft Master Plan for the Twin Creeks Historic Park. The update included the park background, natural and historic features, the Log House background, master plan goals and proposed site development.

- A.6 Citizens Communications. (Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information).

Scott Thiltgan, Cedar Park, addressed Council on Phase 2 of the skate park. He is concerned the project will not be built as proposed and is being downsized.

Darrell Lowrance, Round Rock, addressed Council on the skate park bid for Phase 2. He is concerned the bowl specifications are not what was proposed by the citizens at the public meetings.

- A.7 Mayor and Council Opening Comments.
Mayor Pro Tem Powell updated Council on his visit to Arizona that is coordinated with the Austin Chamber of Commerce and Cedar Park Chamber of Commerce.

Councilmember Fuller congratulated the Cedar Park High School Timberwolves on their victory. He also reflected on the recent loss of two soldiers who were from Camp Mabry and reminded everyone of the Veteran's Day events planned for November 8th.

Councilmember Moore commented on the recent bond rating visit and also the concert and street dance held at Heritage Oak Park.

- A.8 City Manager Report: Recognition Of Service With The City Of Cedar Park.
i. Mark Ellner, Pumps And Motors Department, Fifteen Years Of Service.
Eric Rauschuber, Utilities Director, presented Mark Ellner with a plaque in recognition of fifteen years of service with the City of Cedar Park.

- A.9 City Manager: Update On The Proposed Water And Wastewater Rate Increase - Sam Roberts, Assistant City Manager.
Sam Roberts, Assistant City Manager, addressed the Council regarding the proposed water and wastewater rate increases. Provided was a background of water and wastewater rates, impact to homeowners on the proposed rate increases and the effective date of January 1, 2010.

Note: Councilmember Caputo arrived at 7:20.

- A.10 City Manager Report: Review Of The Cedar Park Public Library Policies - Pauline Lam, Library Director.
Pauline Lam, Library Director, reviewed the Cedar Park Public Library Policies.

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 Moore

Vote: 6:0 with Place 5 vacant.

- B.1 Approval Of Council Minutes From The Meeting Of August 13, 2009.
Approved under the Consent Agenda.
- B.2 Approval Of Council Minutes From The Meeting Of August 27, 2009.
Approved under the Consent Agenda.
- B.3 Receipt Of Minutes From The Tourism Advisory Board Meeting Of August 14, 2009.
Received under the Consent Agenda.
- B.4 Receipt Of Minutes From The Tourism Advisory Board Meeting Of September 11, 2009.
Received under the Consent Agenda.
- B.5 Receipt Of Minutes From The Cedar Park Community Development Corporation ("4B") Meeting Of July 14, 2009.
Received under the Consent Agenda.
- B.6 Receipt Of Minutes From The Cedar Park Community Development Corporation ("4B") Meeting Of August 3, 2009.
Received under the Consent Agenda.
- B.7 Receipt Of Minutes From The Cedar Park Community Development Corporation ("4B") Meeting Of August 17, 2009.
Received under the Consent Agenda.
- C.1 Second Reading On An Ordinance Amending Chapter 9, Municipal Civil Service, Section 9.11.004 (b), Educational Incentive And Certification Pay And Adding Section 9.11.006, Bilingual And Sign Language Pay.
Approved under the Consent Agenda.

Ordinance Number CO03-09-10-29-C1

- C.2 Second Reading On An Ordinance Amending Chapter 3, Sec. 3.01.001, Building Codes Adopted Of The City Of Cedar Park Code Of Ordinances For The Purpose Of Adopting The 2009, International Building Code, The 2009 International Residential Code, The 2009 International Plumbing Code, The 2009 International Fuel Gas Code, The 2009 International Mechanical Code, The 2009 International Existing Building Code, The 2009 International Energy Conservation Code And The 2009 International Property Maintenance Code.
Approved under the Consent Agenda.

Ordinance Number CO04-09-10-29-C2

- C.3 Second Reading On An Ordinance Amending Sections 18.10.005, Refuse Collection, And 8.08.002(11), Specific Acts, Refuse Collection For The Purpose Of Changing The Time When Refuse Collection Is Prohibited In Or Within 300 Feet Of Any Area Zoned Residential.
Approved under the Consent Agenda.

Ordinance Number CO05-09-10-29-C3

- D.1 A Resolution Recommending The Texas Department Of Transportation (TxDOT) Establish A Reduced Speed Zone Of 45 MPH On The Section Of RM 1431 From 183A To 700 Feet East Of Cottonwood Creek Trail, A Distance of Approximately 0.75 Miles, During Construction Of Roadway Improvements.
Approved under the Consent Agenda.

Resolution Number R12-09-10-29-D1

- D.2 A Resolution Authorizing The Purchase Of Skatepark Lighting For Brushy Creek Sports Park From Musco Sports Lighting, LLC.
Approved under the Consent Agenda.

Resolution Number R13-09-10-29-D2

- D.3 Excuse The Absence Of Mayor Pro Tem Powell From The Regular Scheduled Council Meeting Of October 15, 2009.
Approved under the Consent Agenda.

No Resolution Number assigned.

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing On An Ordinance Establishing The Cedar Park Public Art Program And The Cedar Park Arts Advisory Board.
Katherine Woerner, Assistant to the City Manager, stated this item is for the establishment of the Public Arts Program and the creation of an Arts Advisory Board. The ordinance includes key definitions, program purpose and scope and the funding mechanisms for the program. Funding includes a percent for the arts, an optional \$0.50 donation box on monthly utility bills, and possible Hotel Occupancy Tax Funds. Ms. Woerner further explained the Percent for the Arts component that will include an allotted 1% of applicable CIP project budgets to Public Art. Staff recommends 0.95% of applicable CIP project budgets go to the acquisition of art and 0.05% of applicable CIP project budgets go to the maintenance and conservation of Public Art.

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

- E.2 First Reading And Public Hearing On An Ordinance Changing The Name Of The Proposed Extension Of North Lynnwood Trail South Of RM 1431/East Whitestone Blvd. To C-Bar Ranch Trail.

Duane Smith, Planning Director, stated this item is for the renaming of the section of North Lynnwood Trail south of RM 1431/E. Whitestone Boulevard as C-Bar Ranch Trail. There are eight (8) parcels with four (4) separate owners located within the subject area where the road is currently under construction. This process has been structured so that the properties affected by this name change will keep the same physical (numerical) address. The only change will be the name of the roadway.

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 Consideration Of An Ordinance Authorizing The Issuance Of City Of Cedar Park, Texas General Obligation Bonds, Series 2009; Levying An Ad Valorem Tax In Support Of The Bonds; Approving A Paying Agent/Registrar Agreement, An Official Statement, Awarding The Sale Of The Bonds; And Authorizing Other Matters Relating To The Bonds.

Agenda Items F.1, F.2 and F.3 called together.

Refer to Agenda Item F.3 for action taken.

- F.2 Consideration Of An Ordinance Authorizing The Issuance Of City Of Cedar Park, Texas General Obligation Refunding Bonds, Series 2009A Approving An Official Statement, A Paying Agent/Registrar Agreement, A Bond Purchase Agreement And An Escrow Agreement; Establishing The Procedures For Selling And Delivering The Bonds; And Authorizing Other Matters Relating To The Bonds.

Agenda Items F.1, F.2 and F.3 called together.

Refer to Agenda Item F.3 for action taken.

- F.3 Consideration Of An Ordinance Authorizing City Of Cedar Park, Texas Utility System Revenue Bonds, Series 2009; Approving And Authorizing An Official Statement, A Paying Agent/Registrar Agreement, Establishing The Procedures For Selling And Delivering The Bonds, And Other Agreements Related To The Issuance And Sale Of The Bonds; And Authorizing Other Matters Related To The Issuance Of The Bonds.

Agenda Items F.1, F.2 and F.3 called together.

Brenda Eivens, City Manager, stated these three items are related to the 2010 General Obligation Bond projects. As discussed during the budget process, the projects include transportation and facility projects. The total issuance is \$36M or \$12M for the GO bonds and \$25M for utility bonds.

Dan Wegmiller, Specialized Public Finance, addressed the Council regarding the issuance. He reviewed the Standard & Poor's rating which was upgraded from AA- to AA. Mr. Wegmiller briefly discussed the reasons for the upgraded scoring which included fund balance commitments, tax rate flexibility and also the site visit.

Motion to approve an Ordinance Authorizing The Issuance Of City Of Cedar Park, Texas General Obligation Bonds, Series 2009; Levying An Ad Valorem Tax In Support Of The Bonds; Approving A Paying Agent/Registrar Agreement, An Official Statement, Awarding The Sale Of The Bonds; And Authorizing Other Matters Relating To The Bonds; and

To approve an Ordinance Authorizing The Issuance Of City Of Cedar Park, Texas General Obligation Refunding Bonds, Series 2009A Approving An Official Statement, A Paying Agent/Registrar Agreement, A Bond Purchase Agreement And An Escrow Agreement; Establishing The Procedures For Selling And Delivering The Bonds; And Authorizing Other Matters Relating To The Bonds; and

To approve an Ordinance Authorizing City Of Cedar Park, Texas Utility System Revenue Bonds, Series 2009; Approving And Authorizing An Official Statement, A Paying Agent/Registrar Agreement, Establishing The Procedures For Selling And Delivering The Bonds, And Other Agreements Related To The Issuance And Sale Of The Bonds; And Authorizing Other Matters Related To The Issuance Of The Bonds.

Movant: Councilmember Caputo
Second: Councilmember Mitchell
Vote: 6:0 with Place 5 vacant.

Ordinance Number I06-09-10-29-F1
Ordinance Number I07-09-10-29-F2
Ordinance Number I08-09-10-29-F3

- F.4 Consideration Of Appointment Of The Historic Preservation Officer For The Historic Preservation Commission.

Katherine Woerner, Assistant to the City Manager, stated the Texas Administrative Code requires that certified local governments must designate a Historic Preservation Officer that is a city official, staff person, or other appropriate resident of the municipal entity as local preservation officer. (Texas Administrative Code, Title 13, Part 2, Chapter 15, Section 6). Staff is recommending Yvonne Lane, Grants Coordinator, be appointed to serve as the Historic Preservation Officer. Yvonne has extensive experience in historic preservation and management programs including historic restoration, downtown enhancement and revitalization projects, and grant administration.

Motion to appoint Yvonne Lane as the Historic Preservation Officer.

Movant: Councilmember Fuller
Second: Councilmember Moore

Vote: 6:0 with Place 5 vacant.

Councilmember Fuller thanked Diane Goodwin for her past service as the Historic Preservation Officer.

- F.5 Consideration Of Appointment To The Second Position Within the General Assembly To The Capital Area Council Of Governments ("CAPCOG") Vacated By Councilmember Thomas. **Councilmember Mitchell provided a background for the CAPCOG General Assembly. There are three positions on the General Assembly currently reserved for the City of Cedar Park. Councilmember Mitchell and Brenda Eivens, City Manager, are appointed to the General Assembly and the third position is now vacant after the resignation of Councilmember Thomas.**

Mayor Pro Tem Powell expressed interest in being appointed to the vacancy.

Motion to appoint Mayor Pro Tem Powell to the Capital Area Council of Governments (CAPCOG) General Assembly.

Movant: Councilmember Caputo

Second: Councilmember Mitchell

Vote: 6:0 with Place 5 vacant

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 Concerning The Master Contract For The Financing, Construction, Ownership And Operation Of The Brushy Creek Regional Wastewater System.
 - B. Legal Issues Concerning The Purchase Agreement For The Brushy Creek Regional Wastewater System.
 - C. Legal Issues Concerning Raw Water Floating Intake Contingency Project.
 - D. Legal Issues Concerning The Cedar Park Tax Increment Reinvestment Zone #1 Development Agreement.
- G.2 Section § 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property:
- A. Legal Issues Concerning Purchase Of Water Tank Site And Additional Uses.
 - B. Legal Issues Concerning The Acquisition Of Parkland.

- C. Legal Issues Concerning Easements Acquisition Related To The Raw Water Floating Intake Contingency Project.
- D. Legal Issues Concerning New Hope Road Right-Of-Way Acquisitions.

- G.3 Section § 551.087 Deliberation Regarding Economic Development Negotiations:
 - A. Legal Issues Concerning Incentive Negotiations Related To 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 9:21 p.m.

Agenda Item G.2A

Motion to approve a Resolution authorizing and directing the City Manager to execute the purchase contract on all closing documents necessary to purchase an approximately 3.194 acre parcel of land owned by HM Twin Creek, Ltd.

Movant: Mayor Pro Tem Powell
Second: Councilmember Fuller
Vote: 6:0 with Place 5 vacant

Resolution Number R14-09-10-29-G.2A

- H.1 Mayor And Council Closing Comments.
Mayor Pro Tem Powell asked for a future agenda item regarding the traffic signal at Lakeline and Cypress Creek Road.

Mayor Lemon reminded everyone of the special called meeting for Saturday, November 7th.

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

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2010.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



MINUTES
SPECIAL CALLED CITY COUNCIL MEETING
SATURDAY, NOVEMBER 7, 2009, AT 8:30 A.M.
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
VACANT, Councilmember Place Five
Cobby Caputo, Councilmember Place Six
Brenda Eivens, City Manager

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

Mayor Lemon called the meeting to order at 8:37 a.m.
All present, with Councilmember Dale in Place 5.

2. Pledges of Allegiance. (US and Texas)
Council led in the Pledges of Allegiance.

3. Mayor and Council Opening Comments.
Mayor Lemon welcomed everyone to the meeting.

4. Discussion Only:

- a. Capital Area Metropolitan Planning Organization (“CAMPO”) 2035 Plan Including Technical Report Number Six.
- b. Cedar Park Transportation Projects And Funding.
- c. Cedar Park Transportation Projects Affected By CAMPO And Federal Funding Including Brushy Creek Road And RM 2769.

Agenda Items 4.A, 4.B, and 4.C called together.

Mayor Lemon addressed the CAMPO 2035 Plan. This plan has identified the City of Cedar Park with a small center which is actually smaller than the centers planned for Leander or Liberty Hill. The plan addressed Hwy 29 being expanded while RM 1431 is passed by.

General discussion followed regarding approaching CAMPO to have the Cedar Park Center tied into a CAMPO stop and also the future proposed water park area. Funding of projects by CAMPO for Cedar Park and the surrounding area was also discussed. Funding is limited at the State level. Discussion also included the location of centers by CAMPO, development of those centers, and approaching CAMPO to change the Cedar Park plan from a small center to a medium center.

Council further discussed goals or an improved approach for transportation projects and also for dealing with CAMPO.

Discussion also included the development of Brushy Creek Road and RM 2769. Consideration of the lack of CAMPO funding and having the City redistribute allocated monies for transportation projects was discussed.

5. Mayor and Council Closing Comments
None.
6. Adjournment
Mayor Lemon adjourned the meeting at 10:26 a.m.

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2010.

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 12, 2009 AT 6:30 P.M.

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Tony Dale, Councilmember Place Five
Cobby Caputo, 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 present.
- A.2 Invocation.
Invocation given by Deacon Paul Rodriguez with St. Margaret Mary Church.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Ceremonial Swearing In Of Appointed Councilmember Place Five, Tony Dale.
Judge Bill Ray Stubblefield, 26th Judicial District Court, ceremonially swore in Councilmember Tony Dale to Place 5.
- A.5 Recess For Installation Of New Council On Dais.
Council recessed from 6:38 p.m. to 6:50 p.m. for the installation of Councilmember Dale to Place 5.
- A.6 Presentation: Update On The Extension Of 183A And The Hike/Bike Trail - Mike Heiligenstein, Executive Director For The Central Texas Regional Mobility Authority (CTRMA).

Steve Pustelnyk, Director of Communications for CTRMA, addressed the Council regarding the extension of 183A and the proposed hike/bike trail. Presented was the path development for Section 1, 2 and 3. With the currently proposed design there is a gap between Section 1 and Section 2. The CTRMA is seeking assistance for this area and looks for Cedar Park's support with the addition of this area to the City's hike and bike master plan. Mr. Pustelnyk further reviewed the extension of 183A and the proposed increases to the tolls. The Park Street toll will increase from \$1.35 to \$1.55. The proposed tolls for 2012 after the completion of Phase 2 of the extension will be New Hope \$.95, Park Street \$1.25 and Lakeline Blvd \$.50. The toll cost will be \$2.70.

- A.7 Citizens Communications. (Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information).

None.

- A.8 Mayor and Council Opening Comments.
Mayor Lemon commented on the Veteran's Day Celebration.

Mayor Pro Tem Powell complimented Councilmembers Fuller and Dale for their participation as key note speakers at the Chamber of Commerce luncheon and wished the Cedar Park High School Timberwolves success at the playoffs.

Councilmember Fuller congratulated Councilmember Dale on his appointment to Place 5 and briefly commented on Leadership Cedar Park, Texas Stars, Veterans Day Celebration and the BCRUA retreat.

Councilmember Moore commented on the Cedar Park Healthy Woman event held at the Cedar Park Center.

Councilmember Dale commented on the Veterans Day event and the Chamber of Commerce luncheon and also the Veterans Event held at Ronald Reagan Elementary.

- A.9 City Manager Report: Update On The Cedar Park Public Library Fable Fest Event On November 14th - Pauline Lam, Library Director.

Pauline Lam, Library Director, invited Council and citizens to attend the first Fable Fest Event being held on November 14th.

- A.10 City Manager Report: Update On The Insurance Services Office ("ISO") Classification Citizen Reporting Process. (Powell)

Katherine Woerner, Assistant to the City Manager, provided an update for citizens interested in contacting their home insurance provider for the ISO classification change for Cedar Park. Information is located on the City's website and the notification is policy holder initiated.

- A.11 City Manager Report: Update On The Issuance/Sale Of General Obligation Bonds And Utility System Revenue Bonds.

Dan Wegmiller, Specialized Public Finance, addressed the Council regarding the sale of the bonds. He reviewed the process and the final pricing for the issuance. The sale was well received and saw a tremendous success in the market.

A.12 City Manager Report: Status Report And Update On Grant Activities - Yvonne Lane, Grant Coordinator.

Yvonne Lane, Grants Coordinator, provided an update on the grant activities.

A.13 City Manager Report: Update On The Drought Contingency Plan - Sam Roberts, Assistant City Manager.

Sam Roberts, Assistant City Manager, provided Council with an update on the drought contingency plan. He addressed the barge relocation and the recently issued lake elevations provided by LCRA. Due to the lake projections, the recommendation is to suspend the project and monitor the future lake levels. The easement acquisition will continue as planned. Staff is currently evaluating the lifting of the mandatory watering restrictions.

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.5 withdrawn from Agenda by staff.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D excluding D.5

Movant: Councilmember Mitchell

Second: Councilmember Fuller

Vote: 7:0

B.1 Approval Of Minutes From The City Council Meeting Of September 10, 2009.

Approved under the Consent Agenda.

B.2 Receipt Of Minutes From The Cedar Park Economic Development Corporation (4A) Meeting Of August 17, 2009.

Received under the Consent Agenda.

C.1 Second Reading On An Ordinance Establishing The Cedar Park Public Art Program And The Cedar Park Arts Advisory Board.

Approved under the Consent Agenda.

Ordinance Number CO09-09-11-12-C1

C.2 Second Reading On An Ordinance Changing The Name Of The Proposed Extension Of North Lynnwood Trail South Of RM 1431/East Whitestone Blvd. To C-Bar Ranch Trail.

Approved under the Consent Agenda.

Ordinance Number G10-09-11-12-C2

- D.1 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 R15-09-11-12-D1

- D.2 A Resolution Awarding Construction Bid For The Cedar Park Youth League Maintenance Facility To CL Carson, Inc. For \$329,566 And Authorizing City Manager To Execute Change Order No. 1 By CL Carson, Inc. In The Amount Of (\$26,998.38).
Approved under the Consent Agenda.

Resolution Number R16-09-11-12-D2

- D.3 A Resolution Consenting To The Brushy Creek Regional Utility Authority ("BCRUA") Executing A Contract With Dial Development Services In The Amount Of \$656,000 For Inspection and Observation Services For The BCRUA Raw Water Pipeline, Phase 1 - Contract 1 Project.
Approved under the Consent Agenda.

Resolution Number R17-09-11-12-D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute An Engineering Services Agreement With Davis Engineering, Inc. For The 2010 Water Tank Rehabilitation Project.
Approved under the Consent Agenda.

Resolution Number R18-09-11-12-D4

- D.5 A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development (4B) Board And Pecan Grove-SPVEF, L.P. To Provide An Economic Development Incentive For The Reimbursement Of Water And Wastewater Infrastructure Improvements On Real Property Located Near The North East Corner Of New Hope Drive And 183A Toll Road.
Withdrawn from Agenda by staff.

- D.6 A Resolution Approving An Amendment To The Proposed 2010 Operating Budget For The Brushy Creek Regional Utility Authority.
Approved under the Consent Agenda.

Resolution Number R19-011-12-D6

- D.7 A Resolution Providing Consent For The Brushy Creek Regional Utility Authority To Execute An Engagement Letter With Brockway, Gersbach, Franklin & Niemeier, P.C. For Audit And Annual Financial Report Preparation Services.

Approved under the Consent Agenda.

Resolution Number R20-09-11-12-D7

PUBLIC HEARINGS

- E.1 First Public Hearing And Commentary On The Petition By RS 180 Joint Venture, Philip C. Joseph, And Don Ray George Trustee For Voluntary Annexation Of Approximately 29.22 Acres Of Land Located On The West Side Of Ronald Reagan Boulevard Just South Of The City Limits Line.

Duane Smith, Planning Director, stated this is the first of two required public hearings on the proposed voluntary annexation of approximately 29.22 acres of land located on the west side of Ronald Reagan Boulevard just south of the city limits line. RS 180 Joint Venture, Philip C. Joseph, and Don Ray George Trustee have petitioned the City for annexation of the 29.22 acres for development of the site in conjunction with adjacent properties already in the City limits.

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 Consideration To Approve The Amended And Restated Ordinance Authorizing City Of Cedar Park, Texas Utility System Revenue Bonds, Series 2009; Approving And Authorizing An Official Statement, A Paying Agent/Registrar Agreement, Establishing The Procedures For Selling And Delivering The Bonds, And Other Agreements Related To The Issuance And Sale Of The Bonds; And Authorizing Other Matters Related To The Issuance Of The Bonds.

Bart Fowler, McCall Parkhurst, addressed the Council regarding the amendment to the wording of the ordinance.

Motion to approve the Amended And Restated Ordinance Authorizing City of Cedar Park, Texas Utility System Revenue Bonds, Series 2009; approving and authorizing an Official Statement, a Paying Agent/Registrar Agreement, establishing the procedures for selling and delivering the bonds, and other agreements related to the issuance and sale of the bonds; and authorizing other matters related to the issuance of the bonds.

Movant: Councilmember Caputo

Second: Councilmember Moore

Vote: 6:0

Ordinance Number I08-09-10-29-F3

- F.2 Consideration Of Appointments To The Vacancies Of Place Four And Place Seven On The Planning And Zoning Commission.

Linus Danilevicius and Jon Lux introduced themselves to Council and stated they are interested in serving on the Planning and Zoning Commission.

Motion to appoint Jon Lux to Place 4 on the Planning & Zoning Commission.

Movant: Councilmember Mitchell

Second: Councilmember Fuller

Vote: 7:0

Motion to appoint Linas Danilevicius to Place 7 on the Planning & Zoning Commission.

Movant: Mayor Pro Tem Powell

Second: Councilmember Moore

Vote: 7:0

- F.3 Consideration Of Appointment To The Vacancy Of Place Two On The Cedar Park Economic Development Corporation ("4A").

Don Tracy introduced himself to Council as an applicant for the vacancy on the 4A Board.

Motion to appoint Don Tracy to Place Two on the 4A Board.

Movant: Councilmember Fuller

Second: Mayor Pro Tem Powell

Vote: 7:0

- F.4 Consideration To Approve The City Council Goals And Strategies For 2010.

Katherine Woerner, Assistant to the City Manager, provided an overview of the 2008-2009 accomplishments and reviewed the new additions to the Council Goals and Strategies for 2010.

Motion to approve the City Council Goals and Strategies for 2010.

Movant: Mayor Pro Tem Powell

Second: Councilmember Mitchell

Vote: 7:0

- F.5 Consideration Of Cedar Park Transportation Projects And Funding. (Amendment)

Mayor Lemon gave a brief updated on the CAMPO funding for Cedar Park Projects. Mayor Lemon inquired if the Brushy Creek Road project would be considered for the next letting by CAMPO. CAMPO will be considering the letting at their meeting held in January.

Brenda Eivens, City Manager, stated the current cost for the project is \$8.832M and has been reviewed by staff. The funding request for CAMPO was \$2.577M and is below the letting cap and now leaves the City with options.

General discussion followed regarding a possible presentation to CAMPO to notify them of the importance of improvements to Brushy Creek Road. Support of LISD, Williamson County, CTRMA and possible residents from the Forest Oaks subdivision should be sought.

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 8:49 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 The Master Contract For The Financing, Construction, Ownership And Operation Of The Brushy Creek Regional Wastewater System.
 - B. Legal Issues Concerning The Purchase Agreement For The Brushy Creek Regional Wastewater System.
 - C. Legal Issues Concerning Raw Water Floating Intake Contingency Project.
 - D. Legal Issues Concerning The Terms And Conditions For Solid Waste Services.
- G.2 Section § 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property:
- A. Legal Issues Concerning Easements Acquisition Related To The Raw Water Floating Intake Contingency Project.
- G.3 Section § 551.087 Deliberation Regarding Economic Development Negotiations:
- A. Legal Issues Concerning Incentive Negotiations Related To 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 11:38 p.m.

No action taken on any item discussed in Executive Session.

- H.1 Mayor And Council Closing Comments
Mayor Pro Tem Powell asked for the Tourism Board to provide a quarterly report to Council at a future Council meeting.

H.2 Adjournment
Mayor Lemon adjourned the meeting at 11:40 p.m.

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2010.

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 19, 2009 AT 6:30 P.M.

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Tony Dale, Councilmember Place Five
Cobby Caputo, 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. All present with Mayor Pro Tem Powell arriving at 7:21 P.M.
- 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: Update On The Cedar Park Hike And Bike Trails Master Plan: Jim Carillo, Halff Associates.
Jim Carillo, Halff Associates, provided Council with an update on the Hike and Bike Trails Master Plan. Mr. Carillo reviewed the public input process, including the notification process used to receive citizen input on the plan. Public meetings were held in addition to online surveys. The plan will be finalized and brought back to the Parks Advisory Board and Council for final approval in January 2010.
- A.5 Presentation: Recognition Of Flintco As The Recipient Of The Associated Builders And Contractors Excellence In Construction Award For The Cedar Park Recreation Center.
Mike Hutter and Steve Seger presented Mayor Lemon the Excellence in Construction Award "The Eagle" which is a prestigious award given by the Associated Builders and

Contractors Central Texas Chapter. This award was received for the Cedar Park Recreation Center.

A.6 Presentation: Introduction Of W.S. "Chip" Riggins, Jr., Executive Director, Williamson County & Cities Health District.

Kathy Galloway, WCCHD, introduced Mr. Chip Riggins to the City Council. Mr. Riggins addressed the Council regarding the WCCHD goals and future direction.

A.7 Citizens Communications. (Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information).

Frank Rhodes, Cedar Park, addressed Council regarding a noise variance on his Christmas light display.

James Dillon, Cedar Park, thanked Council for the public input process for the hike and bike trails master plan. He also commented on the single stream recycling and inquired about oak wilt and informing the public and contractors of this problem.

A.8 Mayor and Council Opening Comments.

Councilmember Fuller complimented the Parks Department and the Library for the successful Fable Fest program. He also commented on the Parks Golf Tournament. He presented each Councilmember with a Ranger Rosary and reminded everyone to remember all the soldiers away from home during the holidays.

Councilmember Mitchell commented on the golf tournament.

Councilmember Moore commented on Fable Fest and the golf tournament.

Councilmember Dale congratulated the numerous Cedar Park citizens who ran the half marathon in San Antonio.

Councilmember Caputo requested a future agenda pertaining to oak wilt and also the process for granting noise variances.

A.9 City Manager's Report: Update On The December 4th Tree Lighting And The December 12th Santa's Workshop To Be Held At Heritage Oak Park - Curt Randa, Parks And Recreation Director.

Curt Randa Parks Director, provided Council with an update on the numerous events scheduled in December.

A.10 City Manager Report: Update On The Cedar Park Public Proposed Library Story Time Changes, Pauline Lam - Library Director.

Withdrawn from Agenda.

A.11 City Manager Report: Review Of October 2009 Building Permit And Revenue Activity - Mark Lewis, Director Of Building Inspections.

Mark Lewis, Building Inspections Director, presented Council with the October 2009 Building Permit and Revenue Activity Report.

- A.12 City Manager Report: Welcome For Josh Selleck, Finance Director.
Brenda Eivens, City Manager, introduced Josh Selleck as the new Finance Director.

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 Councilmember Caputo.
Agenda Item D.2 removed from the Consent Agenda by Councilmember Caputo.
Agenda Item D.11 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 Items. D.1, D.2 and D.11.

Movant: Councilmember Caputo
Second: Councilmember Fuller
Vote: 6:0 with Mayor Pro Tem Powell absent from vote.

- B.1 Receipt Of Minutes From The Cedar Park Community Development Corporation ("4B") Meeting Of October 13, 2009.
Received under the Consent Agenda.
- B.2 Receipt Of Minutes From The Cedar Park Community Development Corporation ("4B") Meeting Of October 27, 2009.
Received under the Consent Agenda.
- C.1 Second Reading Of An Ordinance: No Items For Consideration.
No Items For Consideration.
- D.1 A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development (4B) Board For An Economic And Community Enhancement Program Consisting Of Activities To Implement A Community Identification Project Consisting Of The Design And Site Locations For Gateway/Entryway Signs For The City Of Cedar Park.
Agenda Item D.1 removed from the Consent Agenda by Councilmember Caputo.
Agenda Item D.1 and D.2 called together

Councilmember Caputo would like an update or report on this project.

Duane Smith, Planning Director, and Ryan Wood, 4B Board, addressed Council regarding the gateway/entry signs. Mr. Wood explained this project was identified as a goal by the Council and 4B Board after their joint meeting. The goal is to create a community identity. The gateway signs assist citizens or visitors in knowing when they arrive or leave Cedar Park.

Motion to approve Agenda Items D.1 and D.2 as presented.

Movant: Councilmember Caputo

Second: Councilmember Fuller

Vote: 6:0 with Mayor Pro Tem Powell absent from vote.

Resolution Number R21-09-11-19-D1

- D.2 A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development (4B) Board For The Acquisition And Construction Of Irrigation System Improvements At The Brushy Creek Sports Park Located At 2310 Brushy Creek Road.
Agenda Item D.2 removed from the Consent Agenda by Councilmember Caputo.
Agenda Item D.1 and D.2 called together
Councilmember Caputo would like an update or report on this project.

Ryan Wood. 4B Board, stated this item provides for the funding of irrigation improvements at Brushy Creek Sports Park. This very meaningful project is a first step towards utilizing green efforts in the city's parks. The irrigation system uses recycled water from the water treatment plant. Curt Randa, Parks Director, stated this is a system similar to what golf courses uses.

Motion to approve Agenda Items D.1 and D.2 as presented.

Movant: Councilmember Caputo

Second: Councilmember Fuller

Vote: 6:0 with Mayor Pro Tem Powell absent from vote.

Resolution Number R22-09-11-19-D2

- D.3 A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development (4B) Board To Provide For Economic and Community Development Enhancements To Address Safety, Mobility And Aesthetics Through Continuation Of The U.S. 183 Corridor Enhancement Program.
Approved under the Consent Agenda.

Resolution Number R23-09-11-19-D3

- D.4 A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development (4B) Board To Provide For The Implementation Of A Community Enhancement Project Consisting Of The Construction Of Mobility, Safety, Congestion And Community Enhancement Improvements At The Intersection Of East Whitestone Boulevard And North Vista Ridge Boulevard.
Approved under the Consent Agenda.

Resolution Number R24-09-11-19-D4

- D.5 A Resolution Authorizing And Directing The Mayor To Execute A Corridor Enhancement Project Agreement Between The Cedar Park Community Development (4B) Board And James West, Owner Of Real Property At 2103 North Bell Boulevard For The Expenditure Of 4B Funds To Provide An Economic Development Incentive For The Construction Of Improvements Through A Corridor Enhancement Project At 2103 North Bell Boulevard.

Approved under the Consent Agenda.

Resolution Number R25-09-11-19-D5

- D.6 A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development (4B) Board To Provide Funding For A Community Identification Program To Provide For Implementation Of The Cedar Park Street Sign Upgrade Projects.

Approved under the Consent Agenda.

Resolutuion Number R26-09-11-19-D6

- D.7 A Resolution Authorizing The Cedar Park Police Department To Purchase Twelve Brazos E-Citation Electronic Ticket Writers And Associated Hardware And Software From Brazos Technology In The Amount Of \$56,297.

Approved under the Consent Agenda.

Resolution Number R27-09-11-19-D7

- D.8 A Resolution For City Acceptance Of Caballo Ranch Section 2 Subdivision Improvements.

Approved under the Consent Agenda.

Resolution Number R28-09-11-19-D8

- D.9 A Resolution Adopting The Master Plan For The Twin Creeks Historic Park.

Approved under the Consent Agenda.

Resolution Number R29-09-11-19-D9

- D.10 A Resolution Consenting To The Brushy Creek Regional Utility Authority ("BCRUA") Executing A Contract With Jacobs Engineering Group, Inc. In The Amount Of \$1,240,120 For Construction Phase Services For The BCRUA Raw Water System, Phase 1 - Contracts 1, 2, and 3.

Approved under the Consent Agenda.

Resolution Number R30-09-11-19-D10

- D.11 A Resolution Consenting To The Brushy Creek Regional Utility Authority ("BCRUA") Executing A Contract With Camp, Dresser & McKee, Inc. In The Amount Of \$2,913,038 For Construction Phase Services For The BCRUA Water Treatment Plant, Phase 1A.

Agenda Item D.11 removed from the Consent Agenda by Councilmember Fuller.

Councilmember Fuller stated this item was approved by the Brushy Creek Regional Utility Authority. He wanted to take this opportunity to update Council on the progress made on the project. He commented on the recent article by the Statesman regarding LCRA's water allocation and the percentage of water given to rice farmers. He commented on the small percentage of water the BCRUA receives in comparison to the total allocation.

Motion to approve the Resolution Consenting To The Brushy Creek Regional Utility Authority ("BCRUA") Executing A Contract With Camp, Dresser & McKee, Inc. In The Amount Of \$2,913,038 For Construction Phase Services For The BCRUA Water Treatment Plant, Phase 1A.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 6:0 with Mayor Pro Tem Powell absent from vote.

Resolution Number R31-09-11-19-D11

- D.12 A Resolution Consenting To The Brushy Creek Regional Utility Authority ("BCRUA") Executing A Contract With Water Resources Management In The Amount Of \$752,000 For Inspection and Observation Services For The BCRUA Water Treatment Plant, Phase 1A.
Approved under the Consent Agenda.

Resolution Number R32-09-11-19-D12

- D.13 A Resolution Awarding The Construction Bid For The Brushy Creek Sports Park Skate Park Phase Two To Parthenon Custom Concrete, LLC, In The Amount Of \$120,000.
Approved under the Consent Agenda.

Resolution Number R33-09-11-19-D13

PUBLIC HEARINGS

- E.1 Second Public Hearing And Commentary On The Petition By RS 180 Joint Venture, Philip C. Joseph, And Don Ray George Trustee For Voluntary Annexation Of Approximately 29.22 Acres Of Land Located On The West Side Of Ronald Reagan Boulevard Just South Of The City Limits Line.

Duane Smith, Planning Director, stated this is the second of the two required public hearings on the proposed voluntary annexation of approximately 29.22 acres of land located on the west side of Ronald Reagan Boulevard just south of the city limits line. The first required public hearing was held on November 12, 2009. RS 180 Joint Venture, Philip C. Joseph, and Don Ray George Trustee have petitioned the City for annexation of the 29.22 acres for development of the site in conjunction with adjacent properties already in the City limits.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing.

- E.2 Z-09-014 First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 3.558 Acres Of Land Owned By Whitestone Creek LLC Located On The North Side Of West Whitestone Boulevard Approximately 1000' West Of New Hope Drive, In Travis County, Texas. (Z-09-014) **The Planning And Zoning Commission Voted 7-0 To Approve General Retail (GR) For This Tract.**

Duane Smith, Planning Director, stated the applicant is requesting to assign original zoning of General Retail (GR) to approximately 3.558 acres located on the north side of West Whitestone Boulevard approximately 1000' west of New Hope Drive. The Planning and Zoning Commission voted 7-0 to approve the request.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing.

Note: Mayor Pro Tem Powell arrived at 7:21 p.m.

- E.3 Z-09-016 First Reading And Public Hearing On An Ordinance To Rezone Approximately 0.570 Acres Of Land From Local Retail (LR) To General Retail (GR) Owned By William Ray Johnson Located At 305 South Bell Boulevard, In Williamson County, Texas. (Z-09-016) **The Planning And Zoning Commission Voted 7-0 To Approve General Retail (GR) For This Tract.**

Duane Smith, Planning Director, stated the applicant is requesting to rezone approximately 0.570 acres from Local Retail (LR) to General Retail (GR) located at 305 S. Bell Boulevard. The Planning and Zoning Commission voted 7-0 to approve the request.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing.

- E.4 Z-09-018 First Reading And Public Hearing On An Ordinance To Rezone Approximately 2.56 Acres Of Land From Commercial Services (CS) To General Office (GO) Located At 930 South Bell Boulevard, In Williamson County, Texas. This Is A City-Initiated Request. (Z-09-018) **The Planning And Zoning Commission Voted 7-0 To Approve General Office (GO) For This Tract.**

Duane Smith, Planning Director, stated this is a city-initiated request to rezone approximately 2.56 acres from Commercial Services (CS) to General Office (GO) located at 930 S. Bell Boulevard. The Planning and Zoning Commission voted 7-0 to approve the request.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing.

- E.5 First Reading And Public Hearing On An Ordinance Amending Article 8.000 (Utility Related Fees) In Appendix A (Fee Schedule) Of The Code Of Ordinances Of The City Of Cedar Park To Amend The Rates Charged For Water And Sewer Service; Providing For Severability; Providing For An Effective Date; And Ordaining Other Provisions Related To The Subject Matter Hereof.

Sam Roberts, Assistant City Manager, reviewed the proposed amendments to the Water and Wastewater fees. The rate increases are needed to generate additional utility reviews to pay for expansion projects with the Cedar Park utility system and also projects related to the Brushy Creek Regional Utility Authority regional water projects that include the raw water transmission lines, expanded floating raw water intake facility, water treatment plan, deep water intake facility and a 84 inch raw water transmission line.

Mr. Roberts stated the impacts of the proposed rate increase are as follows: 2,000 gallons are less will have no increase, use of 2,000 to 5,000 gallons of water and sewer will have a \$1.59 average monthly bill increase, use of 10,000 to 15,000 gallons of water and sewer will have a \$7.33 average. The average residential impact will be \$5.80. The rate increase will be effective January 1, 2010.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing.

- E.6 First Reading And Public Hearing On An Ordinance Providing For Interfund Transfers; Adopting A Capital Improvement Plan Budget For Transportation, Parks, Municipal Facilities And Utility Projects For The Calendar Year Beginning January 1, 2010 And Ending December 31, 2010; Appropriating Funds; Providing For Effective Date And Ordaining Other Related Matters.

Aaron Rector, Budget Manager, stated the Capital Improvement Plan Budgets for Transportation, Parks, Municipal Facilities and Utility projects are adopted on a calendar year basis as opposed to a fiscal calendar. Mr. Rector briefly reviewed each budget and the projects.

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 Consideration Of The Official Ballot Of Candidates For The Board Of Directors Of The Williamson Central Appraisal District And Casting Of Votes.

General discussion followed regarding the candidates and lack of information pertaining to each candidate.

Motion to cast 140 votes to Deborah Hunt for the Williamson Central Appraisal District Board of Directors.

Movant: Mayor Lemon

Second: Councilmember Moore

Vote: 7:0

- F.2 Consideration Of The Official Ballot Of Candidates For The Board Of Directors Of Travis Central Appraisal District And Casting Of Votes.
General discussion followed on the list of candidates.

Motion to case one vote for Michael Murphy for the Travis Central Appraisal District Board of Directors.

Movant: Councilmember Caputo

Second: Councilmember Moore

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

- F.3 Consideration Of The Re-Appoint Of Kathy Galloway To The Williamson County And Cities Health District ("WCCHD") Board Of Health.
Motion to reappoint Kathy Galloway to the Williamson County and Cities Health District Board of Health.

Movant: Councilmember Fuller

Second: Mayor Pro Tem Powell

Vote: 7:0

- F.4 Consideration For Approval Of The 2010 City Of Cedar Park Meeting Calendar.
Brenda Eivens, City Manager, stated the joint meeting with the Parks Board scheduled for June 10th has a conflict with a scheduled state conference. It is recommended the joint meeting date been changed. Discussion followed regarding having a joint meeting the P&Z on February 18th, a joint meeting with the 4A and 4B Board on May 20th, and the joint Parks Board meeting on October 14th.

Motion to approve the 2010 Meeting Calendar as amended.

Movant: Mayor Pro Tem Powell

Second: Councilmember Fuller

Vote: 6:0 with Councilmember Caputo off dais during vote.

- F.5 Consideration Of Awarding A Residential Solid Waste Contract To Central Texas Refuse As Recommended By The Solid Waste Evaluation Committee.

Jose Madrigal, Assistant City Manager, addressed Council regarding the residential solid waste contract with Central Texas Refuse. Katie Wussow, RW Beck, reviewed the process utilized for the selection of Central Texas Refuse. The City of Cedar Park will purchase the carts that will include two per household, one for trash and one for recycling. Ms. Wussow reviewed the single stream recycling program and the benefits of the program.

General discussion followed on the size of trash bins and recycling bins, comparison of services, residential rates, delivery of new carts, pick up of old carts, bi-weekly recycling schedule, cart overlaps, identification tags on carts, and the notification process to the homeowners.

Citizen Comment:

Rick Fraumann, Texas Disposal Systems, addressed Council regarding the Texas Disposal Systems proposal.

Jim Wimberly, Texas Disposal Systems, thanked Council for the opportunity to submit a proposal and appreciated the process used.

Motion to award the Residential Solid Waste Contract to Central Texas Refuse as recommended by the Solid Waste Evaluation Committee.

Movant: Councilmember Fuller

Second: Councilmember Caputo

Vote: 7:0

A friendly amendment made by Councilmember Moore to add the \$/.14 for the RIFD reader was withdrawn.

F.6 Consideration For Authorizing And Directing The City Manager To Purchase Recycling Bins/Carts And Solid Waste Carts.

Jose Madrigal, Assistant City Manager, stated staff is seeking direction on the purchase of recycling and solid waste carts. Discussion followed regarding 65 gallon carts or 95 gallon carts for recycling.

Motion to approve the City's purchase of two 96 gallon carts for each household with the RIFD tag.

Movant: Councilmember Fuller

Second: Councilmember Dale

Vote: 6:1 with Councilmember Caputo voting against.

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 9:13 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 The Master Contract For The Financing, Construction, Ownership And Operation Of The Brushy Creek Regional Wastewater System.
 - B. Legal Issues Concerning Operations And Maintenance Contract With Brazos River Authority For Brushy Creek Regional Wastewater System.
 - C. Legal Issues Concerning The Purchase Agreement For The Brushy Creek Regional Wastewater System.
 - D. Legal Issues Concerning Raw Water Floating Intake Contingency Project.
- G.2 Section § 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property:
- A. Legal Issues Concerning Easements Acquisition Related To The Raw Water Floating Intake Contingency Project.
- G.3 Section § 551.087 Deliberation Regarding Economic Development Negotiations:
- A. Legal Issues Concerning Incentive Negotiations Related To 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 convened into Open Meeting from Executive Session at 10:55 p.m.

Agenda Items G.1 A and B

Motion to approve a Resolution authorizing the Mayor to execute the Master Contract for the financing, construction, ownership and operation of the Brushy Creek Regional Wastewater System and the Agreement terminating the Wastewater Disposal Contract dated October 1, 2000 for the Brushy Creek Regional Wastewater System upon final approval of the City Attorney.

Movant: Councilmember Fuller

Second: Councilmember Dale

Vote: 7:0

Resolution Number R34-09-11-19-G.1AB

H.1 Mayor And Council Closing Comments.

Mayor Pro Tem Powell apologized for arriving at the meeting late. He also requested a future agenda item for an update on the Smokey Denmark project.

Councilmember Dale thanked City Staff for providing a tour of city facilities.

H.2 Adjournment.

Mayor Lemon adjourned the meeting at 12:02 a.m. (November 20th, 2009)

PASSED AND APPROVED THIS 28TH DAY OF JANUARY, 2010.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**CITY OF CEDAR PARK
SPECIAL CALLED CITY COUNCIL MEETING
THURSDAY, NOVEMBER 5, 2009 AT 6:30 P.M.
Cedar Park Public Library – 550 Discovery Boulevard, Cedar Park TX 78613**

Mayor Bob Lemon
Mayor Pro Tem Matt Powell
Mitch Fuller, Place 2
Scott Mitchell, Place 3

Lowell Moore, Place 4
VACANT, Place 5
Cobby Caputo, Place 6
Brenda Eivens, City Manager

MINUTES

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:32 p.m.
All present with Place 5 vacant.
2. Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.

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":

Executive Session:

3. Section § 551.087 Deliberation Regarding Economic Development Negotiations:
 - a. Legal Issues Concerning Incentive Negotiations Related To Water Park Project.
Council convened into Executive Session at 6:35 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.

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

**Council reconvened from Executive Session into Open Meeting at 7:10 p.m.
No action taken on any item discussed in Executive Session.**

5. Discussion And Possible Action:

- a. Consideration To Affirm A Resolution Authorizing The Filing Of A Grant Application For The Traffic Signal Synchronization Or Replacement Stimulus Grant Program From The Texas Comptroller Of Public Accounts.

Eric Rauschuber, Utilities Director, stated this grant will be used to design and implement a traffic signal coordination or synchronization and timing project for the major corridors in Cedar Park.

Councilmember Fuller inquired about the City's match.

Councilmember Mitchell inquired where the funding was actually coming from.

Motion to affirm a Resolution authorizing the filing of a grant application for the traffic signal synchronization or replacement stimulus grant program from the Texas Comptroller of Public Accounts.

Movant: Councilmember Fuller

Second: Mayor Pro Tem Powell

Vote: 5:0 with Councilmember Mitchell voting against, and Place 5 vacant.

Resolution Number R14-09-11-05-5A

6. Discussion Only:

- a. Review Process For Interview Of Candidates For Place Five.

Mayor Lemon briefly reviewed the process for conducting the interviews of the candidates for the Place 5 vacancy. All candidates will be asked the same questions. Each Councilmember will have one question.

General discussion followed regarding the process and questions to be asked of each candidate. Candidates will be given the chance to make an opening and closing statement. Candidates who have not yet been interviewed will be outside the Council Chambers until it is their turn to be interviewed. Candidates will draw by lot to determine order of interviews.

- b. Conduct Interview Of Candidates For Council Place Five.

Candidates were interviewed in the following order:

Wayne Ruark

Alain O'Tool

Janet Bartles

Murray Choate

**Council recessed from 8:41 p.m. to 8:48 p.m.
Interviews continued.**

**Charles Perkins
Tony Dale
Maria Talamo
Don Tracy**

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 a second Executive Session at 9:58 p.m.

7. Executive Session: Section § 551.074 Evaluate The Appointment Of A Public Officer.
 - a. Candidates Considered For Council Place Five.

The Council Reconvenes into General Session.

OPEN MEETING

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

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

Council reconvened from the second Executive Session at 10:31 p.m.

Motion to appoint Tony Dale to Place 5.

**Movant: Mayor Lemon
Second: Councilmember Fuller
Vote: 6:0 with Place 5 vacant.**

9. Mayor And Council Closing Comments
Council commented on the process and the number of highly qualified candidates.

10. Adjournment
Mayor Lemon adjourned the meeting at 10:45 p.m.

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2010.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, City Secretary



MINUTES

THE CITY OF CEDAR PARK CITY COUNCIL SPECIAL CALLED MEETING

THURSDAY, DECEMBER 3, 2009, AT 9:00 P.M.

Cedar Park Recreation Center Meeting Rooms - 1435 Main Street, Cedar Park TX 78613

CITY COUNCIL

Mayor Bob Lemon
Mayor Pro Tem Matt Powell
Mitch Fuller, Place 2
Scott Mitchell, Place 3

Lowell Moore, Place 4
Tony Dale, Place 5
Cobby Caputo, Place 6
Brenda Eivens, City Manager

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

Mayor Lemon called the meeting to order at 9:28 p.m.

Councilmember Moore absent, all others present.

2. Opening Comments.

None.

3. Discussion and Possible Action:

A. Consideration To Authorize And Direct The City Manager To Execute A Purchase Agreement With Rehrig Pacific Company In The Amount Of \$1,434,596 For Solid Waste And Recycling Carts.

B. Consideration Of A Resolution Expressing Official Intent To Reimburse For Certain Costs Related To Acquiring Carts Used In The Collection Of Solid Waste And Recyclable Materials In The City.

Agenda Item 3.A and 3.B called together.

Jose Madrigal, Assistant City Manager, reviewed the carts the City will be purchasing for residential solid waste and recycling. Staff is recommending the carts be purchased from Rehrig Pacific Company. The planned date for the delivery of the carts are the last two weeks of January 2010. Mr. Madrigal reviewed the transition process/plan from Red River to Central Texas Refuse.

Josh Selleck, Finance Director, addressed Council regarding the funding mechanism for the payment of the carts. Staff is recommending using Certificates of Obligation for funding.

Brenda Eivens, City Manager, stated the CO's are a better option for the cart expenditure due to the life span of the cart.

General discussion followed regarding the funding, delivery dates and transition plan from Red River to Central Texas Refuse.

Motion to authorize and direct the City Manager to execute a Purchase Agreement with Rehrig Pacific Company for solid waste and recycling carts and to approve a Resolution expressing official intent to reimburse for certain costs related to acquiring carts used in the collection of solid waste and recyclable materials in the City.

Movant: Councilmember Fuller

Second: Councilmember Dale

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

Resolution Number R57-09-12-03-3B (Agenda Item 3.B)

4. 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 9:45 p.m.

A. Section § 551.087 Deliberation Regarding Economic Development Negotiations

- i. Legal Issues Concerning Incentive Negotiations Related To 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.

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

Council reconvened from Executive Session into Open Meeting at 9:58 p.m.

No action taken on any item discussed in Executive Session.

6. Closing Comments.

None.

7. Adjournment.

Mayor Lemon adjourned the meeting at 10:00 p.m.

PASSED AND APPROVED THIS 28TH DAY OF JANUARY, 2010.

Robert S. Lemon
Mayor

LeAnn M. Quinn, TRMC
City Secretary



MINUTES

THE CITY OF CEDAR PARK CITY COUNCIL AND THE COMMUNITY DEVELOPMENT CORPORATION (“4B”) SPECIAL CALLED JOINT MEETING

THURSDAY, DECEMBER 3, 2009, AT 7:30 P.M.

Cedar Park Recreation Center Meeting Rooms - 1435 Main Street, Cedar Park TX 78613

CITY COUNCIL

Mayor Bob Lemon
Mayor Pro Tem Matt Powell
Mitch Fuller, Place 2
Scott Mitchell, Place 3

Lowell Moore, Place 4
Tony Dale, Place 5
Cobby Caputo, Place 6
Brenda Eivens, City Manager

COMMUNITY DEVELOPMENT CORPORATION (4B)

Brian Rice, Chair
Audrey Wernecke, Place 1
Maria Talamo, Place 2
Kevin Harris, Place 3

John Allen, Place 4
Ryan Wood, Place 6
Mo Jhadi, Place 7

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

Mayor Lemon called the meeting to order at 7:40 p.m.

Councilmember Moore absent from Council, all other Council present.

All present from 4B Board.

2. Introductions/Welcome/Opening Comments.

Roundtable introductions were conducted.

3. Discussion Only:

A. Update And Review Of The 4B Board Strategic Plan And Goals.

B. Update And Review Of The 4B Board Approved Project List

C. Future Projects, Programs And/Or Initiatives.

D. Update And Review Of The 4B Board Budget, Fund Reserve, And Financing Options For Current And Future Projects.

E. Options For Refinancing Current 4B Debt.

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

Agenda Item 3.A – 3.C

Brian Rice, 4B President, briefly reviewed the strategic plan and goals for the 4B Board. He discussed the vision and mission statement and each goal.

Mr. Rice also presented the new approved projects for the 4B Board.

General discussion followed regarding Council's input on the approved project list, 4B retreats to create the strategic plan and also evaluation, increased neighborhood park focus and possible future projects.

Agenda Item 3.D

Aaron Rector, Budget Manager, and Jose Selleck, Finance Director, addressed the Council and 4B on the projected 4B Board fund reserve and debt.

Dan Wegmiller, Specialized Public Finance Inc, reviewed the financing options for the 4B Board's current and future projects.

General discussion followed regarding cash versus debt, possible deletion of future projects, and current outstanding debt and payment obligations. Discussion also ensued regarding possible refunding options, cash flow decreases, and types of debt issuance.

4. Closing Comments.

Mayor Lemon thanked the Board for their service.

5. Adjournment.

Mayor Lemon adjourned the meeting at 9:20 p.m.

PASSED AND APPROVED THIS 28TH DAY OF JANUARY, 2010.

Robert S. Lemon
Mayor

LeAnn M. Quinn, TRMC
City Secretary



MINUTES

**THE CITY OF CEDAR PARK CITY COUNCIL AND
THE TOURISM ADVISORY BOARD
SPECIAL CALLED JOINT MEETING
THURSDAY, DECEMBER 3, 2009 AT 6:00 P.M.**

Cedar Park Recreation Center Meeting Rooms - 1435 Main Street, Cedar Park TX 78613

CITY COUNCIL

Mayor Bob Lemon	Lowell Moore, Place 4
Mayor Pro Tem Matt Powell	Tony Dale, Place 5
Mitch Fuller, Place 2	Cobby Caputo, Place 6
Scott Mitchell, Place 3	Brenda Eivens, City Manager

TOURISM ADVISORY BOARD

Don Moore, Chair	VACANT, Place 3	Robert Schoen, Place 7
Mel Kirkland, Place 1	Mike McCloskey, Place 4	
Matthew Olguin, Place 2	Charles Hamsa, Place 6	

- 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
Mayor Lemon called the meeting to order at 6:05 p.m.
Councilmember Moore absent from Council, all other Council present.
All present from Tourism Advisory Board, with Place 3 vacant.
- 2. Introductions/Welcome/Opening Comments.**
Roundtable introductions were conducted.
- 3. Discussion Only:**
 - A. Review And Update On The Tourism Strategic Goals And Projects.
 - B. Review And Update On The Tourism Budget And Fund Reserve.
 - C. Review Of The Proposed Visitor Center Feasibility Study By ConsultEcon, Inc.
 - D. Tourism Future Projects And/Or Initiatives.**Agenda Items 3A – 3D called together.**

Agenda Item 3.A

Melanie Carr, Media Relations Manager, reviewed the Tourism Strategic Goals. The two key categories include customer service and outreach. Ms. Carr briefly explained factors for each of the categories.

General discussion followed regarding the customer service and outreach. Mayor Lemon commented on bringing various sports venues to Cedar Park.

Agenda Item 3.B

Aaron Rector, Budget Manager, reviewed the Tourism budget revenues and expenditures.

General discussion followed regarding the percentage received from hotel rooms, and expenses of the board.

Agenda Item 3.C

Don Moore, Tourism Board Chair, discussed the Visitor Center Feasibility Study. A subcommittee was formed to consider the proposals received. Mr. Moore briefly discussed Phase 1 of the study regarding the Heritage Village. Phase 2 of the study will be to evaluate the need for a visitor center, possible locations for the center and also operations. The Board is recommending moving forward with Phase 2.

General discussion followed regarding the scope of services, types of possible facilities, stand alone buildings or multi-functional buildings, and the intent of the study.

Agenda Item. 3.D

Don Moore, Tourism Board Chair, stated the Board is on the right track with encouraging outside visitors to the community.

Mayor Pro Tem Powell inquired if Ticketmaster can provide summaries of tickets sales for events at the Cedar Park Center. This might assist with marketing to specific areas and groups in the future.

Discussion followed regarding possible holiday themed venues, weekend venues, outreach of the Tourism Board, leadership roles, and possible future destination points for Cedar Park. Also discussed were possible partnerships with Austin Community College, and developing a master plan.

4. Closing Comments.
Mayor Lemon thanked the Board for their service.
5. Adjournment.
Mayor Lemon adjourned the meeting at 7:32 p.m.

PASSED AND APPROVED THIS 28TH DAY OF JANUARY, 2010.

Robert S. Lemon
Mayor

LeAnn M. Quinn, TRMC
City Secretary



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

THURSDAY, DECEMBER 10, 2009 AT 6:30 P.M.

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Tony Dale, Councilmember Place Five
Cobby Caputo, 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 Presentation: Recognition Of Mike Perez For His Service On The Planning And Zoning Commission.
Mayor Lemon presented Mike Perez with a City of Cedar Park shirt for recognition of his many years of service on the Planning & Zoning Commission.
- A.5 Presentation: Austin Steam Train Association Report - Ben Sargent.
Ben Sargent with the Austin Steam Train Association updated Council on the recent activities of the train. Mr. Sargent reviewed the increase in ridership and also updated the status of the steam locomotive. Future plans include a museum and also an engine house.

A.6 Presentation: Review Of The Quarterly Investment Report For The Period Of July 1, 2009 To September 30, 2009 - Howie Herring, Patterson & Associates.

Linda Patterson, Patterson and Associates, reviewed the quarterly investment report for Council.

A.7 Citizens Communications. (Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information).

Maria Talamo, Cedar Park, addressed Council regarding the skate park project, specifically the bowl feature for the park.

Darrell Lowrance, Round Rock, addressed Council regarding his concerns on the designs for the skate park pertaining to the dimensions of the bowl feature.

A.8 Mayor and Council Opening Comments.

Councilmember Dale commented on the tree lighting and the Police Awards Banquet.

Councilmember Moore and Mitchell also commented on the tree lighting and the Police Awards Banquet.

Councilmember Fuller commented on the City's recent purchase of the Brushy Creek Regional Wastewater System, recognize Mark Lewis for his musical talents and also Melanie Carr for her recent article publications.

Mayor Prom Tem Powell requested a future agenda item to recognize the Police Department top four award winners from the banquet and also agenda items related to the automated reporting system "Fix It Form" and an update on the meetings with Pedernales.

A.9 City Manager Report: Update On Oak Wilt Disease In Cedar Park - Curt Randa, Parks And Recreation Director. (Caputo)

Curt Randa, Parks and Recreation Director, updated Council on the efforts being made to educate citizens about Oak Wilt Disease in Cedar Park. Information will be placed on the City's website, in the Parks and Recreation Guide, handouts at City facilities, articles in the newspaper and letters sent to local Home Owner Associations.

A.10 City Manager Report: Update On The Construction Of The Cedar Park Skate Park - Curt Randa, Parks And Recreation Director (Caputo)

Curt Randa, Parks and Recreation Director, updated Council on the skate park. Reviewed were the timeline for construction of Phase 1 and Phase 2, design review and the expected completion date. The skate park is scheduled to open April 2010.

Jamie Curtis, SPA Skateparks, addressed Council on the design build aspects of the skate park. He addressed the features of the park and concerns brought up by members of the public.

Discussion included the public input process, expense and allocated funds for the facility, no additional costs or changes for the design and construction of the park, and delays in the project.

- A.11 City Manager Report: Update On The Cedar Park Public Proposed Library Story Time Changes, Pauline Lam - Library Director.
Pauline Lam, Library Director, addressed Council regarding the proposed changes to the Library Story Time. These changes are to assist with accommodations of high patron attendance at the library, and staff utilization to increase efficiency at the Library.
- A.12 City Manager Report: Overview Of Code Of Ordinances Article 8.08, Noise Regulations: Mark Lewis, Director of Building Inspections (Caputo)
Mark Lewis, Building Inspections Director, reviewed the Noise Ordinance and the variance procedures.
- A.13 City Manager Report: Update On Smokey Denmark. (Powell)
Phil Brewer, Economic Development Director, updated Council on the Smokey Denmark project. The company is still planning on coming to Cedar Park, but due to the economy is waiting for reasonable financing.

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.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.4

Movant: Councilmember Moore

Second: Councilmember Fuller

Vote: 7:0

- B.1 Approval Of Minutes From The City Council Meeting Of September 24, 2009.
Approved under the Consent Agenda.
- B.2 Approval Of Minutes From The City Council Meeting Of September 25, 2009.
Approved under the Consent Agenda.
- B.3 Approval Of Minutes From The City Council Meeting Of October 1, 2009.
Approved under the Consent Agenda.
- B.4 Approval Of Minutes From The City Council Meeting Of October 15, 2009.
Approved under the Consent Agenda.

- B.5 Receipt Of Minutes From The Cedar Park Economic Development Corporation ("4A") Meeting Of October 19, 2009.
Received under the Consent Agenda.
- B.6 Receipt Of Minutes From The Parks Advisory Board Meeting Of September 14, 2009.
Received under the Consent Agenda.
- B.7 Receipt Of Minutes From The Parks Advisory Board Meeting Of October 12, 2009
Received under the Consent Agenda.
- B.8 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of August 3, 2009.
Received under the Consent Agenda.
- B.9 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of August 18, 2009.
Received under the Consent Agenda.
- B.10 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of September 15, 2009.
Received under the Consent Agenda.
- C.1 Z-09-014 Second Reading On An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 3.558 Acres Of Land Owned By Whitestone Creek LLC Located On The North Side Of West Whitestone Boulevard Approximately 1000' West Of New Hope Drive, In Travis County, Texas. (Z-09-014) The Planning And Zoning Commission Voted 7-0 To Approve General Retail (GR) For This Tract.
Approved under the Consent Agenda.

Ordinance Number Z09-09-12-10-C1
- C.2 Z-09-016 Second Reading On An Ordinance To Rezone Approximately 0.570 Acres Of Land From Local Retail (LR) To General Retail (GR) Owned By William Ray Johnson Located At 305 South Bell Boulevard, In Williamson County, Texas. (Z-09-016) The Planning And Zoning Commission Voted 7-0 To Approve General Retail (GR) For This Tract.
Approved under the Consent Agenda.

Ordinance Number Z10-09-12-10-C2
- C.3 Z-09-018 Second Reading On An Ordinance To Rezone Approximately 2.56 Acres Of Land From Commercial Services (CS) To General Office (GO) Located At 930 South Bell Boulevard, In Williamson County, Texas. This Is A City-Initiated Request. (Z-09-018) The Planning And Zoning Commission Voted 7-0 To Approve General Office (GO) For This Tract.
Approved under the Consent Agenda.

Ordinance Number Z11-09-12-10-C3

- C.4 Second Reading On An Ordinance Amending Article 8.000 (Utility Related Fees) In Appendix A (Fee Schedule) Of The Code Of Ordinances Of The City Of Cedar Park To Amend The Rates Charged For Water And Sewer Service; Providing For Severability; Providing For An Effective Date; And Ordaining Other Provisions Related To The Subject Matter Hereof.

Removed from the Consent Agenda.

Sam Roberts, Assistant City Manager, addressed the rate increases and also reviewed the impact for future annexed areas. At the current rates, the average residential water and sewer bill based on the amounts above is \$77.26; the proposed rate increase of 7.5% raises the average bill \$5.80 to \$83.06.

General discussion followed pertaining to the deadline to provide utilities for annexed areas and tie in to current system for areas currently on septic that have not been annexed.

Motion to approve the Ordinance Amending Article 8.000 (Utility Related Fees) In Appendix A (Fee Schedule) Of The Code Of Ordinances Of The City Of Cedar Park To Amend The Rates Charged For Water And Sewer Service

Movant: Councilmember Caputo

Second: Councilmember Mitchell

Vote: 7:0

Ordinance Number CO12-09-12-10-C4

- C.5 Second Reading On An Ordinance Providing For Interfund Transfers; Adopting A Capital Improvement Plan Budget For Transportation, Parks, Municipal Facilities And Utility Projects For The Calendar Year Beginning January 1, 2010 And Ending December 31, 2010; Appropriating Funds; Providing For Effective Date And Ordaining Other Related Matters.

Approved under the Consent Agenda.

Ordinance Number BF13-09-12-10-C5

- D.1 A Resolution Awarding The City Hall Re-Roofing Contract To Duro-Last Roofing, Inc. In The Amount Of \$59,831.30.

Approved under the Consent Agenda.

Resolution Number R35-09-12-10-D1

- D.2 A Resolution Authorizing And Directing The City Manager To Accept The Radio Equipment Involved In The Community Oriented Policing Services ("COPS") Grant From Williamson County.

Approved under the Consent Agenda.

Resolution Number R36-09-12-10-D2

- D.3 A Resolution Authorizing And Directing The Mayor To Sign The Emergency Notification System ("ENS") Agreement With The Capital Area Council Of Governments ("CAPCOG").
Approved under the Consent Agenda.

Resolution Number R37-09-12-10-D3

- D.4 A Resolution Awarding Construction Bid And Alternate Bid For The Cedar Park City Signal Upgrade Project In An Amount Of \$142,738.00 To Austin Traffic Signal Company, L.P.
Approved under the Consent Agenda.

Resolution Number R38-09-12-10-D4

- D.5 A Resolution Authorizing The Purchase Of Pavilions From The Playwell Group For Oakwood Glen and Forest Oaks Park In The Amount Of \$41,331.79.
Approved under the Consent Agenda.

Resolution Number R39-09-12-10-D5

- D.6 A Resolution Consenting To The Brushy Creek Regional Utility Authority ("BCRUA") Executing A Contract With S.J. Louis Construction Of Texas Ltd. In The Amount Of \$8,134,941.13 For The Construction Of The BCRUA Treated Water Transmission Line Segment 1 Project.
Approved under the Consent Agenda.

Resolution Number R40-09-12-10-D6

- D.7 A Resolution Authorizing And Directing The Mayor To Execute Amendment No. 1 To Interlocal Agreement Regarding Due Diligence Services For The Deep Water Intake Site And The Supplemental No. 1 To Due Diligence Engineering Services Contract With Jacobs Engineering Group, Inc.
Approved under the Consent Agenda.

Resolution Number R41-09-12-10-D7

- D.8 A Resolution Authorizing And Directing The Mayor To Execute Second Amended Interlocal Agreement Regarding Acquisition Of Easements For Construction Of A Raw Water Transmission Line Along Trails End Road And Authorize The City Manager To Execute Easement Acquisition Contracts With Approval Of Appointed Special Counsel.
Approved under the Consent Agenda.

Resolution Number R42-09-12-10-D8

- D.9 A Resolution Amending The Authorized Representatives For The City Of Cedar Park's TexPool Investment Account To Delete Interim Finance Director Stacie Carter, CPA And Add Joshua Selleck, Finance Director, As An Authorized Representative.
Approved under the Consent Agenda.

Resolution Number R43-09-12-10-D9

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing On An Ordinance Amending Chapter 18 Utilities Article 18.10 Adding Section 18.10.006 Residential Refuse Rate And Amending Appendix A Fee Schedule Article 8.000 Adding Section 8.900 Monthly Rates And Charges For Residential Refuse Collection.

Withdrawn from the Agenda.

- E.2 First Reading Of An Ordinance Amending Article 17.03 (Speed Limits), Sec. 17.03.004 (2) (F) Of The Code Of Ordinances Of The City Of Cedar Park, Texas, To Establish A Prima Facie Speed Limit Of 55 Miles Per Hour On West RM 1431 (Whitestone Boulevard) From The Williamson Co. And Travis Co. Line To The West City Limits Of The City Of Cedar Park, A Distance of Approximately 1.478 miles, In The City Limits Of The City Of Cedar Park.

Duane Smith, Planning Director, stated the purpose of this amendment to Article 17.03 is to provide for the establishment of a revised prima facie speed limit of 55 miles per hour for the section of RM 1431 (Whitestone Boulevard) from the Williamson/Travis County line to the west city limits of the City of Cedar Park, a distance of approximately 1.468 miles. This speed is based on a traffic speed study conducted by the Texas Department of Transportation. The primary factors for the speed limit reevaluation are the new realignment of the roadway, roadway construction, time since the last speed study and future land development. The previous speed limit of 50 miles per hour was established on the "old" section of RM 1431 prior to the realignment of the roadway.

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 Public Hearing And Consideration Of A Resolution Amending The Fiscal Year 2009-10 Operations And Maintenance Budget By Creating A Solid Waste Fund And Appropriating A Budget Of \$3,946,033; Amending The Utility Fund Budget By (\$2,425,700); Creating A Public Arts Fund And Appropriating A Budget Of \$28,655 And Appropriate An Interfund Transfer Of \$28,655 From The Occupancy Tax Fund.

Aaron Rector, Budget Manager, addressed Council regarding the amendments to the FY2010 budget. A Solid Waste Fund will be created by this amendment and will also create a Fiscal Year (FY) 2009-10 Operating Budget. The Solid Waste Fund will collect revenue for solid waste service and fund the contractual payments to the city's solid waste provider. Also, the Public Art Fund will be created. The Public Art Fund will collect donations from utility bill "Round-Ups", 1% of certain capital project costs, City Boards, and other sources as allowed by law.

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

Motion to approve the Resolution amending the Fiscal Year 2009-10 Operations And Maintenance Budget By Creating A Solid Waste Fund And Appropriating A Budget Of \$3,946,033; Amending The Utility Fund Budget By (\$2,425,700); Creating A Public Arts Fund And Appropriating A Budget Of \$28,655 And Appropriate An Interfund Transfer Of \$28,655 From The Occupancy Tax Fund.

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

Resolution Number R44-09-12-10-F1

- F.2 Update And Report From The Brushy Creek Utility Authority Board Retreat. (Fuller)
Councilmember Fuller provided an update on the Brushy Creek Regional Utility Authority retreat. The Board did discuss the current size with three members and the possibility of expanding the board size.

General discussion followed regarding the expansion of the board to six or nine members, the number of members appointed by each city, and elected officials versus staff for serving on the board.

No action taken.

- F.3 Update On The Public Art Commission Program And Recruitment Efforts For Board Members. (Powell)
Katherine Woerner, Assistant to the City Manager, updated Council on the Public Art Board which will consist of seven members. After the board is appointed the next step will be for the formulation of a strategic plan.

General discussion followed regarding a staff liaison to the board, funding sources and the recruitment of members.

No action taken.

- F.4 Consideration Of A Resolution To Authorize A Contract With ConsultEcon, Inc. In The Amount Of \$28,000 For A Visitor Center Feasibility Study.
Melanie Carr, Media Communications Manager, stated this item is related to one of the strategic goals from the Tourism Advisory Board.

A Request for Proposal (RFP) was issued on August 14, 2009 for the evaluation of the development and operating potential of a new visitor center with museum component. Proposals were evaluated by a review committee consisting of Melanie Carr, Jose

Madrigal, Aimee Whitley-George, Mel Kirkland, Charles Hamsa, and Jon Lux. ConsultEcon received the highest grading and the scores were presented to the Tourism Advisory Board which is recommended approval of a contract with ConsultEcon.

General discussion followed regarding the scope of services of the feasibility study, evaluation if a center is needed and where it will go, associated costs versus the benefits, and funding for the center.

Motion to approve a Resolution authoring a contract with ConsultEcon in the amount of \$28,000 for a visitor center feasibility study.

Movant: Mayor Pro Tem Powell

Second: Councilmember Fuller

Vote: 6:0 with Councilmember Caputo off dais during vote.

Resolution Number R45-09-12-10-F4

F.5 Consideration Of Appointment To Place Three On The Tourism Advisory Board With An Unexpired Term Of July 31, 2011.

Mark Ledyard and Alain O'Tool introduced themselves as applicants for the vacancy on the Tourism Advisory Board.

Motion to appoint Alain O'Tool to Place 3 on the Tourism Advisory Board.

Movant: Councilmember Fuller

Second: Councilmember Dale

Vote: 6:0 with Councilmember Caputo off dais during vote.

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":

**Agenda Item G.1C pulled out of Executive Session and called in Open Meeting.
Legal Issues Concerning A City Charter Amendment Election.**

Mayor Lemon commented on the Charter Commissions' recommendations in the past that have never gone to the voters. The concern this time is with the cost of an election as opposed to the benefits of the amendments.

General discussion followed regarding the proposed Charter amendments, the number of the proposed amendments, State law versus housekeeping amendments, cost of a Charter amendment election, possibility of spreading the amendments over the course of years, and meeting with Williamson County to work on cost projects for a May election.

Motion to appoint Councilmember Dale and Councilmember Moore to meet with Williamson County and/or the Elections Department regarding the costs associated with a May election.

Movant: Mayor Pro Tem Powell

Second: Councilmember Fuller

Vote: 7:0

G.0 Executive Session:

No Executive Session Conducted.

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 Operations And Maintenance Contract With Brazos River Authority For Brushy Creek Regional Wastewater System.

B. Legal Issues Concerning Raw Water Floating Intake Contingency Project.

C. Legal Issues Concerning A City Charter Amendment Election.

G.2 Section § 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property:

A. Legal Issues Concerning Easements Acquisition Related To The Raw Water Floating Intake Contingency Project.

G.3 Section § 551.087 Deliberation Regarding Economic Development Negotiations:

A. Legal Issues Concerning Incentive Negotiations Related To 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

No Executive Session Conducted.

H.1 Mayor And Council Closing Comments.

None.

H.2 Adjournment.

Mayor Lemon adjourned the meeting at 9:28 p.m.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2010.

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 17, 2009 AT 6:30 P.M.

Mayor Bob Lemon
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Matt Powell
Tony Dale, Councilmember Place Five
Cobby Caputo, 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.
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 Presentations: Grant Award From H-E-B Store Manager For The Support Of Programming Implemented By The Cedar Park Police Department, And The Parks And Recreation Department.
Fred Bennett, HEB, presented the Police Department, Fire Department and Parks Department with cash and gift cards for the Police Awards Banquet, Santa Workshop and Tree Lighting Event, and the Teen Advocates For Community Safety Program.
- A.5 Presentations: Update On The Veterans Memorial Advisory Group Activities - Bob Carter.
Janet Bartles updated Council on the fund raising efforts by the Veterans Memorial Advisory Group. To date twelve leaves and forty eight pavers have been sold. Also twelve

submissions were received from artists for the memorial. The submissions have been narrowed down to four and renderings will be presented to Council in January.

- A.6 Presentations: 2009 City Of Cedar Park Police Department Award Recipients.
Chief Henry Fluck recognized the following award recipients from 2009: Employee of the Year Harrison Atkins, “Rookie” of the Year Officer Bianca Alvarez, Officer of the Year Officer William “Conrad” Mauer, and the Chief’s Award of Excellence Sergeant Bobby Vernengo.
- A.7 Presentation: Update On The Preliminary Draft Of The Due Diligence Study Of Deep Water Intake- Drew Hardin, Carter & Burgess.
Drew Hardin, Carter & Burgess, reviewed the process, history and analysis for the due diligence study for the deep water intake.
- A.8 Citizens Communications. (Three Minutes Each. No Deliberations With Council)
(Council May Respond With Factual Information).
None.
- A.9 Mayor and Council Opening Comments.
Mayor Pro Tem Powell reflected on the top ten accomplishments from the past year.
Councilmember Fuller commented on the Bill of Rights Day and Constitution Day.
Councilmember Moore commented on the Police Awards Banquet.
Councilmember Dale commented on the Hill Country Bible Church luncheon for city employees, Santa’s Workshop and Keith Pierce placing fourth in a recent Dallas road race.
Councilmember Caputo recognized the Utility Department for the increase in the ISO rating.
- A.10 City Manager Report: Update On The Junior City Council Program - Katherine Woerner, Assistant To The City Manager.
Katherine Woerner, Assistant to the City Manager, updated Council on the new Junior City Council Program. The program will be offered to high school students and will run from January to May with Councilmembers acting as mentors. The program will be a “City 101” program highlighting the many areas of municipal work.
- A.11 City Manager Report: Review Of November 2009 Building Permit And Revenue Activity - Mark Lewis, Director Of Building Inspections.
Mark Lewis, Building Inspections Director, provided Council with the November 2009 Building Permit and Revenue Activity Report.
- A.12 City Manager Report: Review Of The Monthly Financial Report For The Month Of October 2009 - Joshua C. Selleck, Director of Finance.

Withdrawn from Agenda.

- A.13 City Manager Report: Update On The Traffic Signalization At Lakeline And Cypress Creek Road. (Powell)
Brain VanderWalle, Kimley Horn, provided Council with a history of the intersection and the changes being implemented to coordinate signalization to assist with traffic flow issues.
- A.14 City Manager Report: Update On The City's Website "Fix It Form" Automated System. (Powell)
Jose Madrigal, Assistant City Manager, reviewed the City's Website "Fix It Form". This item is an automated system that allows citizens to submit problems or areas of concern to the City's attention. Mr. Madrigal reviewed the process of how the process is handled once a form is submitted.

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 Moore

Vote: 7:0

- B.1 Approval Of Minutes From The City Council Meeting Of October 20, 2009.
Approved under the Consent Agenda.
- B.2 Receipt Of Minutes From The Tourism Advisory Board Meeting Of October 9, 2009.
Received under the Consent Agenda.
- B.3 Receipt Of Minutes From The Community Development Corporation ("4B") Meeting Of November 10, 2009.
Received under the Consent Agenda.
- C.1 Second Reading On An Ordinance Amending Article 17.03 (Speed Limits), Sec. 17.03.004 (2) (F) Of The Code Of Ordinances Of The City Of Cedar Park, Texas, To Establish A Prima Facie Speed Limit Of 55 Miles Per Hour On West RM 1431 (Whitestone Boulevard) From The Williamson Co. And Travis Co. Line To The West City Limits Of The City Of Cedar Park, A Distance of Approximately 1.478 Miles, In The City Limits Of The City Of Cedar Park.
Approved under the Consent Agenda.

Ordinance Number CO14-09-12-17-C1

- D.1 A Resolution Authorizing And Directing The Fire Chief To Execute The Williamson County Emergency Medical First Responder Organization Agreement, Effective From January 31, 2010 Through January 31, 2012.

Approved under the Consent Agenda.

Resolution Number R46-09-12-17-D1

- D.2 A Resolution Awarding Construction Bid For The Dies Elevated Storage Tank To Landmark Structures I, L.P For \$1,236,000.

Approved under the Consent Agenda.

Resolution Number R47-09-12-17-D2

- D.3 A Resolution Amending The City Of Cedar Park Future Land Use Plan To Change The Designation Of Property Located On The West Side Of South Bell Boulevard, South Of Commercial Parkway And North Of Buttercup Creek Boulevard From Neighborhood Office/Retail/Commercial To Regional Office/Retail/Commercial. The Planning And Zoning Commission Voted Unanimously (7-0) To Approve This Change.

Approved under the Consent Agenda.

Resolution Number R48-09-12-17-D3

- D.4 A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development (4B) Board To Provide Funding For A Community Identification Project To Provide For The Construction And Installation Of Internally Lighted Street Name (ILSN) Signs As Part Of The Cedar Park Street Sign Upgrade Program.

Approved under the Consent Agenda.

Resolution Number R49-09-12-17-D4

- D.5 Authorization For The Mayor To Execute Addendum 1 To The Central Texas Refuse Solid Waste Agreement.

Approved under the Consent Agenda.

No Resolution Number assigned.

PUBLIC HEARINGS

- E.1 ANX-09-001 First Reading And Public Hearing On An Ordinance For The Purpose Of Extending The Boundary Limits Of The City Of Cedar Park, Texas, To Include Approximately 29.22 Acres Of Land Located Near The Northwest Corner Of Ronald Reagan Boulevard And County Road 180, Further Identified As Williamson County Tax ID #S R315984, R485238, R315979, R315975, R315969, R315964, R315959, R485440, AND R031425.

Duane Smith, Planning Director, stated this item is for the voluntary annexation of approximately 29.22 acres of land located near the northwest corner of Ronald W Reagan Boulevard and County Road 180. RS 180 Joint Venture, Philip C. Joseph, and Don Ray George Trustee have petitioned the City for annexation of the 29.22 acres for development of the site in conjunction with the properties already in the City limits.

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

- E.2 Z-09-015 First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 1.729 Acres Of Land Owned By Whitestone Creek LLC Located On The South Side Of West Whitestone Boulevard Approximately 1000' West Of New Hope Drive, In Travis County, Texas. (Z-09-015) **The Planning And Zoning Commission Voted 6-0 To Approve Local Retail (LR) For This Tract.**

Duane Smith, Planning Director, stated this item is a companion zoning case for Agenda Item E.1. The applicant is requesting to assign original zoning of General Retail (GR) to approximately 1.729 acres located on the north side of West Whitestone Boulevard approximately 1000' west of New Hope Drive. After discussions with staff regarding the characteristics of the property, the applicant agreed to an alternate recommendation of Local Retail (LR) for this site. The Planning and Zoning Commission voted 6-0 to approve the request.

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

- E.3 First Reading And Public Hearing An Ordinance Amending Chapter 18 Utilities Article 18.10 Adding Section 18.10.006 Residential Refuse Rate And Amending Appendix A Fee Schedule Article 8.000 Adding Section 8.900 Monthly Rates And Charges For Residential Refuse Collection.

Jose Madrigal, Assistant to the City Manager, stated this amendment places the monthly rate charged for residential refuse in the Code of Ordinances. The monthly fee is in accordance with our contract with Central Texas Refuse plus the additional cart reimbursement of \$1.12. The rates are as follows: Monthly Disposal Fee: \$14.98, Monthly Additional Cart Fee: \$5.50 per additional cart, Monthly Administrative Fee: \$2.00

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 Consideration For Approval Of The Cedar Park Hike And Bike Trails Master Plan.
Kimberly Annis, Halff and Associates, reviewed the planning methodology for the master plan. Ms. Annis stated the 1999 Master Plan was taken as a starting point and updated. Cedar Park was divided into four sectors, and public meetings were held in each sector to receive input and comments from citizens.

Jim Carrillo addressed Council further on the Hike and Bike Trails Master Plan. The trail areas and locations, bicycle facilities and paths, and features of the plan were reviewed.

General discussion followed regarding the lack of trails in areas deemed highly appropriate, tie in with current and existing trails, and bicycle options.

No action taken.

- F.2 Consideration Related To The Issuance Of \$5,500,000 In Certificates Of Obligation For The Purchase Of Refuse And Recycle Bins And For The Cedar Park Community Development Corporation ("4B") Payment Of Economic Development Related Infrastructure Improvements.
Agenda Item F.2 called prior to Agenda Item F.1**

Jose Selleck, Finance Director, addressed Council regarding the issuance of Certificates of Obligation. The issuance will include \$1,500,000 for the purchase of recycle and refuse bins, and for a \$4,000,000 economic agreement to reimburse the Community Health Systems (formerly Triad) for infrastructure improvements as approved by the 4B Board. Staff is seeking Council's direction if they would like staff to begin the process for issuance of the CO's.

General discussion followed regarding the issuance of the CO's, timelines for formal actions, bond rating impacts, and possible joint meeting with the 4B Board, and proceeding with the issuance process.

- F.3 Consideration Of City Of Cedar Park Charter Amendments.
Councilmember Moore and Councilmember Dale met with representatives from Williamson County to discuss concerns with costing methods and projections by the Elections Department. The City is still waiting on better cost estimates before determining if to have a Charter Amendment Special Election in May in addition to the general and special election for Council.**

Discussion followed pertaining to the cost estimates provided by the County, the number of propositions for the ballot, and aspects of coordinating elections. Council needs more information pertaining to the cost of the election prior to determining if to have a Charter amendment election in addition to the general election.

Motion to table this item until the January 14, 2010 Council Meeting.

**Movant: Mayor Pro Tem Powell
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 9:38 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 Operations And Maintenance Contract With Brazos River Authority For Brushy Creek Regional Wastewater System.

B. Legal Issues Concerning The Ranch at Cypress Creek Tolling Agreement.

C. Legal Issues Concerning Amendments To The Developer Agreement Between The City Of Cedar Park And Triad Hospital, Their Successors And Assigns For The Cedar Park Regional Medical Center.

D. Legal Issues Concerning Sexually Oriented Businesses

G.2 Section § 551.087 Deliberation Regarding Economic Development Negotiations:

A. Legal Issues Concerning Incentive Negotiations Related To 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 10:12 p.m.

No action taken on any item discussed in Executive Session.

H.1 Mayor And Council Closing Comments.

Councilmember Moore complimented staff on their hard work and dedication.

H.2 Adjournment.

Mayor Lemon adjourned the meeting at 10:15 p.m.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2010.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary