

City of Cedar Park
Regular Called Meeting Agenda
City Council Chambers
450 Cypress Creek Road, Building Four
Cedar Park, Texas
Thursday, December 13, 2012
6:30 P.M.

- A.1 [CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.](#)
- A.2 [Invocation. \(2\)](#)
- A.3 [Pledges of Allegiance. \(U.S. and Texas\)](#)
- A.4 [Ceremonial Swearing In Of Jon Lux To Council Place Five.](#)
- A.5 [Recess For Installation Of Jon Lux On The Dais To Council Place Five.](#)
- A.6 [Announcement Of Mayor Pro Tem In Accordance With Council Rules Of Procedure Rule 4.1. \(Mayor Powell\)](#)
- A.7 [Presentation: Update On The Veterans Memorial And Presentation Of Commemorative Paver - Donald Schliesser And Lisa Morris.](#)
- A.8 [Citizens Communications. \(Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information\)](#)
- A.9 [Mayor and Council Opening Comments.](#)
- A.10 [City Manager Report: Employee Recognition For Service With The City Of Cedar Park.](#)
 - a. Officer Jarret Easley, Police Department - Five Years Of Service.
- A.11 [City Manager Report: Review And Update On The Cedar Park Connect Mobile Application Program - Kimberly Painter, Management Intern.](#)
- A.12 [City Manager Report: Review Of The PetData, Inc. For Animal Licensing Services.](#)
- A.13 [City Manager Report: Overview Of The Central Texas InterCity Visit. \(Tracy\)](#)
- B.1 [Approval Of The City Council Minutes From The Regular Scheduled Meeting Of October 25, 2012.](#)
- B.2 [Approval Of The City Council Minutes From The Regular Scheduled Meeting Of November 8, 2012.](#)
- B.3 [Approval Of City Council Minutes From The Special Called Meeting Of November 13, 2012.](#)

- B.4 [Receipt Of Minutes From The Tourism Advisory Board Meeting Of October 23, 2012.](#)
- C.0 [Second Reading Of An Ordinance: No Items For Consideration.](#)
- D.1 [A Resolution Setting A Date, Time, And Place For Public Hearings On The Petition By Cedar Park Warehouse And Storage LLC For Voluntary Annexation Of Approximately 0.5 Acres Of Land Located At The Northeast Corner Of West Whitestone Boulevard And Power Lane \(ANX-12-001\).](#)
- D.2 [A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development \(4B\) Board For Funding Of The Playground Shade Structure Project In An Amount Not To Exceed \\$225,000.](#)
- D.3 [A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development \(4B\) Board For Funding Of The RM 1431 Sidewalk And Pedestrian Bridge Project In An Amount Not To Exceed \\$378,000.](#)
- D.4 [A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development \(4B\) Board For Funding Of The Sidewalk Gap Closure Phase II Project In An Amount Not To Exceed \\$100,000.](#)
- E.1 [First Reading And Public Hearing Of An Ordinance Amending Appendix A, Article 5.000 Library Related Fees, Sections 5.200 Special Equipment Use, 5.400 Circulation, 5.500 Interlibrary Loan, 5.600 Misc. Of The Code Of Ordinances Of The City Of Cedar Park, Texas.](#)
- F.0 [Discussion And Possible Action:](#)
- F.1 [Consideration To Approve A Resolution Authorizing And Directing The City Manager To Execute A Contract With Municipal Pump & Control, Inc. For The Water Distribution SCADA Upgrade Project.](#)
- F.2 [Consideration To Validate The Resignation Of Councilmember Scott Mitchell, Place 3, Declaring The Office To Be Vacant According To Section 3.06 Of The City Of Cedar Park Home Rule Charter And Discuss Process For Appointment.](#)
- F.3 [Consideration Of Appointments To The Cedar Park Comprehensive Plan Advisory Committee.](#)
- F.4 [Consideration Of Appointment To Place Three On The Cedar Park Economic Development Corporation \("4A"\). \(Mayor Powell\)](#)
- F.5 [Consideration Of Appointment To The General Assembly And Executive Committee For The Capital Area Council Of Governments \(CAPCOG\). \(Mayor Powell\)](#)
- F.6 [Consideration To Appoint Councilmember Fuller To Serve On The Annexation Sub-Committee.](#)

- F.7 [Consideration To Appoint Councilmember Moore To Serve On The Water Park Project/Schlitterbahn Sub-Committee.](#)
- G.1 [Mayor And Council Closing Comments.](#)
- G.2 [Adjournment.](#)



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. A.1
CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. A.2
Invocation. (2)



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. A.3
Pledges of Allegiance. (U.S. and Texas)



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. A.4
Ceremonial Swearing In Of Jon Lux To Council Place Five.

Commentary:

At a Special Called Meeting on December 1, 2012, Jon Lux was appointed to fill the vacancy of Council Place Five.



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. A.5
Recess For Installation Of Jon Lux On The Dais To Council Place Five.

Commentary:



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. A.6
Announcement Of Mayor Pro Tem In Accordance With Council Rules Of Procedure Rule 4.1. (Mayor Powell)

Commentary:



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. A.7

Presentation: Update On The Veterans Memorial And Presentation Of Commemorative Paver - Donald Schliesser And Lisa Morris.

Commentary:



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. A.8

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



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. A.9
Mayor and Council Opening Comments.



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. A.10

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

a. Officer Jarret Easley, Police Department - Five Years Of Service.

Commentary:



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. A.11

City Manager Report: Review And Update On The Cedar Park Connect Mobile Application Program - Kimberly Painter, Management Intern.

Commentary:

One of the City Council's Strategic Goals is to "Evaluate opportunities for online customer service and citizen access." A new tool in which citizens can "connect" with the City 24/7 is CP Connect. CP Connect is a free application that allows citizens, businesses and visitors within Cedar Park to quickly and easily report issues to City staff using their smartphones. This intuitive real time civic engagement platform will facilitate the reporting of issues in the community and expedite the resolution of those issues. Though residents will still be able to report problems through the website or via telephone call, this smartphone application offers residents an additional option for engaging with City staff.

The application is available for Android devices, iPhones/iPads, and Windows phones.

Fiscal Impact

There is an annual cost of \$6,000 plus a one-time set up cost of \$2,000. The one-time set up cost has been paid for through the website redesign project. The annual cost is included in the Community Affairs- Media and Communications division budget beginning in FY13. This will streamline the reporting process, expedite staff response time, and provide a new way for citizens to engage with city staff.



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. A.12
City Manager Report: Review Of The PetData, Inc. For Animal Licensing Services.

Commentary:



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. A.13
City Manager Report: Overview Of The Central Texas InterCity Visit. (Tracy)

Commentary:



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. B.1
Approval Of The City Council Minutes From The Regular Scheduled Meeting Of October 25, 2012.

Commentary:

MINUTES

**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK BOULEVARD, BUILDING FOUR
THURSDAY, OCTOBER 25, 2012 AT 6:30 P.M.**

Mayor Matt Powell
Stephen Thomas, Council Place One
Mitch Fuller, Council Place Two
Scott Mitchell, Council Place Three

Mayor Pro Tem Tony Dale
Lowell Moore, Council Place Four
Don Tracy, Council Place Six
Brenda Eivens, City Manager

A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
**Mayor Powell called the meeting to order at 6:30 p.m.
All Council present.**

A.2 Invocation. (6)
Invocation given by Councilmember Tracy.

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

A.4 Presentation: Recognition Of Sharon Davis - Winner Of The Hope Alliance Mayor's Cup.
Mayor Powell stated he had selected Sharon Davis to represent the City of Cedar Park in the Hope Alliance Mayor's Cup Golf Tournament. Ms. Davis won first place in the tournament.

Melinda Biggs, Hope Alliance, described the tournament and recognized the efforts of the surrounding cities and their involvement with Hope Alliance functions which provides assistance services for domestic violence victims.

Sharon Davis presented the Winner's Cup to Mayor Powell.

A.5 Presentation: A Proclamation Recognizing November As Pancreatic Cancer Awareness Month.
Mayor Pro Tem Dale read and presented a Proclamation recognizing November as Pancreatic Cancer Awareness Month to Ms. Tracy Johnston.

A.6 Presentation: Recognition Of The Certified Scenic City Award - Anne Culver, Scenic Texas.
Rawls Howard, Development Services Director, and Amy Link, Planner, stated the City of Cedar Park has been awarded the gold standard and is now a Certified Scenic City. This award was given to nine Texas municipalities.

Anne Culver, Executive Director, addressed Council regarding the Certified Scenic City Award. Ms. Culver provided a brief background of Scenic City and stated the focus and

mission of the program is to support and recognize Texas municipalities that implement high-quality scenic standards for public roadways and public spaces, with the long-term goal of improving the image of all cities.

Gerard Kinney, Scenic City, addressed Council regarding the criteria and benefits for becoming a Certified Scenic City.

- A.7 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Chris Coleman, Clean Air Force of Central Texas, addressed Council regarding clean air and the support efforts of the Clean Air Force. He encouraged the City's support by being a part of the efforts and donating \$2k.

Maria Talamo, Cedar Park, introduced Boy Scout Troop 159 in attendance at the meeting. The troop is working on their Citizenship in the Community Merit Badge.

- A.8 Mayor and Council Opening Comments.
Mayor Powell commented on the visit of Ted Cruz, US Senate candidate, to Cedar Park, and the ribbon cutting for the New Hope Road gap project.

Councilmember Fuller commented on a meeting he attended on behalf of LCRA, the ribbon cutting for New Hope Road, and a meeting related to the emergency operation center for the Formula One race. He requested a future agenda item for an update on the Urban Shield Project.

Councilmember Mitchell commented on Citizens Communications and the Clean Air Force Coalition. He encouraged Mr. Coleman to explore the CAPCOG Clean Air Program and their role and initiatives.

- A.9 City Manager Report: Update On The Playground Shade Structure Implementation - Curt Randa, Parks And Recreation Director. (Mayor Powell)

Curt Randa, Parks and Recreation Director, addressed Council regarding the Playground Shade Structure Implementation Program. The nine parks identified as high priority are Cedar Park Bark Park, Brushy Creek Sports Park, Gann Ranch Park, Lone Tree Park, Heppner Bend Park, Heritage Park, Forest Oaks Park, Oakwood Glen Park, and Park Place Park. Council will be approving the funding sources at a meeting in December and installation is scheduled to begin in April 2013.

Councilmember Fuller inquired about the prioritization of the nine parks.

- A.10 City Manager Report: Update On The Parks And Recreation Department Upcoming Events Including Veterans Day Parade/Ceremony, Golf Tournament And Tree Lighting/Santa's Workshop - Curt Randa, Parks And Recreation Director.

Curt Randa, Parks And Recreation Director, provided an update on the upcoming events in November and December.

- A.11 City Manager Report: Presentation Of Tourism Marketing Study And Recommended Activities - Katie Krampitz, Tourism Services Manager.

Katie Krampitz, Tourism Services Manager, provided an update on the Tourism Marketing Study. This study was conducted by MindEcology in order to provide a viable and reliable market study to help define the most relevant demographic and geographic markets given prior histories of interest and attendance. Ms. Krampitz reviewed the findings and stated this will allow the Tourism Advisory Board Marketing Subcommittee to develop a marketing plan for Cedar Park. Ms. Krampitz showed Council the revised logo for Cedar Park Fun.

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 Fuller.

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

Movant: Councilmember Fuller

Second: Councilmember Tracy

Vote: 7:0

- B.1 Approval Of The City Council Minutes From The Regular Scheduled Meeting Of September 27, 2012.

Approved under the Consent Agenda.

- B.2 Receipt Of Minutes From The Cedar Park Economic Development Corporation ("4A") Meeting Of March 19, 2012.

Received under the Consent Agenda.

- B.3 Receipt Of Minutes From The Cedar Park Economic Development Corporation ("4A") Meeting Of August 20, 2012.

Received under the Consent Agenda.

- C.1 Second Reading And Approval Of An Ordinance Amending Chapter 9, Municipal Civil Service, Article 9.11 Of The Cedar Park Code Of Ordinances, To Revise The Number Of Positions In The Police Department.

Approved under the Consent Agenda.

Ordinance Number CO01.12.10.25.C1

- D.1 A Resolution Authorizing And Directing The City Manager To Execute Change Order No. 1 With Excel Construction Services For The Floating Raw Water Intake Contingency Project, Phase A Underwater Pipeline.

Removed from the Consent Agenda by Councilmember Fuller.

Councilmember Fuller asked for this item to be removed from the Consent in order to comment on the excellent planning and the years of preparation to plan for severe droughts.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 7:0

Resolution Number R05.12.10.25.D1

- D.2 A Resolution Approving An Amendment To The Bylaws Of The Community Development Corporation ("4B") To Reflect A Change In The Official Location Of Meetings.

Approved under the Consent Agenda.

Resolution Number R06.12.10.25.D2

- D.3 A Resolution Approving An Amendment To The Community Development Corporation ("4B") Rules And Procedures To Reflect A Change In The Official Location Of Meetings.

Approved under the Consent Agenda.

Resolution Number R07.12.10.25.D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute A Social Service Agency Annual Funding Agreement With Faith In Action Caregivers Northwest For Fiscal Year 2012/13.

Approved under the Consent Agenda.

Resolution Number R08.12.10.25.D4

- D.5 A Resolution Authorizing And Directing The City Manager To Execute A Social Service Agency Annual Funding Agreement With The Literacy Council Of Williamson County For Fiscal Year 2012/13.

Approved under the Consent Agenda.

Resolution Number R09.12.10.25.D5

- D.6 A Resolution Authorizing And Directing The City Manager To Execute A Social Service Agency Annual Funding Agreement With Williamson Burnet County Opportunities, Inc. For Fiscal Year 2012/13.

Approved under the Consent Agenda.

Resolution Number R10.12.10.25.D6

PUBLIC HEARINGS

- E.1 (Z-12-008) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning And Rezone From Rural Agriculture (RA) Approximately 57.67 Acres To 6.59 Acres Of General Retail (GR), 41.17 Acres Of Townhome (TH) And 9.91 Acres Of Open Space Recreation (OSR) For Property Located On The West Side Of Ronald Reagan Boulevard Just North Of East Whitestone Boulevard. **The Planning And Zoning Commission Voted 6-0 To Approve The Request.**

Rawls Howard, Development Services Director, stated the applicant is seeking to assign zonings of General Retail, Townhomes and Open Space Recreation. Mr. Howard stated under further analysis the zoning will provide rooftops to support office and retail close to commercial nodes and also is appropriate transitions around the node of two major arterials. Staff has engaged LISD in discussions regarding the residential development and impact to local schools.

Councilmember Fuller commented on the coordination with LISD and emphasized predictability.

Applicant Paul Linehan addressed Council regarding the request. He addressed the flood plan and spillway adjacent to the property and aspects of the townhome area.

Mayor Powell inquired how many townhomes per acre would be developed.

Mayor Powell opened the Public Hearing.

Public Comment:

Roland Krienke, Cedar Park, stated he is not opposed to the zoning but is concerned about the dam and spillway and flooding issues.

Sharon Krienke, Cedar Park, stated flooding is a large concern in the area.

Mayor Powell closed Public Hearing.

Applicant Paul Linehan addressed the flooding concerns and stated they are aware of the issue and will be dealing with this under the site development.

Councilmember Moore inquired about the dam.

Councilmember Fuller commented on the Applicant working with staff to derive appropriate zoning for the area.

- E.2 (Z-12-011) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 31.13 For Property Located On CR 180 Just East Of

183A And North Of New Hope Drive. **The Planning And Zoning Commission Voted 6-0 To Approve The Request.**

Agenda Item E.2 and E.3 called together.

Rawls Howard, Development Services Director, stated the applicant is seeking to assign original zoning of General Retail (GR) to approximately 31.13 acres. The request supports economic development goals of the Comprehensive Plan, is Compatible with the Future Land Use Plan, and meets the purpose statement of the General Retail (GR) district.

Councilmember Moore inquired about road access.

Mayor Powell opened the Public Hearings.

Public Comment: None

Mayor Powell closed Public Hearings.

Councilmember Thomas inquired about the density of the condominiums.

- E.3 (Z-12-012) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of General Office (GO) To Approximately 12.67 Acres And Condominium (CD) To Approximately 34.49 Acres For Property Located On New Hope Drive Just East Of CR180. **The Planning And Zoning Commission Voted 6-0 To Approve The Request.**

Agenda Item E.2 and E.3 called together.

Refer to Agenda Item E.2 for discussion and public hearing.

- E.4 (Z-12-013) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 22.30 Acres From General Retail (GR) And Local Retail (LR) To Condominium Residential-Conditional Overlay (CD-CO) For Property Located Near The Southwest Corner Of Ronald Reagan Boulevard And County Road 180. **The Planning And Zoning Commission Voted 6-0 To Approve The Request.**

Note: Mayor Powell stepped off dais and Mayor Pro Tem Dale took over as acting chair.

Rawls Howard, Development Services Director, stated the applicant is seeking to rezone approximately 22.3 acres from Local Retail (LR) and General Retail (GR) to Condominium Residential (CD). Mr. Howard stated under further analysis the zoning will provide rooftops to support office and retail close to commercial nodes, provide appropriate transitions around the node of two major arterials and retains commercial road frontage along future New Hope and Ronald Reagan. Staff has contacted LISD in relation to the residential component.

Mr. Howard stated in order to ensure retention of commercial frontage along Ronald Reagan Boulevard Staff recommends including a condition requiring detention for the residential development be located on the CD tract. The condition was supported by the applicant and the P&Z.

Councilmember Moore inquired if there was any intent to improve CR180.

Applicant, Geoff Guerrero, addressed Council regarding the zoning request. A traffic impact analysis is currently in process for the area. The developer of this tract also has property on the other side and is hoping to spur development in the area.

Mayor Pro Tem Dale opened the Public Hearing.

Public Comment: None.

Mayor Pro Tem Dale closed the Public Hearing.

- E.5 (Z-12-014) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 2 Acres From General Retail (GR) To Commercial Services (CS) For Property Located At 702 South Bell Boulevard. The Planning And Zoning Commission Voted 6-0 To Deny The Request.**

Rawls Howard, Development Services Director, stated the applicant has requested to rezone approximately 2 acres from General Retail (GR) to Commercial Services (CS).

Staff and the P&Z have recommended denial of the request. The denial was based on the following reasons: it is not compliant with the FLUM and the Comprehensive Plan Goals and Objectives. The request does not meet the intent statement of the CS district, and the intersection is a major node. Also, there are existing storage facilities within 1/3 mile of this tract.

Councilmember Fuller inquired what the buildings were behind the area and the location of the railroad tracks.

Note: Mayor Powell returned to the dais and resumed chairing the meeting.

Councilmember Dale commented on not restricting by ordinance like businesses being located in the same area. This is not a policy of the City and should not be restricted. He commented on the location of the property.

Councilmember Fuller inquired about the vote needed to overturn the P&Z recommendation of denial.

Applicant Kristiana Alfsen addressed Council regarding the aspects of the zoning request including owners of the land, aspects of the intersection and detention ponds in the front of the property, and access.

Mayor Powell opened the Public Hearing.

Public Comment: None

Mayor Powell closed the Public Hearing.

Applicant Kristiana Alfsen addressed Council with closing comments to support the zoning request.

- E.6 (Z-12-015) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of Commercial Services (CS) To Approximately 7.17 Acres Located At 3100 Woodall. **The Planning And Zoning Commission Voted 6-0 To Approve The Request.**

Rawls Howard, Development Services Director, stated the Applicant is seeking to assign original zoning to approximately 7.17 acres from Development Reserve (DR) to Commercial Services (CS). One person did speak in opposition at the P&Z meeting in opposition of the request.

Councilmember Moore inquired what the opposition was in relation to.

Mayor Powell opened the Public Hearing.

Public Comment: None

Mayor Powell closed the Public Hearing.

- E.7 First Reading And Public Hearing Of An Ordinance To Amend The Cedar Park Code Of Ordinances, Chapter 5 Fire And Emergency Management, Article 5.07 Emergency And Disaster Management, Division 1 Generally.

Michael Clanton, Emergency Management Coordinator, addressed Council regarding the proposed amendments. The proposed amendments are to align Article 5.07 with previous changes made to the governing state statute. The amendments also streamline the ordinance by removing language covered by the Texas Government Code, Chapter 418.

Councilmember Fuller commented on multi-jurisdictional responsibilities and the Judge of the County ultimately making the rules and overriding local authority. He inquired how this would impact Cedar Park and command efforts.

Mayor Powell opened the Public Hearing.

Public Comment: None

Mayor Powell closed the Public Hearing.

E.8 Public Hearing And Consideration To Approve A Resolution Authorizing And Directing The City Manager To Apply For The Transportation Enhancement Program Grant From The Texas Department Of Transportation.

Tom Gdala, Transportation Planner, stated this item is for authorization to apply for a Transportation Enhancement Program grant from the Texas Department of Transportation. This program would provide funding to construct a sidewalk and pedestrian bridge on the north side of RM 1431 between Discovery Boulevard and 183A. The total project cost is estimated at \$378,000. Mr. Gdala reviewed the project and the specifics for funding.

Councilmember Fuller inquired if the funding would be from FY13 or FY14.

Mayor Powell opened the Public Hearing.

Public Comment: None

Mayor Powell closed the Public Hearing.

Mayor Powell commented on the use of grant funding and the use of funding for projects in the best interest of citizens. He would like to see more grant funding for roads and getting vehicles through the City. He also commented on the ability to use funds as needed and not being limited to only specific projects.

Motion to approve a Resolution authorizing and directing the City Manager to apply for the Transportation Enhancement Program Grant from the Texas Department of Transportation.

Movant: Councilmember Fuller

Second: Mayor Pro Tem Dale

Vote: 7:0

Resolution Number R11.12.10.25.E8

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 Consideration To Approve A Resolution Authorizing An Investment Policy, Strategy Guidelines And Authorized Broker Dealer List For The City Of Cedar Park.

Josh Selleck, Assistant City Manager, addressed Council regarding the proposed amendment to the Investment Policy. Mr. Selleck reviewed the amendment for the exclusion of capital appreciation bonds as authorized investments.

Mayor Pro Tem Dale commented he had asked for Staff to research this item. The City does not currently use this, however can always amend to allow in the future.

Motion to approve a Resolution authorizing an Investment Policy, Strategy Guidelines and Authorized Broker Dealer List for the City Of Cedar Park.

Movant: Councilmember Mitchell

Second: Councilmember Fuller

Vote: 7:0

Resolution Number R12.12.10.25.F1

F.2 Discussion Of A Donation And Sponsorship Policy For The City Of Cedar Park.

Josh Selleck, Assistant City Manager, addressed Council regarding the new Donation and Sponsorship Policy for the City. This policy is designed to guide the process for the City of Cedar Park in accepting offers of donations and sponsorships outside of grants with private, non-profit, or other governmental entities for equipment and programs. Mr. Selleck reviewed the specifics of the policy.

Mayor Powell stated this item to provide guidelines for the City. It is not intended to commercialize city, but rather allow local business and community members to participate in building out recreational opportunities with tasteful recognition.

Mayor Pro Tem Dale commented on the Gary family in Georgetown willing their ranch to the City of Georgetown to become a park.

Councilmember Fuller commended Mayor Powell for taking the lead on this and stated Veteran Memorial Park is a perfect example of contributors.

F.3 Consideration Of Appointments To The Cedar Park Comprehensive Plan Advisory Committee.
(Mayor Powell)

Mayor Powell said Council should start suggesting names and reach out to those people and confirm interest. The names will be brought back to Council for consideration.

Mayor Pro Tem Dale stated he had an appointment. James Maness is interested in serving. He could represent the HOA or Citizen category.

Councilmember Fuller commented on having Chamber representation and reaching out to the Leadership Cedar Park participants. He also recommended contacting Linda Haywood or Danita Futch to see if they have an interest in serving.

Mayor Powell stated the new Chamber President will be on board and this will help bring him up to speed fast. He also commented on Claire Love as another possible person of interest and supported Linda Haywood from ACC.

Mayor Powell commented on the possibility of Larry Holt, Economic Development Specialist, serving for the City.

Councilmember Moore stated it would be useful if all members are citizens of the City and have a vested interest in the City.

Mayor Powell stated the appointments could be based on a case-by-case basis.

Mayor Pro Tem Dale stated Mo Jahadi, business owner and 4B boardmember, is also interested in serving.

Mayor stated Lorena Echeverria from the P&Z would be wonderful addition.

Motion to appoint James Maness and Mo Jahadi to the Comprehensive Plan Advisory Committee.

Movant: Mayor Pro Tem Dale

Second: Councilmember Moore

Vote: 7:0

F.4 Mayor's Initiative: Independence Day Parade. (Mayor Powell)

Mayor Powell commented in trying to identify items related to civic pride, recreational opportunities, and spirit of the community the City does not have a parade to honor Independence Day. He commented on attending the parade in Round Rock. He would like to consider a morning event in order not to compete with other cities. He would like Council's feedback or input on this idea.

Councilmember Moore commented on past parades. It was a good idea then and a great idea now.

Councilmember Fuller commented on the past Heritage Parade and the increased participation for the Veteran Day parade.

Mayor Powell commented on a possible parade route.

Councilmember Fuller stated he supports the idea.

Mayor Powell would like staff to review this and bring back to Council for future consideration.

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 8:53 p.m.

- G.0 Executive Session:
- G.1 Section 551.071 (1)(A) And (2) Consultation With Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
A. Legal Issues Concerning Challenges Raised By The Freedom From Religion Foundation And The Americans United For Separation Of Church And State.

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 9:23 p.m.

No action taken on any item discussed in Executive Session.

- H.1 Mayor And Council Closing Comments.
None.

- H.2 Adjournment
Mayor Powell adjourned the meeting at 9:22 p.m.

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2012.

Matthew Powell, Mayor

ATTEST:

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



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. B.2
**Approval Of The City Council Minutes From The Regular Scheduled Meeting Of
November 8, 2012.**

Commentary:

MINUTES

**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK BOULEVARD, BUILDING FOUR
THURSDAY, NOVEMBER 8, 2012 AT 6:30 P.M.**

Mayor Matt Powell
Stephen Thomas, Council Place One
Mitch Fuller, Council Place Two
Scott Mitchell, Council Place Three

Mayor Pro Tem Tony Dale
Lowell Moore, Council Place Four
Don Tracy, Council Place Six
Brenda Eivens, City Manager

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
**Mayor Powell called the meeting to order at 6:30 p.m.
All Council present.**
- A.2 Invocation. (Mayor Powell)
Invocation given by Mayor Powell.
- A.3 Pledges of Allegiance (U.S. and Texas)
Cub Scouts Pack 172 Den 1 and Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Cedar Park Fire Department Fund Raising Efforts For The Muscular Dystrophy Association.
Agenda Item A.4 called after the Consent Agenda.

Interim Fire Chief James Mallinger addressed Council regarding the fund raising efforts of the Cedar Park Fire Department. The entire department raised \$17,613 and presented a check to the Muscular Dystrophy Association.
- A.5 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Agenda Item A.5 called after Agenda Item A.3 – Pledges.

Steven Mangan, Cedar Park, addressed the Council regarding his gravel driveway and the citations being written for violations.
- A.6 Mayor and Council Opening Comments.
Mayor Powell commented on the election of Mayor Pro Tem Dale to the Texas Legislature. This will create a vacancy for Place Five and a new Councilmember will need to be appointed. The City will follow the standard procedure and accept applications and conduct interviews to appoint someone to the unexpired term. Mayor Powell also commented on the recent ribbon cuttings of new businesses in Cedar Park.

Councilmember Thomas congratulated Mayor Pro Tem Dale. He reminded citizens of Veterans Day and encouraged participation in the planned activities to honor Veterans and thank them for their service.

Councilmember Fuller welcomed the Boy Scouts in attendance and thanked staff for assisting with the Infrastructure Day with Leadership Cedar Park. He also commented on the recent loss of Darrell K. Royal and congratulated Mayor Pro Tem Dale on his recent election.

Councilmember Mitchell congratulated Mayor Pro Tem Dale and inquired about lighting the tree located at the old City Hall.

Councilmember Moore and Tracy thanked Mayor Pro Tem Dale for his service.

Mayor Pro Tem Dale stated it has been an honor to serve on the City Council. Being elected as State Representative it will give him the opportunity to continue to serve the community. He thanked all the citizens for their support and thanked Staff, fellow Councilmembers, and Mayor Powell. He also thanked his parents, wife Mary and children. This will be his last meeting and he will be resigning after the Veteran Day event on Saturday.

- A.7 City Manager Report: Employee Recognition For Service With The City Of Cedar Park.
a. Amy Link, Planning Department - Five Years Of Service.
Rawls Howard, Development Services Director, presented Amy Link, Senior Planner, with a plaque in recognition of five years of service with the City of Cedar Park.
- A.8 City Manager Report: Overview And Update Of MyPermitNow Implementation - Mark Lewis, Building Inspections Director.
Mark Lewis, Building Inspections Director, addressed Council regarding the utilization of the MyPermitNow software. This is a web-based permit tracking system that will enhance customer service for building permits and development services related activities.
- A.9 City Manager Report: Quarterly Building Permit Activity And Revenue Report - Mark Lewis, Building Inspections Director.
Mark Lewis, Building Inspections Director, presented Council with the quarterly Building Permit Activity and Revenue Report.
- A.10 City Manager Report: Dedication Of Janet Bartles Parks.
Curt Randa, Parks and Recreation Director, addressed Council regarding the dedication of Janet Bartles Park on October 27, 2012. This park was dedicated in honor and memory of Janet Bartles and her many years of dedicated service to the City of Cedar Park.

Mayor Pro Tem Dale commented on the speech given by Janet's husband Gillis Bartles. This speech encapsulated the entire essence of Janet and he asked for the hardcopy of the speech to be officially preserved in the minutes.

CONSENT AGENDA

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

Agenda Items C.1, C.3, C.4, C.5, D.2, D.3, D.4, D.5 removed from the Consent Agenda by Mayor Powell for purposes of discussion.

Motion to approve the Consent Agenda consisting of Agenda Items B, C.2, C.6, C.7. and D.1.

Movant: Councilmember Mitchell

Second: Councilmember Fuller

Vote: 6-0

B.1 Receipt Of Minutes From The Cedar Park Community Development Board ("4B") Meeting Of September 11, 2012.

Received under the Consent Agenda.

B.2 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of September 28, 2012.

Received under the Consent Agenda.

B.3 Receipt Of Minutes From The Tourism Advisory Board Meeting Of September 25, 2012.

Received under the Consent Agenda.

C.1 (Z-12-008) Second Reading And Approval Of An Ordinance To Assign And Rezone From Rural Agriculture (RA) Approximately 57.67 Acres To 6.59 Acres Of General Retail (GR), 41.17 Acres Of Townhome (TH) And 9.91 Acres Of Open Space Recreation (OSR) For Property Located On The West Side Of Ronald Reagan Boulevard Just North Of East Whitestone Boulevard. **The Planning And Zoning Commission Voted 6-0 To Approve The Request.**

Removed from the Consent Agenda by Mayor Powell.

Agenda Item C.1 called together with Agenda Item D.5

Rawls Howard, Development Services Director, addressed Council regarding the proposed zoning request. Paul Linehan, Applicant, has requested to assign zoning of 57.67 acres to 6.59 acres of General Retail (GR), 41.17 acres of Townhome (TH), and 9.91 acres of Open Space Recreation (OSR).

Paul Linehan, Applicant, addressed the concerns raised at the public hearing in relation to the FEMA Floodplain.

General Discussion followed:

Mayor Powell commented on the anticipated growth in the area. He is concerned about the decrease in commercial space and would like to see more balance in the zoning that would allow for diversification in the tax base.

Mr. Linehan addressed the concern and stated they had reviewed the region. He also addressed the commercial uses.

Mayor Powell commented the impact of zoning does not just impact the local area but the entire City.

Councilmember Tracy commented on the density of the townhome development versus single-family.

Councilmember Mitchell asked for the staff recommendation.

Councilmember Fuller stated he has the same concerns as the Mayor and a coordinated effort or approach must be used in relation to zoning and population.

Mayor Pro Tem Dale stated townhomes are needed in the community.

Motion to approve Agenda Items C.1 and D.5 as presented by staff.

C.1 An Ordinance To Assign And Rezone From Rural Agriculture (RA) Approximately 57.67 Acres To 6.59 Acres Of General Retail (GR), 41.17 Acres Of Townhome (TH) And 9.91 Acres Of Open Space Recreation (OSR) For Property Located On The West Side Of Ronald Reagan Boulevard Just North Of East Whitestone Boulevard.

D.5 A Resolution Amending The Future Land Use Plan For Property Located On The West Side Of Ronald Reagan Boulevard Just North Of East Whitestone Boulevard From Regional Office/Retail/Commercial And Parks And Open Space To Medium Density Residential.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 6-1 with Mayor Powell voting against.

Ordinance Number Z02.12.11.08.C1

C.2 (Z-12-011) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 31.13 For Property Located On CR 180 Just East Of 183A And North Of New Hope Drive. The Planning And Zoning Commission Voted 6-0 To Approve The Request

Approved under the Consent Agenda.

Ordinance Number Z03.12.11.08.C2

C.3 (Z-12-012) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Office (GO) To Approximately 12.67 Acres And Condominium (CD) To Approximately 34.49 Acres For Property Located On New Hope Drive – Just East Of CR180. **The Planning And Zoning Commission Voted 6-0 To Approve The Request.**

Removed from the Consent Agenda by Mayor Powell.

Agenda Item C.3 called together with Agenda Item D.4

Rawls Howard, Development Services Director, addressed Council regarding the proposed zoning request. Autumn 2007 Commercial LP, Applicant, has requested to assign original zoning of General Office (GO) to approximately 12.67 acres and Condominium (CD) to approximately 34.49 acres.

Councilmember Mitchell inquired about the depth of the LR tract.

Geoff Guerrero, representing the Applicant, addressed Council for support of the requested zoning and stated it is a good buffer from the commercial area.

Mayor Powell commented on each case being different and thanked the Mr. Guerrero for working with staff to strike a balance.

Motion to approve Agenda Items C.3 and D.4 as presented by staff.

C.3 An Ordinance To Assign Original Zoning Of General Office (GO) To Approximately 12.67 Acres And Condominium (CD) To Approximately 34.49 Acres For Property Located On New Hope Drive – Just East Of CR180.

D.4 A Resolution Amending The Future Land Use Plan For Property Located On New Hope Drive At Cottonwood Creek From Neighborhood Office/Retail/Commercial To Medium Density Residential.

Movant: Councilmember Mitchell

Second: Councilmember Fuller

Vote: 7-0

Ordinance Number Z04.12.11.08.C3

C.4 (Z-12-013) Second Reading And Approval Of An Ordinance To Rezone Approximately 22.30 Acres From General Retail (GR) And Local Retail (LR) To Condominium Residential-Conditional Overlay (CD-CO) For Property Located Near The Southwest Corner Of Ronald Reagan Boulevard And County Road 180. **The Planning And Zoning Commission Voted 6-0 To Approve The Request.**

Removed from the Consent Agenda by Mayor Powell.

Agenda Item C.4 called together with Agenda Item D.3

Rawls Howard, Development Services Director, addressed Council regarding the proposed zoning request. CAB-COM 32 LP, Applicant, has requested to rezone approximately 22.302 acres to Condominium Residential-Conditional Overlay (CD-CO) with a condition requiring that detention for the residential development be located on the CD zoned tract.

Councilmember Mitchell inquired about the retention ponds.

Mayor Powell inquired about the number of units.

Motion to approve Agenda Items C.4 and D.3 as presented by staff.

C.4 An Ordinance To Rezone Approximately 22.30 Acres From General Retail (GR) And Local Retail (LR) To Condominium Residential-Conditional Overlay (CD-CO) For Property Located Near The Southwest Corner Of Ronald Reagan Boulevard And County Road 180.

D.3 A Resolution Amending The Future Land Use Plan For Property Located Near The Southwest Corner Of Ronald Reagan Boulevard And County Road 180 From Regional Office/Retail/Commercial And Neighborhood Office/Retail/Commercial To Medium Density Residential.

Movant: Mayor Pro Tem Dale
Second: Councilmember Moore
Vote: 7-0

Ordinance Number Z05.12.11.08.C4

C.5 (Z-12-014) Second Reading And Approval Of An Ordinance To Rezone Approximately 2 Acres From General Retail (GR) To Commercial Services (CS) For Property Located At 702 South Bell Boulevard. **The Planning And Zoning Commission Voted 6-0 To Deny The Request.**

Removed from the Consent Agenda by Mayor Powell.

Agenda Item C.5 called together with Agenda Item D.2

Rawls Howard, Development Services Director, addressed Council regarding the proposed zoning request. Kristiana Alfsen, Agent, is requesting to rezone approximately 2 acres to Commercial Services (CS). The Planning and Zoning Commission has recommended denial of the request. Mr. Howard reviewed the reason for denial. The current facility is non-conforming per the current GR district and Corridor Overlay, commercial retail development potential at a regional node, and there are existing storage facilities within 1/3 mile of the site.

Jon Lux, Planning and Zoning Commission, addressed Council in relation to the recommendation for denial by the P&Z. The current use is non-conforming and expansion of the current use would only increase the non-conforming use.

Kristiana Alfsen, Agent, addressed the Council in relation to the tracts characteristics. She is recommending Council overturn the P&Z recommended denial and approve the zoning request.

General Discussion followed:

Mayor Powell commented on the redevelopment of 183 and allowing non-conforming uses to expand.

Councilmember Thomas commented on the non-conforming business currently operating on the adjacent tract. He commented on the area being able to develop as retail.

Councilmember Fuller stated there are significant terrain limitations. This is a profitable business and there needs to be support of the business climate. The area to be rezoned is located in the back of the property.

Councilmember Tracy stated he has concerns for the rezoning request. He does not want to rush to make a decision on this small piece of land. He would like to have discussion of redevelopment and have a clear view of what things might look like in future.

Motion to table Agenda Item C.5 until a future meeting between Council and Planning & Zoning to discuss redevelopment.

**Movant: Councilmember Tracy
Second: Councilmember Fuller**

Mayor Powell commented this meeting is scheduled for December and asked if the applicant was amicable to tabling the item.

Ms. Alfsen supports the tabling of the item in order for Council to make an educated decision.

Discussion followed regarding tabling the request, possible development of the area for retail, aspects of the tract, and delaying the decision.

Mayor Powell called the question.

Motion to table Agenda Item C.5 until a future meeting between Council and Planning & Zoning to discuss redevelopment.

Vote: 4:3 with Mayor Powell, Councilmember Thomas and Mayor Pro Dale voting against.

- C.6 (Z-12-015) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Commercial Services (CS) To Approximately 7.17 Acres Located At 3100 Woodall. **The Planning And Zoning Commission Voted 6-0 To Approve The Request.**

Approved under the Consent Agenda.

Ordinance Number Z07.12.11.08.C6

- C.7 Second Reading And Approval Of An Ordinance To Amend The Cedar Park Code Of Ordinances, Chapter 5 Fire And Emergency Management, Article 5.07 Emergency And Disaster Management, Division 1 Generally.

Approved under the Consent Agenda.

Ordinance Number CO08.12.11.08.C7

- D.1 A Resolution Authorizing And Directing The City Manager To Execute A License Agreement With The Reserve At Brushy Creek Master Community, Inc. For The Purpose Of Allowing Construction And Maintenance Of A Subdivision Entry Feature In The Landscape Median Located In The 1100 Block Of The Wilson Ranch Place Right-of-Way.

Approved under the Consent Agenda.

Resolution Number R13.12.11.08.D1

- D.2 A Resolution Amending The Future Land Use Plan For Property Located At 702 South Bell Boulevard From Neighborhood Office/Retail/Commercial To Industrial. **The Planning And Zoning Commission Voted 6-0 To Deny This Amendment.**

Removed from the Consent Agenda by Mayor Powell.

**Agenda Item D.2 called together with Agenda Item C.5
Refer to Agenda Item C.5 for discussion and action taken.**

Agenda Item D.2 tabled.

- D.3 A Resolution Amending The Future Land Use Plan For Property Located Near The Southwest Corner Of Ronald Reagan Boulevard And County Road 180 From Regional Office/Retail/Commercial And Neighborhood Office/Retail/Commercial To Medium Density Residential. **The Planning And Zoning Commission Voted 6-0 To Approve This Amendment.**

Removed from the Consent Agenda by Mayor Powell.

**Agenda Item D.3 called together with Agenda Item C.4
Refer to Agenda Item C.4 for discussion and action taken.**

Approved under Agenda Item C.4

Resolution Number R15.12.11.08.D3

- D.4 A Resolution Amending The Future Land Use Plan For Property Located On New Hope Drive At Cottonwood Creek From Neighborhood Office/Retail/Commercial To Medium Density Residential. **The Planning And Zoning Commission Voted 6-0 To Approve This Amendment.**

Removed from the Consent Agenda by Mayor Powell.

**Agenda Item D.4 called together with Agenda Item C.3
Refer to Agenda Item C.3 for discussion and action taken.
Approved under Agenda Item C.3**

Resolution Number R16.12.11.08.D4

- D.5 A Resolution Amending The Future Land Use Plan For Property Located On The West Side Of Ronald Reagan Boulevard Just North Of East Whitestone Boulevard From Regional Office/Retail/Commercial And Parks And Open Space To Medium Density Residential. **The Planning And Zoning Commission Voted 6-0 To Approve This Amendment.**

Removed from the Consent Agenda by Mayor Powell.

**Agenda Item D.5 called together with Agenda Item C.1
Refer to Agenda Item C.1 for discussion and action taken.
Approved under Agenda Item C.1**

Resolution Number R17.12.11.08.D5

PUBLIC HEARINGS

- E.1 (Z-12-016) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 1.8 Acres Located At 3400 West Whitestone Boulevard. **The Planning And Zoning Commission Voted 5-0 To Approve The Request**

Rawls Howard, Development Services Director, addressed Council regarding the requested zoning. James Richard Dodds Trust, Applicant, has requested to assign original zoning of General Retail (GR) to approximately 1.8 acres. The Planning and Zoning Commission has recommended approval of the request.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

- E.2 (Z-12-009) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 4.09 Acres From General Retail (GR) To Commercial Services (CS) For Property Located North Of

12342 Ranch Road 620 North. **The Planning And Zoning Commission Voted 6-0 To Deny The Request.**

Rawls Howard, Development Services Director, addressed Council regarding the requested rezoning. CWT & C, LT, Applicant, has requested to rezone approximately 4.09 acres to Commercial Services (CS). The Planning and Zoning Commission has recommended denial of this project.

Jon Lux, Planning and Zoning Commission, addressed Council in relation to the reason for denial. The P&Z is recommending retaining the current zoning.

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

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 Consideration To Approve A Resolution Authorizing The Purchase Of Vehicles And Equipment Approved In The FY13 Vehicle And Equipment Replacement Fund ("VES") Budget, The Purchase Of New Vehicles And Equipment In The Approved Fiscal Year 2012-2013 Budget, The Sale Of Existing Equipment, Through Dealer Trade In Or Gov Deals Online Auction To Assist In The Sale Of Existing Equipment.

Eric Rauschuber, Director of Utilities, reviewed the purchase of fleet vehicles and the various departments impacted.

Mayor Powell inquired if there had been any change in policy in relation to take-home vehicles for the Police Department residing in the city limits.

Councilmember Moore commented on the City of Round Rock and their police cars.

Motion to approve A Resolution Authorizing The Purchase Of Vehicles And Equipment Approved In The FY13 Vehicle And Equipment Replacement Fund ("VES") Budget, The Purchase Of New Vehicles And Equipment In The Approved Fiscal Year 2012-2013 Budget, The Sale Of Existing Equipment, Through Dealer Trade In Or Gov Deals Online Auction To Assist In The Sale Of Existing Equipment.

**Movant: Councilmember Fuller
Second: Councilmember Moore
Vote: 7-0**

Resolution Number R18.12.11.08.F1

F.2 Consideration Of A Proposed Letter To The Lower Colorado River Authority Board Of Directors Requesting An Extension Of The Emergency Departure Order From The Water Management Plan.

Katherine Woerner, Director of Community Affairs, stated the existing Emergency Order allows for LCRA to deviate from approved Water Management Plan which specifically impacts interruptible customers to ensure adequate water supply for firm customers (municipalities). The current order expires December 31, 2012. Staff is recommending Council approve a letter urging the LCRA Board consider an Emergency Order with same conditions as it currently exists.

Mayor Powell and Councilmember Fuller commented on the importance of the existing order.

Motion to approve Agenda Item F.2 as presented by Staff.

**Movant: Councilmember Fuller
Second: Councilmember Thomas
Vote: 7-0**

F.3 Consideration To Adopt A Conditional Use Permit And Special Use Permit Procedure.

Rawls Howard, Development Services Director, reviewed the current system for Conditional Use Permits. Mr. Howard explained the differences between the Conditional Overlay (Zoning) and Conditional Use Permit. Staff is recommending replacing the existing system and creating a revised Conditional Use Permits and Special Use Permits system. This would cause the current system to require a concept plan instead of a site plan.

Mayor Pro Tem Dale inquired if the development community had been contacted for their feedback.

Councilmember Fuller inquired who can appeal with the current process.

Mayor Powell stated he would like to proceed with the process and consideration of the Special Use Permit.

Mayor Pro Tem Dale stated Staff needs to have input from the building community.

Councilmember Thomas stated public outreach is needed.

No action taken.

F.4 Consideration Of Appointment To Place Seven On The Planning And Zoning Commission. (Mayor Powell)

Mayor Powell stated he is not ready for this item and it will be placed on a future agenda.

- F.5 Consideration Of Appointments To The Cedar Park Comprehensive Plan Advisory Committee.
(Mayor Powell)

Councilmember Fuller commented on the Mayor and a Councilmember serving on the Committee.

Councilmembers Moore, Tracy and Thomas expressed interest in serving and volunteered their services.

Motion to appoint Mayor Powell, Councilmember Moore and Councilmember Tracy to the Cedar Park Comprehensive Plan Advisory Committee.

**Movant: Councilmember Fuller
Second: Councilmember Thomas
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 8:44 p.m.

- G.0 Executive Session
- G.1 Section 551.071 (1) (A) Consultation With City Attorney Concerning Litigation.
a. Cause No. 12-1118-C368; City of Cedar Park, Texas vs. Siddons Fire Apparatus, Inc., Siddons-Martin Emergency Group, Pierce Manufacturing, Inc., and Cummins, Inc.; In the 368th Judicial District Court of Williamson County, Texas.
- G.2 Section 551.071 (2) Consultation With City Attorney Concerning Duties To Client As Required By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas
a. Legal Issues Concerning Potential Lease Terms And Conditions For Building Six On The City Hall Campus.
b. Legal Issues Concerning Appeals To The City Council.
c. Legal Issues Concerning Applicability Of Nuisance Ordinance Provisions As Affected By Chapter 245 Of The Local Government Code.
- G.3 Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property
a. Legal Issues Concerning Spanish Oak Wastewater Interceptor Easement Acquisition.

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 9:15 p.m.

Mayor Powell relinquished the Chair to Mayor Pro Tem Dale.

No action taken on any item discussed in Executive Session.

H.1 Mayor And Council Closing Comments

Councilmember Moore requested a future agenda to discuss planning names on Police Vehicles.

Councilmember Fuller asked for a future agenda item for an analysis on veteran discounts on park facilities.

Mayor Pro Tem Dale commented on serving on Council.

H.2 Adjournment.

Mayor Pro Tem Dale adjourned the meeting at 9:18 p.m.

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2012.

Matthew Powell, Mayor

ATTEST:

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



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. B.3
Approval Of City Council Minutes From The Special Called Meeting Of November 13, 2012.

Commentary:

MINUTES

**CITY OF CEDAR PARK
SPECIAL CALLED MEETING OF THE CITY COUNCIL
Cedar Park City Hall Complex – Council Chambers, Building Four
450 Cypress Creek Road, Cedar Park TX 78613
TUESDAY, NOVEMBER 13, 2012 AT 6:15 P.M.**

CITY COUNCIL

Mayor Matt Powell
Stephen Thomas, Council Place One
Mitch Fuller, Council Place Two
Scott Mitchell, Council Place Three

Mayor Pro Tem Tony Dale
Lowell Moore, Council Place Four
Don Tracy, Council Place Six
Brenda Eivens, City Manager

-
1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Powell called the meeting to order at 6:15 p.m.
Mayor Pro Tem Dale and Councilmember Moore absent from meeting.
All others present.
 2. Pledges Of Allegiance.
Council led the audience in the Pledges of Allegiance.
 3. Mayor And Council Opening Comments.
Mayor Powell welcomed his brother-in-law from California in attendance at the meeting.
 4. Discussion And Possible Action:
 - a. Consideration To Validate The Resignation Of Councilmember/Mayor Pro Tem Tony Dale, Place 5, Declaring The Office To Be Vacant According To Section 3.06 Of The City Of Cedar Park Home Rule Charter.
Mayor Powell stated he has received in writing a letter from Mayor Pro Tem Dale resigning from Council Place Five.

Motion to validate the Resignation of Councilmember/Mayor Pro Tem Tony Dale, Place 5, Declaring The Office To Be Vacant According To Section 3.06 Of The City Of Cedar Park Home Rule Charter.

Movant: Councilmember Fuller
Second: Councilmember Mitchell
Vote: 5-0
 - b. Discuss Procedure For Filling Vacancy For Place Five.

Mayor Powell commented on the appointment process to fill the vacancy. Council will accept applications and all candidates will be interviewed. This process has been utilized in the past and has proven to be very effective.

Discussion followed for potential dates to conduct interviews, moving the regular scheduled meeting from November 29th to November 28th, and utilizing the process as used in the past.

Mayor Powell stated it is important that all candidates are informed the person appointed will take office immediately.

Motion to move forward with the process as discussed and agreed upon.

Movant: Mayor Powell

Second: Councilmember Fuller

Vote: 5-0

Agenda Item 4.B recalled after Agenda Item 4.C

Motion to move the second regular scheduled meeting of November 29th to November 28th and interview and select a candidate for Council Place Five.

Movant: Mayor Powell

Second: Councilmember Mitchell

Vote: 5-0

- c. Consideration Of Appointment To Place Seven On The Planning And Zoning Commission. (Mayor Powell)

Motion to appoint Kelly Brent to Place Seven on the Planning and Zoning Commission.

Movant: Mayor Powell

Second: Councilmember Thomas

Vote: 5-0

5. Mayor And Council Closing Comments

Mayor Powell requested a future agenda for an appointment to the 4A Board.

6. Adjournment.

Mayor Powell adjourned the meeting at 6:26 p.m.

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2012.

Matthew Powell, Mayor

ATTEST:

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



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. B.4
Receipt Of Minutes From The Tourism Advisory Board Meeting Of October 23, 2012.

Commentary:



**MINUTES
REGULAR CALLED MEETING
TOURISM ADVISORY BOARD
TUESDAY, OCTOBER 23, 2012 AT 6:30 PM**

City Council Chambers, Building Four, 450 Cypress Creek Road, Cedar Park, Texas 78613

BOARD MEMBERS

- | | |
|---|--|
| <input checked="" type="checkbox"/> Mel Kirkland, Place Seven, Chair | |
| <input checked="" type="checkbox"/> Robert Schoen, Place One, Secretary | <input checked="" type="checkbox"/> Wayne Brooks, Place Four |
| <input checked="" type="checkbox"/> Matthew Olguin, Place Two, Vice Chair | <input type="checkbox"/> Rick McLaughlin, Place Five |
| <input checked="" type="checkbox"/> Dustin Weibel, Place Three | <input type="checkbox"/> Vacant, Place Six |

- 1) **CALL TO ORDER, QUORM DETERMINED, MEETING DECLARED OPEN.**
Vice Chair Olguin called the meeting to order at 6:30 PM with five members present. Board Member McLaughlin was absent. Place Six was vacant.
- 2) **Board Members Opening Comments.** *None.*
- 3) **Citizen Communications.** *None.*
- 4) **Approval of Minutes of the Tourism Board Meetings.**
 - a) **September 25, 2012 Regular Called Meeting.**
It was noted that Item 7a3 had a typo in the vote. It should read "The motion passed 5-0...".

MOTION: Board Member Weibel made a motion to approve the minutes from the September 25, 2012 Tourism Advisory Board meeting as amended. Secretary Schoen seconded the motion. Motion passed unanimously, 5-0, with one absent and Place Six vacant.
- 5) **Presentation - None**
- 6) **Consider Quarterly Financial Report - None**
- 7) **Discussion And Possible Action**
 - a) **Consideration and Approval of 2013 Meeting Schedule**
Duane Smith, Tourism and Community Development Manager, advised the Board that the Tourism Advisory Board meetings were scheduled for the fourth Tuesday of each month unless they conflicted with a holiday. The December meeting was moved to December 11th because the fourth Tuesday falls on Christmas Eve.

MOTION: Vice Chair Olguin made a motion to accept the 2013 Tourism Board meeting schedule as submitted. Board Member Weibel seconded the motion. Motion passed unanimously, 5-0, with one absent and Place Six vacant.

Chair Kirkland called up together Items 7b through 8d.

- 7) **b) Consideration of 2012 - 2013 Marketing and Advertising Program**

8) **Update On Marketing And Advertising – Katie Krampitz, Tourism Services Manager**

- a) **November Events And Activities**
- b) **Update On Cedar Park Fun Brochure Revisions And Re-print**
- c) **Update on Restaurant Guide**

Katie Krampitz, Tourism Services Manager, advised that the marketing subcommittee met last week. Amy Stevens, Go Beyond Marketing, made the presentation and was available to answer questions. She advised that the focus is on implementing suggestions from MindEcology. MindEcology suggested the following ad style themes: family, relaxing, and family-friendly. A comparison of the old and new ad styles was provided. The use of splash codes and QRs provide the impact of the ad to be effectively measured. A comparison of the old and new restaurant guides and visitor guides was also provided. Katie Krampitz advised that upcoming activities will include developing Facebook and Google ad campaigns, identifying other online opportunities and developing "Catch Cedar Fever" discount club.

d) **Update On Past And Future Marketing Efforts**

Katie Krampitz provided copies of the banners used on the Tour Texas website and Tour Texas eblast. She provided website and mobile website results and statistics.

9) **Excuse Absences from Tourism Board Meeting**

- a) **Wayne Brooks – September 25 Meeting**

MOTION: Secretary Schoen made a motion to excuse Board Member Brooks from the September 25, 2012 Tourism Board meeting. Vice Chair Olguin seconded the motion. Motion passed unanimously, 5-0, with one absent and Place Six vacant.

11) **Staff Closing Comments. None**

12) **Board Members Closing Comments**

Vice Chair Olguin stated that CNN ^{Money} had identified Cedar Park as one of the top five cities to work in.

13) **Request For Future Agenda Items. None**

Next Regular Scheduled Tourism Advisory Board Meeting: Tuesday, November 27, 2012 at 6:30 P.M. at the Cedar Park City Hall Council Chambers, 450 Cypress Creek Road, Building Four.

14) **Adjournment.**

Chair Kirkland adjourned the meeting at 6:56 PM.

PASSED AND APPROVED THIS 27TH DAY OF NOVEMBER, 2012.


MEL KIRKLAND, Chair

ATTESTED BY:


ROBERT SCHOEN, Secretary



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. C.0
Second Reading Of An Ordinance: No Items For Consideration.

Commentary:



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. D.1
A Resolution Setting A Date, Time, And Place For Public Hearings On The Petition By Cedar Park Warehouse And Storage LLC For Voluntary Annexation Of Approximately 0.5 Acres Of Land Located At The Northeast Corner Of West Whitestone Boulevard And Power Lane (ANX-12-001).

Commentary:

This is a resolution setting a date, time, and place for two statutory public hearings on the proposed voluntary annexation of approximately 0.5 acres of land located at the northeast corner of West Whitestone Boulevard and Power Lane. The schedule requires no special called meetings to meet state and local requirements. A copy of the proposed timetable is attached.



Director

Associated Information:

The resolution, public hearing schedule and location map are attached for reference.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, SETTING A DATE, TIME, AND PLACE FOR PUBLIC HEARINGS ON THE PETITION BY CEDAR PARK WAREHOUSE AND STORAGE LLC FOR VOLUNTARY ANNEXATION OF APPROXIMATELY 0.5 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF WEST WHITESTONE BOULEVARD AND POWER LANE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Cedar Park, Texas, believes that the annexation of the area described in Exhibit "A", attached hereto and made a part hereof would be in the best interest of the City of Cedar Park, Texas; and

WHEREAS, it is necessary to hold public hearings prior to such annexation in order to comply with Subchapter C-1 Annexation Procedure for Areas Exempted From Municipal Annexation Plan, Section 43.063, Local Government Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That there shall be two statutory public hearings on the subject of the proposed annexation, giving all interested persons the right to appear and be heard. The hearings shall be held on the 10th day of January, 2013, at 6:30 p.m., and on the 24th day of January, 2013, at 6:30 p.m., in the Council Chambers, 450 Cypress Creek Road Building 4, Cedar Park, Texas.

SECTION 2. That the City Secretary is hereby authorized and directed to cause notice of each such public hearing to be posted on the City's internet website and to be published once in a newspaper having general circulation in the City and in the area proposed for annexation as shown in Exhibit "A" not more than twenty (20) days nor less than ten (10) days prior to the dates of such public hearings, all in accordance with Section 43.063 of the Local Government Code.

SECTION 3. That pursuant to Section 43.065 of the Local Government Code, the staff of the City is hereby directed to prepare a service plan for the area to be annexed, which plan shall describe City services to be provided to such area and the timetable for such provision and shall be available for inspection and discussion at the hearings provided for in Section 1 of the Resolution.

SECTION 4. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the 13th day of December, 2012.

CITY OF CEDAR PARK, TEXAS

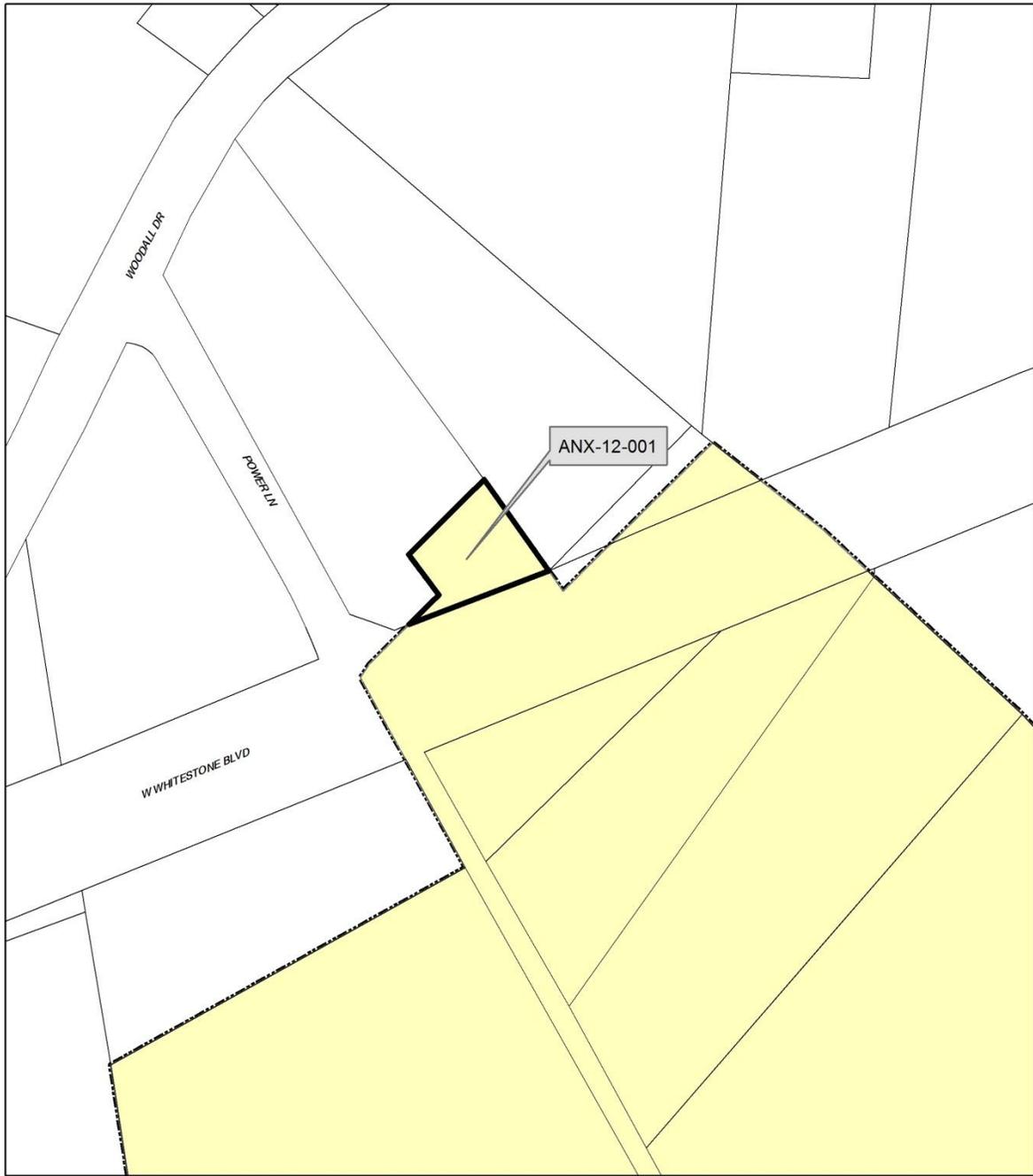
ATTEST:

Matthew Powell, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney



ANX-12-001



EXHIBIT A

**ANNEXATION TIMETABLE
CITY OF CEDAR PARK**

- 12/13 1. City Council starts annexation proceedings by adopting a resolution to set the date, time, and place of two public hearings.
1st public hearing: 6:30 P.M., Thursday, 1/10/13
2nd public hearing: 6:30 P.M., Thursday, 1/24/13
Location: Council Chambers, 450 Cypress Creek Road, Bldg. 4, Cedar Park
- 12/26 2. First Public Notice appears in the Hill Country News.
(10-20 days between publication date and first public hearing.)
- 1/9 3. Second Public Notice appears in the Hill Country News.
(10-20 days between publication date and second public hearing.)
- 1/10 4. City Council's first public hearing.
- 1/24 5. City Council's second public hearing.
- 2/14 6. City Council's first reading of annexation ordinance *(no more than 40 days after first public hearing and a minimum of 20 days after second public hearing)*
- 2/28 7. City Council's second reading of annexation ordinance *(required within 90 days of resolution passing)*



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. D.2

A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development (4B) Board For Funding Of The Playground Shade Structure Project In An Amount Not To Exceed \$225,000.

Commentary:

The purpose of this Resolution is to authorize the Mayor to execute an Agreement with the Community Development (4B) Board for the Playground Shade Structure Project. The Project provides funding for the construction and installation of improvements at various City Parks as part of the Community Enhancement Program. This project consists of the design and construction of playground shade structures at locations including, but not limited to: Cedar Park Bark Park; Brushy Creek Sports Park; Gann Ranch Park; Lone Tree Park; Heppner Bend Park; Heritage Park; Forest Oaks Park; Park Place Park; and Oakwood Glen Park.

On October 9, 2012 the 4B Board approved the funding on this project in the amount of \$225,000.00. At that time, the Board also authorized staff to proceed with Publication of a Notice of Community Development Project and Public Hearing Notice. The Project Notice was published in the Cedar Park-Leander Statesman on October 17, 2012. The Public Hearing notice was also published on October 17, 2012 per authorization of the Board.

The 4B Board conducted a Public Hearing on the Project on November 13, 2012. No public comment was received.

Following the public hearing, the 4B Board voted 5-1 to approve the 4B Resolution to authorize the President of the Board to execute the Agreement for the Playground Shade Structure Project under terms as set forth within the agreement and submit the Agreement to City Council with a recommendation for approval.

Copies of the Board Resolution (4B-R-12-012) and the Agreement are attached for reference.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE CEDAR PARK COMMUNITY DEVELOPMENT (4B) CORPORATION FOR FUNDING OF THE PLAYGROUND SHADE STRUCTURE PROJECT IN AN AMOUNT NOT TO EXCEED \$225,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Cedar Park, in cooperation with the Cedar Park Community Development (4B) Corporation desires to participate in a program to fund shade structures at various neighborhood parks which have been evaluated with the highest need. These locations that include, but are not limited to, Cedar Park Bark Park; Brushy Creek Sports Park; Gann Ranch Park; Lone Tree Park; Heppner Bend Park; Heritage Park; Forest Oaks Park; Park Place Park; and Oakwood Glen Park; and

WHEREAS, the 4B Corporation Board of Directors has approved and authorized the expenditure of 4B funds to provide for project expenditures in an amount for the Playground Shade Structure Project in an amount not to exceed \$225,000.00 with such funds coming from the Corporation's budget for the Community Enhancement Program; and

WHEREAS, the 4B Corporation Board of Directors has authorized the President of the Corporation to execute an Agreement for the expenditure of said funds and to recommend the Agreement to the City Council of the City of Cedar Park for concurrence so that funds can be expended as set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS THAT:

SECTION 1. The Cedar Park City Council hereby authorizes and directs the Mayor to execute an Agreement with the Cedar Park Community Development (4B) Corporation for the expenditure of 4B funds in an amount not to exceed \$225,000.00 to provide for the Playground Shade Structure Project as part of the Community Enhancement Program.

SECTION 2. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required by law.

PASSED AND APPROVED this the 13th day of December 2012.

CITY OF CEDAR PARK, TEXAS

Matthew Powell, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

Resolution No. 4B-R-12-012

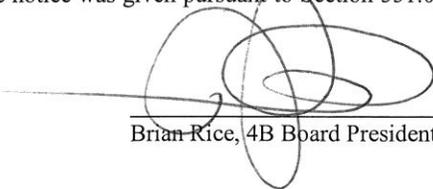
State of Texas §
 §
County of Williamson §

WHEREAS, the City of Cedar Park Community Development Corporation (the "4B Corporation") seeks to undertake a project in an amount not to exceed \$225,000 for the Playground Shade Structure Project to be located at various City Parks including but not limited to: Cedar Park Bark Park; Brushy Creek Sports Park; Gann Ranch Park; Lone Tree Park; Heppner Bend Park; Heritage Park; Forest Oaks Park; Park Place Park; and Oakwood Glen Park, Cedar Park, Texas, which would include new structures that would provide screening and cover, in the form of a fabric shade canopies, which will provide for multiple civic uses in Cedar Park, in conformity with The Development Corporation Act, as amended.

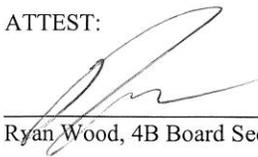
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CEDAR PARK COMMUNITY DEVELOPMENT CORPORATION:

THAT the Cedar Park Community Development Corporation hereby recommends that the City Council for the City of Cedar Park approve funding for the Playground Shade Structure Project to be located at various City Parks located in Cedar Park, Texas, in an amount not to exceed \$225,000.

CONSIDERED AND APPROVED on the 13th day of November, 2012 at which a quorum was present and for which due notice was given pursuant to Section 551.001, et seq., of the Government Code.



Brian Rice, 4B Board President

ATTEST:


Ryan Wood, 4B Board Secretary

AGREEMENT BETWEEN THE CITY OF CEDAR PARK COMMUNITY DEVELOPMENT (4B) CORPORATION AND THE CITY OF CEDAR PARK

This Agreement is to memorialize the general terms and conditions of a request for funding assistance made by the City of Cedar Park, Texas (the "City") to the City of Cedar Park Community Development Corporation (the "4B Corporation") to provide funding for the Shade Project (the "Project") as a part of the Community Enhancement Program. The Project will include the installation of a fabric shade canopies located at various parks including, but not limited to: Cedar Bark Park; Brushy Creek Sports Park; Gann Ranch Park; Lone Tree Park; Heppner Bend Park; Heritage Park; Forest Oaks Park; Park Place Park; and Oakwood Glen Park Cedar Park, Texas. The 4B Corporation's estimated expenditure for the Project is an amount not to exceed \$225,000, although this amount is subject to future revision.

WHEREAS, the City is considering funding the Project as proposed by the City's Parks and Recreation Department;

WHEREAS, the 4B Corporation has stated that it has the necessary funds for the Project and will make those funds available to the City;

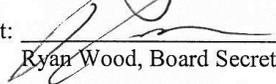
WHEREAS, the City has requested that the 4B Corporation provide funding for the cost of acquisition and installation for the Project in an amount not to exceed \$225,000; and

WHEREAS, on November 13, 2012 the Board of Directors for the 4B Corporation recommended approval of the proposed Project and provided funding in an amount not to exceed \$225,000 to the City for the Project.

NOW, THEREFORE, BE IT AGREED, by and between the City and the 4B Corporation, that the 4B Corporation shall provide an amount up to, but not to exceed, \$225,000 to the City to fund the Playground Shade Structure Project as part of the Community Enhancement Program, with such funds to be drawn upon at the discretion of the City.

**City of Cedar Park Community Development
(4B) Corporation**

By:  _____
Brian Rice, Board President

Attest:  _____
Ryan Wood, Board Secretary

Date: November 13, 2012

City of Cedar Park, Texas

By: _____
Matthew Powell, Mayor

Attest: _____
LeAnn Quinn, City Secretary

Date: _____



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. D.3

A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development (4B) Board For Funding Of The RM 1431 Sidewalk And Pedestrian Bridge Project In An Amount Not To Exceed \$378,000.

Commentary:

The purpose of this Resolution is to authorize the Mayor to execute an Agreement with the Community Development (4B) Board. The Agreement provides funding for the RM 1431 Sidewalk and Pedestrian Bridge Project as part of the Community Enhancement Program. This project consists of the design and construction of sidewalk and pedestrian bridge improvements on the north side of East RM 1431 (Whitestone Blvd.) between Discovery Blvd. and the 183A Toll Road.

On October 9, 2012 the 4B Board approved the funding on this project in the amount of \$378,000.00. At that time, the Board also authorized staff to proceed with Publication of a Notice of Community Development Project. The Public Hearing notice was published in the Cedar Park-Leander Statesman on October 17, 2012 per authorization of the Board. The Project Notice was also published on October 17, 2012.

The 4B Board conducted a Public Hearing on the Project on November 13, 2012. No public comment was received.

Following the public hearing, the 4B Board voted 5-1 to approve the 4B Resolution to authorize the President of the Board to execute the Agreement for the RM 1431 Sidewalk and Pedestrian Bridge Project under terms as set forth within the agreement and submit the Agreement to City Council with a recommendation for approval.

Copies of the Board Resolution (4B-R-12-010) and the Agreement are attached for reference.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE CEDAR PARK COMMUNITY DEVELOPMENT (4B) CORPORATION FOR FUNDING OF THE RM 1431 SIDEWALK AND PEDESTRIAN BRIDGE PROJECT IN AN AMOUNT NOT TO EXCEED \$378,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Cedar Park, in cooperation with the Cedar Park Community Development (4B) Corporation desires to participate in a program to fund sidewalk and pedestrian bridge improvements along and on the north side of RM 1431 between Discovery Blvd. and 183A Toll Road. The Project will include the design and construction of pedestrian improvements and provide for multiple civic uses; and

WHEREAS, the 4B Corporation Board of Directors has approved and authorized the expenditure of 4B funds to provide for project expenditures in an amount not to exceed \$378,000.00 with such funds coming from the Corporation's budget for the Community Enhancement Funds; and

WHEREAS, the 4B Corporation Board of Directors has authorized the President of the Corporation to execute an Agreement for the expenditure of said funds and to recommend the Agreement to the City Council of the City of Cedar Park for concurrence so that funds can be expended as set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS THAT:

SECTION 1. The Cedar Park City Council hereby authorizes and directs the Mayor to execute an Agreement with the Cedar Park Community Development (4B) Corporation for the expenditure of 4B funds in an amount not to exceed \$378,000.00 to provide for the Sidewalk and Pedestrian Bridge Project as part of the Community Enhancement Program.

SECTION 2. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required by law.

PASSED AND APPROVED this the 13th day of December, 2012.

CITY OF CEDAR PARK, TEXAS

Matthew Powell, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

Resolution No. 4B-R-12-010

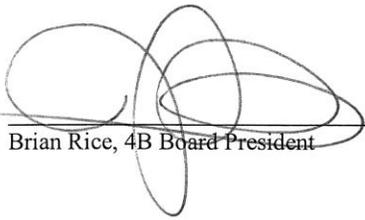
State of Texas §
 §
County of Williamson §

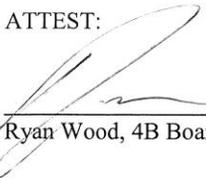
WHEREAS, the City of Cedar Park Community Development Corporation (the "4B Corporation") seeks to undertake a project in an amount not to exceed \$378,000 for the RM 1431 Sidewalk and Pedestrian Bridge Project to be located on the north side of RM 1431/East Whitestone Boulevard between 183A Toll Road and Discovery Boulevard, Cedar Park, Texas, which would include a new structure that would provide pedestrian access, and will provide for multiple civic uses in Cedar Park, in conformity with The Development Corporation Act, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CEDAR PARK COMMUNITY DEVELOPMENT CORPORATION:

THAT the Cedar Park Community Development Corporation hereby recommends that the City Council for the City of Cedar Park approve funding for the RM 1431 Sidewalk and Pedestrian Bridge Project to be located on the north side of RM 1431 between 183A Toll Road and Discovery Boulevard, Cedar Park, Texas, in an amount not to exceed \$378,000.

CONSIDERED AND APPROVED on the 13th day of November, 2012 at which a quorum was present and for which due notice was given pursuant to Section 551.001, et seq., of the Government Code.


Brian Rice, 4B Board President

ATTEST:


Ryan Wood, 4B Board Secretary

**AGREEMENT BETWEEN THE CITY OF CEDAR PARK COMMUNITY
DEVELOPMENT (4B) CORPORATION AND THE CITY OF CEDAR PARK**

This Agreement is to memorialize the general terms and conditions of a request for funding assistance made by the City of Cedar Park, Texas (the "City") to the City of Cedar Park Community Development Corporation (the "4B Corporation") to provide funding for the design and construction of Sidewalk and Pedestrian Bridge Improvements (the "Project") as a part of the Community Enhancement Program. The Project will include the design and construction of sidewalks and pedestrian improvements on the north side of RM 1431 between 183A Toll Road and Discovery Boulevard, Cedar Park, Texas. The 4B Corporation's estimated expenditure for the Project is an amount not to exceed \$378,000, although this amount is subject to future revision.

WHEREAS, the City is considering funding the Project as proposed by the City's Engineering Department;

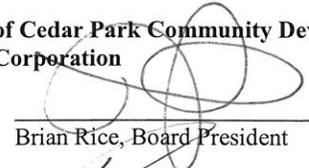
WHEREAS, the 4B Corporation has stated that it has the necessary funds for the Project and will make those funds available to the City;

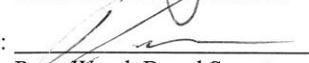
WHEREAS, the City has requested that the 4B Corporation provide funding for the cost of design and construction for the Project in an amount not to exceed \$378,000; and

WHEREAS, on November 13, 2012 the Board of Directors for the 4B Corporation recommended approval of the proposed Project and provided funding in an amount not to exceed \$378,000 to the City for the Project.

NOW, THEREFORE, BE IT AGREED, by and between the City and the 4B Corporation, that the 4B Corporation shall provide an amount up to, but not to exceed, \$378,000 to the City to fund the RM 1431 Sidewalk and Pedestrian Bridge Improvement Project as part of the Community Enhancement Program, with such funds to be drawn upon at the discretion of the City.

**City of Cedar Park Community Development
(4B) Corporation**

By:  _____
Brian Rice, Board President

Attest:  _____
Ryan Wood, Board Secretary

Date: November 13, 2012
City of Cedar Park, Texas

By: _____
Matthew Powell, Mayor

Attest: _____
LeAnn Quinn, City Secretary

Date: _____



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. D.4

A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development (4B) Board For Funding Of The Sidewalk Gap Closure Phase II Project In An Amount Not To Exceed \$100,000.

Commentary:

The purpose of this Resolution is to authorize the Mayor to execute an Agreement with the Community Development (4B) Board. The Agreement provides funding for the Sidewalk Gap Closure Phase II Project as part of the Community Enhancement Program. This project consists of the design and construction sidewalks at various locations including: 1) Discovery Boulevard at the CapMetro train crossing; 2) Buttercup Creek Boulevard adjacent to "The Commons"; and 3) Treeline Drive east of Lakeline Boulevard to provide pedestrian access and multiple civic uses.

On October 9, 2012 the 4B Board approved the funding on this project in the amount of \$100,000. At that time, the Board also authorized staff to proceed with Publication of a Notice of Community Development Project. The Public Hearing notice was published in the Cedar Park –Leander Statesman on October 17, 2012 per authorization of the Board. The Project Notice was also published on October 17, 2012.

The 4B Board conducted a Public Hearing on the Project on November 13, 2012. No public comment was received.

Following the public hearing, the 4B Board voted 6-0 to approve the 4B Resolution to authorize the President of the Board to execute the Agreement for the Sidewalk Gap Closure Phase II Project under terms as set forth within the agreement and submit the Agreement to City Council with a recommendation for approval.

Copies of Board Resolution (4B-R-12-011) and the Agreement are attached for reference.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE CEDAR PARK COMMUNITY DEVELOPMENT (4B) CORPORATION FOR FUNDING OF THE SIDEWALK GAP CLOSURE PHASE II PROJECT IN AN AMOUNT NOT TO EXCEED \$100,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Cedar Park, in cooperation with the Cedar Park Community Development (4B) Corporation desires to participate in a program to fund the Sidewalk Gap Closure Phase II Project. The Project will include the design and construction of sidewalks at various locations including: 1) Discovery Boulevard at the CapMetro train crossing; 2) Buttercup Creek Boulevard adjacent to "The Commons"; and 3) Treeline Drive east of Lakeline Boulevard;

WHEREAS, the 4B Corporation Board of Directors has approved and authorized the expenditure of 4B funds to provide for project expenditures in an amount for the Sidewalk Gap Closure Phase II Project in the amount of \$100,000 with funds coming from the Corporation's budget for the Community Enhancement Program; and

WHEREAS, the 4B Corporation Board of Directors has authorized the President of the Corporation to execute an Agreement for the expenditure of said funds and to recommend the Agreement to the City Council of the City of Cedar Park for concurrence so that funds can be expended as set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS THAT:

SECTION 1. The Cedar Park City Council hereby authorizes and directs the Mayor to execute an Agreement with the Cedar Park Community Development (4B) Corporation for the expenditure of 4B funds in an amount not to exceed \$100,000 to provide for funding of the Sidewalk Gap Closure Phase II Project as part of the Community Enhancement Program.

SECTION 2. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required by law.

PASSED AND APPROVED this the 13th day of December, 2012.

CITY OF CEDAR PARK, TEXAS

Matthew Powell, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

Resolution No. 4B-R-12-011

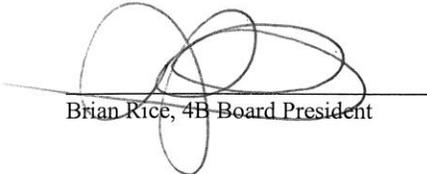
State of Texas §
 §
County of Williamson §

WHEREAS, the City of Cedar Park Community Development Corporation (the “4B Corporation”) seeks to undertake a project in an amount not to exceed \$100,000 for the design and construction of sidewalks including various gap closure projects-Phase II Project to be located at 1) Discovery Boulevard at the CapMetro train crossing; 2) Buttercup Creek Boulevard adjacent to the “Commons”; and 3) Treeline Drive east of Lakeline Boulevard, Cedar Park, Texas, which would include construction of new facilities that would provide pedestrian access, and will provide for multiple civic uses in Cedar Park, in conformity with The Development Corporation Act, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CEDAR PARK COMMUNITY DEVELOPMENT CORPORATION:

THAT the Cedar Park Community Development Corporation hereby recommends that the City Council for the City of Cedar Park approve funding for the Sidewalk Gap Closure Sidewalk Project Phase II to be located at three locations in Cedar Park, Texas, in an amount not to exceed \$100,000.

CONSIDERED AND APPROVED on the 13th day of November, 2012 at which a quorum was present and for which due notice was given pursuant to Section 551.001, et seq., of the Government Code.



Brian Rice, 4B Board President

ATTEST:


Ryan Wood, 4B Board Secretary

AGREEMENT BETWEEN THE CITY OF CEDAR PARK COMMUNITY DEVELOPMENT (4B) CORPORATION AND THE CITY OF CEDAR PARK

This Agreement is to memorialize the general terms and conditions of a request for funding assistance made by the City of Cedar Park, Texas (the "City") to the City of Cedar Park Community Development Corporation (the "4B Corporation") to provide funding for the design and construction of Sidewalk Gap Closure Phase II (the "Project") as a part of the Community Enhancement Program. The Project will include the design and construction of sidewalk improvements at three locations including 1) Discovery Boulevard at the CapMetro train crossing; 2) Buttercup Creek Boulevard adjacent to the "Commons"; and 3) Treeline Drive east of Lakeline Boulevard, Cedar Park, Texas. The 4B Corporation's estimated expenditure for the Project is an amount not to exceed \$100,000, although this amount is subject to future revision.

WHEREAS, the City is considering funding the Project as proposed by the City's Transportation and Engineering Department;

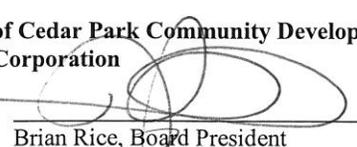
WHEREAS, the 4B Corporation has stated that it has the necessary funds for the Project and will make those funds available to the City;

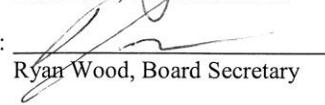
WHEREAS, the City has requested that the 4B Corporation provide funding for the cost of design and construction for the Project in an amount not to exceed \$100,000; and

WHEREAS, on November 13, 2012 the Board of Directors for the 4B Corporation recommended approval of the proposed Project and provided funding in an amount not to exceed \$100,000 to the City for the Project.

NOW, THEREFORE, BE IT AGREED, by and between the City and the 4B Corporation, that the 4B Corporation shall provide an amount up to, but not to exceed, \$100,000 to the City to fund the Sidewalk Gap Closure Phase II Project as part of the Community Enhancement Program, with such funds to be drawn upon at the discretion of the City.

**City of Cedar Park Community Development
(4B) Corporation**

By: 
Brian Rice, Board President

Attest: 
Ryan Wood, Board Secretary

Date: November 13, 2012

City of Cedar Park, Texas

By: _____
Matthew Powell, Mayor

Attest: _____
LeAnn Quinn, City Secretary

Date: _____



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. E.1
First Reading And Public Hearing Of An Ordinance Amending Appendix A, Article 5.000 Library Related Fees, Sections 5.200 Special Equipment Use, 5.400 Circulation, 5.500 Interlibrary Loan, 5.600 Misc. Of The Code Of Ordinances Of The City Of Cedar Park, Texas.

Commentary:

The Library Department reviews its policies every two years and makes recommendation for revision when needed. The recommended fees are for new services and current services as revised in accordance with increased actual costs, service bundling, and material demand/availability. The staff has recommended the following new and revised fees for the City Council to consider.

Ordinance #	Type of Service	Current Fee	Current Services— Revised fee	New Services— Recommended Fee
	Current Services			
Appendix A Section 5.200	Public Rental Room Use of AV equipment	\$20	\$40	
	Refundable damage deposit for AV equipment	\$100	\$150	
Appendix A Section 5.500	Interlibrary Loan return Postage	\$2.50 per item	\$2.75	
	New Services			
Appendix A Section 5.400	Overdue fee for Books To Go Kit (BTGK)			\$1.00/day, max \$15

	Lost or Damaged Fee Books to Go Kit (total 10 books in each Kit)			Replacement for one Book = MSRP; Replacement cost for Kit = 10x MSRP, \$7.00 processing, \$8.00 for the Kit
	Overdue fee for e-Reader devices			\$2.00/day (no grace period), max \$30
	Damaged fee (reparable) E-book devices			Cost of repairs
	Lost or Damaged Fee (beyond repair) e-Reader devices			Cost of device + Total cost of all accessories
	Overdue fee for Laptops			\$2.00/ hr (with 30 minutes grace), max \$18
	Lost or Damaged fee (beyond repair) Laptops			Cost of laptop + Total cost of downloadable software
	Damaged fee (reparable) Laptops			Cost of repairs
	Laminate plastic cover for Paperbacks			\$2.00
	Replacement of Library Card	\$2.00 (currently not listed)	\$2.00	
	Services no longer available			
	Damaged videotape case	\$2.00	Deleted-\$0	

	Damaged Videotape shell	\$2.00	Deleted- \$0	
	Rebinding of books	Binding cost	Deleted -\$0	
	Missing video case door	\$1.00	Deleted-\$0	
	Lost Video insert card	\$1.00	Deleted-\$0	
	Damaged or missing yellow AV case stickers	\$.50	Deleted-\$0	
Appendix A Section 5.600	Computer Disk	\$1.00	Deleted-\$0	
	Tote Bag	\$8.00	Deleted-\$0	

Recommendation:

- Staff recommends adoption of the new and revised fees.

Reason for Staff Recommendation:

- The proposed fees will provide a consistent structure for the new services funded by grant funds.
- The amended ordinance will revise current fees and remove fees for services that are no longer available.

Fiscal Impact

Fund:

Department:

Amount:

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING APPENDIX A, ARTICLE 5.000 LIBRARY RELATED FEES, SECTIONS 5.200 SPECIAL EQUIPMENT USE, 5.400 CIRCULATION, 5.500 INTERLIBRARY LOAN, 5.600 MISC OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR PARK, TEXAS, PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the amended ordinance provides a consistent fee structure for Library services.

WHEREAS, the amended ordinance removes fees from services that are no longer available and State fees for new services.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1: That Appendix A, Article 5.000 Library Related Fees, be amended as provided hereto in Exhibit A.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 5. This Ordinance shall be and remain in full force and effect from and after the date of approval.

READ, CONSIDERED, PASSED and APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the ____ day of ____, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED and APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the ____ day of _____, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

PASSED AND APPROVED THIS ___ DAY OF _____, 2012.

ATTEST:

Matthew Powell, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

EXHIBIT A

ARTICLE 5.000 LIBRARY FEES

Sec. 5.100 Community room and conference room

(a) Community room fees.

	(1)	<u>Cleaning/damage deposit.</u>	150.00
	(2)	<u>Use fees.</u>	
	(A)	<u>Youth oriented and senior groups.</u> Chartered organizations (examples: Boy Scouts, Girl Scouts, 4-H, AARP, Family Eldercare, etc.)	Minimum \$10.00 for up to two consecutive hours plus an additional \$5.00 per hour for each additional consecutive hour or part thereof of use on the same day. In addition, such group shall pay a fee of \$20.00 if use is made of kitchen. Adequate adult supervision is required for children that are present. The cleaning/damage and equipment deposits must be paid in cash or in a check separate from the rental fee.
	(B)	<u>Civic and community oriented.</u> Chartered organizations non-commercial or nonprofit with tax exemption certificate (example: service organizations, churches)	Minimum \$50.00 for up to two consecutive hours plus an additional \$25.00 per hour for each additional consecutive hour or part thereof of use on the same day. In addition, such group shall pay a fee of \$20.00 if use is made of kitchen. Rates apply to any organization with a tax exemption certificate that can satisfactorily show its primary purpose is civic and community oriented. The cleaning/damage and equipment deposits must be paid in cash or in a check separate from the rental fee.
	(C)	<u>Noncommercial and commercial oriented groups or individuals.</u> (example: private lesson groups, private educational institutions, or	Minimum \$100 for up to two consecutive hours plus \$50.00 per hour for each additional consecutive hour or part thereof of use on the same day. In addition, such groups shall pay a

		any individual, organization or business which stands to receive personal or corporate gain from use of the facility)	minimum fee of \$20.00 if use is made of the kitchen. Rates apply to any individual or group without tax exemption certificate and/or those who charge fees for services or instruction to individuals or groups. In certain cases where admission is being charged, the city reserves the right to charge the larger of either 10% of the gross gate receipt or the schedule fee. The cleaning/damage and equipment deposits must be paid in cash or in a check separate from the rental fee.
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(b) Conference room fees.

	(1)	<u>Cleaning/damage deposit.</u>	150.00
	(2)	<u>Use fees.</u>	
	(A)	<u>Youth oriented or senior groups.</u> Chartered organizations (examples: Boy Scouts, Girl Scouts, 4-H, AARP, Family Eldercare, etc.)	Minimum \$10.00 for up to four consecutive hours plus an additional \$10.00 for each additional consecutive four hour block of time or part thereof on the same day. Adequate adult supervision is required for children that are present. The cleaning/damage and equipment deposits must be paid in cash or in a check separate from the rental fee.
	(B)	<u>Civic and community oriented.</u> Chartered organizations noncommercial or nonprofit with tax exemption certificate (example: service organizations, churches)	Minimum \$20.00 for up to four consecutive hours plus an additional \$20.00 for each additional four hour block of time or part thereof on the same day. Rates apply to any organization with a tax exemption certificate that can satisfactorily show its primary purpose is civic and community oriented. The cleaning/damage and equipment deposits must be paid in cash or in a check separate from the rental fee.
	(C)	<u>Noncommercial and commercial oriented groups or individuals.</u> (example:	Minimum \$40.00 for up to four consecutive hours plus an additional \$40.00 per each additional consecutive

		private lesson groups, private educational institutions, or any individual, organization or business which stands to receive personal or corporate gain from use of the facility)	four hour block of time or part thereof on the same day. Rates apply to any individual or group without tax exemption certificate and/or those who charge fees for services or instruction to individuals or groups. In certain cases where admission is being charged, the city reserves the right to charge the larger of either 10% of the gross gate receipt or the schedule fee. The cleaning/damage and equipment deposits must be paid in cash or in a check separate from the rental fee.
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(c) The rate for nonresidents who wish to reserve the community room conference room or computer literacy room shall be calculated at the rates listed above in subsections (a) through (b) plus an additional 20%.

(Ordinance CO48-06-09-14-4E adopted 9/14/06)

Sec. 5.200 Special equipment use

If ~~special equipment~~ the audio-video (AV) equipment in the Community Room is needed by the user (projector, television, films, videos) arrangements shall be made in advance to reserve the equipment. The community room's Public Announcement PA system is for city's use only and ~~will not be rented out to the public~~ and shall not be available for use by the Public. A ~~\$20.00~~ \$40 nonrefundable fee will be charged on ~~each piece of equipment~~ the use of the equipment. In addition, a refundable damage deposit of \$150 will be charged, ~~according to the following schedule~~.

(1)	TV/VCR	\$100.00
(2)	Overhead projector	\$100.00
(3)	LCD projector	\$100.00
(4)	Movie screen	\$50.00

(Ordinance CO48-06-09-14-4E adopted 9/14/06)

Sec. 5.300 Removal of books

(a) Non-residents wishing to borrow books shall purchase a non-resident library card. The charge for such cards shall be \$35.00 annually.

(b) Non-residents wishing to borrow books may purchase a non-resident library card which will expire six months after its issuance. The charge for such card shall be \$20.00.

(c) Late fees as provided in [chapter 1, article 1.09, Section 1.09.003](#) shall also be imposed on non-resident book borrowers who fail to return books on a timely basis as well as fees for damaged or lost books.

Sec. 5.400 Circulation

(a) Overdue fines.

(1) Books, magazines. \$0.10 per day per item, with a maximum fine of \$7.00 per item.

(2) Audiobooks on tape/CD; ~~videotape~~/DVDs; ~~computer software~~; musical CDs. and Book Club To Go Kit. \$1.00 per day per item, with a maximum fine of \$15.00 per item.

(3) e-Reader devices \$2.00 per day, with a maximum fine of \$30.00 per device.

(4) Laptops: \$2.00 per hour, with a maximum fine of \$18.00 per laptop.

(5) InterLibrary Loan Books, Audiobooks on tape/CD, DVDs, and Musical CDs: \$1.00 per day per item, with a maximum fines of \$15.00 per item.

(b) Lost or damaged items.

(1) Books, magazines. If the item is ~~l~~ost or damaged beyond repair, the charge is the full retail price Manufacturer's Suggested Retail Price (MSRP) of the item, plus a \$7.00 processing fee. If the book is out of print or the price unknown, the library charges a flat fee of \$30.00 for a hardbound book or \$8.00 for a paperback book plus a \$7.00 processing fee.

(2) ~~Videotapes, DVDs.~~ If the item is ~~l~~ost or damaged beyond repair, the charge is the full retail price MSRP of the item plus a \$7.00 processing fee. If the ~~purchase price of the videotape or~~ MSRP of the DVD is unknown, the library charges a flat fee of \$20.00 per ~~videotape or~~ DVD and \$10.00 for each additional unit for a multi-volume set, plus a \$7.00 processing fee.

(3) Audiobooks ~~on tape/CD.~~ If the item is ~~l~~ost or damaged beyond repair, the charge is the full retail price MSRP of the complete set of audiobook ~~on tape~~ or CDs plus a \$7.00 processing fee. If an individual tape from a multi-volume set is lost or damaged beyond repair, the library charges \$6.00 per tape plus a \$7.00 processing fee. If an

individual CD from a multi-volume set is lost or damaged beyond repair, the library charges \$8.00 per CD plus a \$7.00 processing fee.

(4) BookClub to Go Kit: If the item is lost or damaged beyond repair, the charge is the MSRP of each paperback plus a \$7.00 processing fee. If the whole Kit is lost, replacement price will be the MSRP times 10 items plus 7.00 processing fee and \$8.00 for the container.

(5) eReader devices. If the item is lost or damaged beyond repair, the charge is the replacement price plus cost of all accessories. Repairable damage is cost of repair.

(6) Laptops. If the item is lost or damaged beyond repair, the charge is replacement cost of the laptop plus cost of all software in the laptop. Repairable damage is the cost of repair.

NOTICE REGARDING COLLECTION OF OUTSTANDING FINES AND FEES:

PATRON ACCOUNTS WITH OUTSTANDING FINES AND FEES BALANCES TOTALING \$25.00 OR MORE FOR MORE THAN 45 DAYS WILL BE TURNED OVER TO AN INDEPENDENT COLLECTION AGENCY. ONCE AN ACCOUNT HAS ENTERED COLLECTIONS, THE LIBRARY CANNOT ACCEPT ANY PAYMENTS OR RECEIVE RETURNED ITEMS, AND ALL TRANSACTIONS SHALL BE DIRECTED THROUGH THE COLLECTION AGENCY.

(c) The library reserves the right to determine the extent of damage to an item and whether or not an item is repairable. If any material is damaged but repairable, the following repair charges apply (per instance):

Torn page:	\$0.50
Scribble or mark on page	\$0.50
Damaged or missing security target	\$1.00
Damaged or missing bar code	\$1.00
Damaged spine	\$2.00
Damaged mylar cover or book cover	\$1.00
<u>Damaged laminate cover for paperback</u>	<u>\$2.00</u>
Damaged videotape case	\$2.00
Damaged videotape shell	\$2.00
Damaged children's audiotape bag	\$2.00
Damaged audiobook on tape case	\$8.00
Damaged audiobook on CD case	\$8.00

Damaged CD or DVD case	\$2.50
Rebinding of book	Cost per binding company's schedule
Water damage (item still usable)	½ retail price of item
Lost videotape insert card	\$1.00
Damaged or missing yellow audiovisual case sticker	\$0.50
Missing video case door	\$1.00
Cleaning of books or other materials	\$1.00
Damaged or missing CD lyric booklet	\$2.50
<u>Replacement of Library Card</u>	<u>\$2.00</u>

Sec. 5.500 Interlibrary loan

The return postage fee is ~~\$2.50~~ \$2.75 per item.

Sec. 5.600 Miscellaneous

(a) Coin-operated copy machine	\$0.25 per copy
(b) Printout from public computer	\$0.25 per page
(c) Fax	
(1) Incoming	\$1.00 per page
(2) Outgoing local	\$1.00 per page, including cover
(3) Outgoing long distance (within the United States)	\$3.00 for the first page and \$1.00 for each additional page. No international faxes will be sent.
(d) Computer disk	\$1.00
(e) Tote bag	\$8.00
(f) Pencil	\$0.25

(Ordinance CO24-03-07-10-9.B. adopted 7/10/03)

(g) Coin-operated color copy machine and public computer color printing	\$1.00 per copy
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(Ordinance CO46-03-11-13-10A adopted 11/13/03)



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. F.0
Discussion And Possible Action:

Commentary:



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. F.1
Consideration To Approve A Resolution Authorizing And Directing The City Manager To Execute A Contract With Municipal Pump & Control, Inc. For The Water Distribution SCADA Upgrade Project.

Commentary:

The drinking water utility uses a Supervisory Control and Data Acquisition (SCADA) System to monitor and control all the processes and equipment at the plant and throughout the distribution system. The SCADA System is made up of computer work-stations, remote terminal units, programmable logic controllers, radios and Ethernet devices. All of these devices send and receive data used by SCADA to monitor and control the different components that make the water system work.

The current SCADA system, manufactured by Autocon, was originally installed in the early 1990's has become outdated and needs to be upgraded. The Autocon system uses a proprietary programming language which is now owned by Siemens Water Technologies. Siemens can provide equipment that is compatible with the Autocon system but also uses an open system that is not proprietary and is now more commonly used in utility and industrial applications. Because the entire SCADA system cannot be taken out of service for an extended period of time, the upgrades will need to be installed in phases. The only way to accomplish this is to use Siemens equipment which will be able to communicate with the existing Autocon system during the upgrade in both the old language and proposed language. Once all of the Autocon equipment is replaced, the SCADA system will be an open, non-proprietary system that will allow the City to bid out any future upgrades or service.

Municipal Pump & Control, Inc. (MPC) is the sole sales representative for Siemens in this area of Texas. The owner of MPC also installed the original Autocon system and all subsequent expansions and has intimate knowledge of the City's SCADA system, treatment plant, and distribution system. Staff is recommending execution of a contract with MPC for the water distribution SCADA upgrades in an amount not to exceed \$349,040.

Director

Fiscal Impact

Account No.: 216-309-6810-483

Budget

Budget/Expended: \$500,000/\$0

Funding is from Utility CIP. This project is considered “Sole-Source” procurement because the existing system is captive, replacement and proprietary. This type of purchase has been reviewed and approved by the Finance Department and is allowed under the Local Government Code, Title 8, Subtitle A, Chapter 252, Subchapter B, Sec. 252.022 (7).

Many portions of this system upgrade will be installed and programmed by city staff, which will result in a substantial savings from the original budget.

Finance Director Review

Legal Certification

Approved as to form and content:

Yes No **City Attorney**

Associated Information: NA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A CONTRACT WITH MUNICIPAL PUMP & CONTROL, INC. FOR THE WATER DISTRIBUTION SCADA UPGRADE PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Water Treatment Plant uses a Supervisory Control and Data Acquisition (SCADA) System to monitor and control all the processes and equipment at the plant and throughout the distribution system; and

WHEREAS, the current SCADA system was originally installed in the early 1990's and is outdated and needs to be upgraded; and

WHEREAS, this project will upgrade the water distribution portion of the SCADA system.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. The City Manager is hereby authorized and directed to execute a Contract with Municipal Pump & Control, Inc. for the Water Distribution SCADA Upgrade Project in the amount of \$349,040.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the 13th day of December 2012.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Matthew Powell, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. F.2
**Consideration To Validate The Resignation Of Councilmember Scott Mitchell, Place 3,
Declaring The Office To Be Vacant According To Section 3.06 Of The City Of Cedar Park
Home Rule Charter And Discuss Process For Appointment.**

Commentary:



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. F.3
Consideration Of Appointments To The Cedar Park Comprehensive Plan Advisory Committee.

Commentary:

James Maness and Mo Jahadi were appointed to the committee at the October 25, 2012 Council Meeting.



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. F.4
Consideration Of Appointment To Place Three On The Cedar Park Economic Development Corporation ("4A"). (Mayor Powell)

Commentary:

	Term Expires	Date Appointed	Reappointment Dates
Place 1 Steven Foster	1.31.14	<i>06/09/05</i>	<i>03/13/08</i> <i>7.26.12</i>
Place 2 Kerry Watson	1.31.13 Unexpired Term	<i>11/18/10</i>	
Place 3 VACANT	1.31.15 Unexpired Term		
Place 4 Robert Ingraham	1.31.15	<i>7.26.12</i>	
Place 5 Lyle Grimes	1.31.14 Unexpired Term	<i>7.26.12</i>	



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. F.5
**Consideration Of Appointment To The General Assembly And Executive Committee For
The Capital Area Council Of Governments (CAPCOG). (Mayor Powell)**

Commentary:

Brenda Eivens, Councilmember Tracy, and Councilmember Mitchell serve on the CAPCOG General Assembly.

Councilmember Mitchell also serves on the CAPCOG Executive Committee.



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. F.6
Consideration To Appoint Councilmember Fuller To Serve On The Annexation Sub-Committee.

Commentary:



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. F.7
**Consideration To Appoint Councilmember Moore To Serve On The Water Park
Project/Schlitterbahn Sub-Committee.**

Commentary:



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. G.1
Mayor And Council Closing Comments.



CITY COUNCIL AGENDA

Date: 12-13-2012

Subject: Agenda Item No. G.2
Adjournment.