

MINUTES

**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK BOULEVARD, BUILDING FOUR
THURSDAY, FEBRUARY 14, 2013 AT 6:30 P.M.**

Mayor Matt Powell
Stephen Thomas, Council Place One
Lyle Grimes, Council Place Three
Lowell Moore, Council Place Four

Mitch Fuller, Mayor Pro Tem
Jon Lux, Council Place Five
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. (Thomas)
Invocation given by Councilmember Thomas.

Mayor Powell asked for a moment of silence in respect for the recent passing of Barbara McCarley with KLBK-AM radio.

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

A.4 Presentation: Recognition Of Robert Carter And His Volunteer Efforts For The City Of Cedar Park.
Mayor Powell and Mayor Pro Tem Fuller presented Bob Carter with a plaque honoring his volunteer services for the City of Cedar Park. His involvement with Veterans Memorial has left its mark on the City. His contributions have made a lasting impact on making Cedar Park a better place.

A.5 Presentation: Proclamation For The Fourth Annual Cedar Park Reads Program At The Cedar Park Public Library.
Mayor Powell read and presented a Proclamation to Pauline Lam, Library Director, recognizing the Fourth Annual Cedar Park Reads Program.

A.6 Citizens Communications (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)

Mr. Daniel Boehm, Carriage Hills HOA President, addressed Council regarding the visibility limitations on New Hope Road after the recent expansion.

Ms. Tahlea Holtz, Cedar Park, addressed Council regarding a Girl Scout Gold Award she would like to do for the City. She would like to implement a US Flag Retirement location at Veterans Park.

Greg Bentsch, District Director for Representative Dale, introduced himself to Council.

A.7 Mayor and Council Opening Comments.

Mayor Powell commented on the CAMPO meeting he attended. TxDOT and Capital Metro are being considered to be the designated recipient of the 5310 Federal Transit Funds. These funds are designed to be utilized for special needs transportation. In the past, Cedar Park has asked Capital Metro to provide 5307 funds allocated for Cedar Park and have been repeatedly denied. He will continue to monitor this request and may come back to Council with a future agenda item.

Councilmember Thomas commented on the recent CAPCOG Clean Air Coalition meeting he attended and the \$2.00 tax placed on vehicles. He stated the tax is currently not being utilized as it was intended and he will be monitoring this in Williamson County.

Mayor Pro Tem Fuller asked for Staff to look into the visibility problems on New Hope Road. He commented on the Fire Department Awards Banquet, Texas Associations of Businesses conference, LCRA Regional Council, and the Treasure of the Hills event. He also thanked Councilmember Tracy for his assistance with Leadership Cedar Park and addressed the 911 dedicated funds at the State level. He requested a future agenda item for the appointment of Place Two on the Arts Advisory Board.

Councilmember Grimes commented on attending the Texas Travel Industry Association Unity Dinner and Converge on the Capitol event and the importance of tourism.

Councilmember Moore commented on attending the Fire Department Awards Banquet.

Councilmember Lux commented on attending the Fire Department Awards Banquet.

Councilmember Tracy commented on chairing the Leadership Cedar Park program, the Texas Association of Businesses conference, and the importance of workforce education and technical training at the high school level.

Mayor Powell thanked everyone at Fire Station 3 for his recent tour of the facility with his daughter. He also commented on the Texas Stars currently being the best team in the American Hockey League.

- A.8 City Manager Report: Update On 2013 Transportation Capital Improvement Projects. (Fuller)
Garrett Bonn, Project Manager, updated Council on the 2013 Transportation projects.

Mr. Bonn reviewed the projects and provided an update on their status. Of the twelve projects identified: one (1) has been completed, one (1) is under construction, five (5) are in the schematic/design phase, three (3) are in the consultant selection phase and two (2) have been placed on hold. The various projects include Cottonwood Creek, Bagdad Road, US 183 at Walton Way, Cypress Creek and Lakeline.

Mayor Pro Tem Fuller commented on the surrounding area and development north of Cedar Park.

- A.9 City Manager Report: Update For Financing Options Related To RM 1431 Pass Through And Future Transportation Projects. (Fuller)

Josh Selleck, Assistant City Manager, addressed Council regarding the RM 1431 Pass Through Financing, impact and mitigation. Mr. Selleck reviewed the debt service requirements and refinancing options available to the City. An item will be brought forth on the February 28th Agenda for Council to consider action.

Councilmember Thomas commented on taking advantage of the benefits of refinancing debts and saving the tax payers money.

Mayor Pro Tem Fuller commented on the approval of the project in 2011 and the possibility of having to raise the tax rate. He stated this is a good practice and way to finance the project without having to impact the tax rate.

Mayor Powell stated the City is trying to maintain a low tax rate and the assistance of bond counsel in reviewing current and future debt is very important.

Sam Roberts, Assistant City Manager, addressed Council regarding staff's intent to update the Transportation Master Plan and Roadway Matrix. The plan has not been updated since 2002 and the majority of the projects listed have been completed. These tools are very important in analyzing future projects. Mr. Roberts briefly reviewed a few of the possible projects for future consideration.

Mayor Pro Tem Fuller commented on the need for more predictability from LISD for when schools open and the importance of access from the Little Elm extension.

Councilmember Thomas commented on the possible impact to economic development if the Little Elm extension is completed.

CONSENT AGENDA

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

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

Movant: Mayor Pro Tem Fuller

Second: Councilmember Thomas

Vote: 7-0

B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of January 10, 2013.

Approved under the Consent Agenda.

B.2 Approval Of City Council Minutes From The Special Called Meeting Of January 24, 2013.

Approved under the Consent Agenda.

B.3 Approval Of City Council Minutes From The Regular Scheduled Meeting Of January 24, 2013.

Approved under the Consent Agenda.

B.4 Receipt Of Minutes From The Cedar Park Economic Development Corporation ("Type A") Meeting Of September 17, 2012.

Received under the Consent Agenda.

C.1 Second Reading And Approval Of An Ordinance Amending Chapter 5 Fire And Emergency Management, Of The City Of Cedar Park Code Of Ordinances, Article 5.01, Fire Code, For The Purpose Of Amending Wording In Sections 703.1.4 Tenant Separations And 903.2 Required Installations Of Automatic Fire Extinguishing Systems.

Approved under the Consent Agenda.

Ordinance Number CO17.13.02.14.C1

C.2 (Z-12-017) Second Reading And Denial Of An Ordinance To Rezone Approximately 0.43 Acres From Local Retail (LR) To Duplex Residential (DP) For Property Located At 100 And 102 Valk Street. **The Planning And Zoning Commission Voted 5-0 To Deny The Request.**

Approved “denial” under the Consent Agenda.

Request to Rezone Denied.

- D.1 A Resolution Authorizing A Special Permit To Hold A Kids Triathlon At Milburn Park.

Approved under the Consent Agenda.

Resolution Number R50.13.02.14.D1

- D.2 A Resolution Authorizing A Special Permit To Hold A Spring Festival At Milburn Park.

Approved under the Consent Agenda.

Resolution Number R51.13.02.14.D2

- D.3 A Resolution Authorizing The Purchase Of Park Shade Structures And Installation Approved In The FY13 Cedar Park Community Development Corporation ("Type B") Budget.

Approved under the Consent Agenda.

Resolution Number R52.13.02.14.D3

- D.4 A Resolution Authorizing And Directing The City Manager To Apply For The Office Of The Governor, Criminal Justice Division General Victim Assistance - Direct Services Program For State Fiscal Year 2014.

Approved under the Consent Agenda.

Resolution Number R53.13.02.14.D4

- D.5 A Resolution Authorizing And Directing The City Manager To Apply For The Office Of The Governor, Criminal Justice Division Justice Assistance Grant Program For The Interview Room Technology Project For State Fiscal Year 2014.

Approved under the Consent Agenda.

Resolution Number R54.13.02.14.D5

- D.6 A Resolution Authorizing And Directing The City Manager To Apply For The Office Of The Governor, Criminal Justice Division Justice Assistance Grant Program For The Law Enforcement Equipment Project For State Fiscal Year 2014.

Approved under the Consent Agenda.

Resolution Number R55.13.02.14.D6

- D.7 A Resolution Authorizing And Directing The City Manager To Apply For The Office Of The Governor, Criminal Justice Division Violent Crimes Against Women Criminal Justice And Training Projects Program For State Fiscal Year 2014.

Approved under the Consent Agenda.

Resolution Number R56.13.02.14.D7

- D.8 A Resolution Authorizing And Directing The City Manager To Execute An Election Services Agreement With The Williamson County Elections Department.

Approved under the Consent Agenda.

Resolution Number R57.13.02.14.D8

- D.9 A Resolution Authorizing And Directing The City Manager To Execute A Joint Election Agreement Between The City Of Cedar Park, Williamson County Elections Department And Participating Entities For The May 11, 2013 General Election.

Approved under the Consent Agenda.

Resolution Number R58.13.02.14.D9**PUBLIC HEARINGS**

- E.1 First Reading And Public Hearing Of An Ordinance Amending Chapter 9, Municipal Civil Service, Article 9.11 Of The Cedar Park Code Of Ordinances, To Amend The Number Of Positions In The Police Department.

Miguel Ozuna, Human Resources Director, addressed Council regarding the proposed amendment to the number of positions in the Police Department. This item is to add back the second Captain position previously deleted in September. Chief Mannix will be appointing a new Captain within 90 days after the approval of this Ordinance.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

- E.2 First Reading And Public Hearing Of An Ordinance To Amend And Replace Division 35 Conditional Use (CU) Regulations With Conditional And Special Use Permits (CUP, SUP), And Amend Sections 11.02.342 And 11.10.028 Of Chapter 11, Zoning, Of The City Of Cedar Park Code Of Ordinances. **The Planning And Zoning Commission Voted 6-0 To Approve This Amendment.**

Rawls Howard, Development Services Director, addressed Council regarding the proposed amendments to establish a system for Conditional and Special Use Permits. A Conditional Use Permit (“CUP”) or Special Use Permit (“SUP”) may be granted to certain land uses that are not permitted by right in some or all zoning districts of the City in conformity with the goals and objectives of the City’s Comprehensive Plan. Conditional and Special Use Permits provide a means whereby proposals for certain land uses may be examined on a case-by-case basis to determine whether, and under what conditions, these uses may be permitted.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing

- E.3 First Reading And Public Hearing Of An Ordinance To Amend Chapter 11, Zoning, Of The City Of Cedar Park Code Of Ordinances, Article 11.02 Zoning Districts And Regulations To Renumber Division 37: Land Use Chart Comparison To Division 38 And To Rename Division 37, Establishing An Entertainment Center Overlay District (ECO). The Planning And Zoning Commission Voted 5-0 To Approve This Amendment.**

Rawls Howard, Development Services Director, addressed Council on establishing an overlay district surrounding the Cedar Park Event Center to guide development in the area. This amendment focuses on uses to be permitted within the Overlay. The overlay seeks to restrict uses on and around the Cedar Park Center in an effort to promote higher intensity retail, entertainment, and commercial uses. The overlay balances office and commercial uses in a way to ultimately promote nighttime retail activity around the Center while maintaining a healthy daytime office environment to support the same uses.

Councilmember Tracy inquired about the area identified as a transit station.

Mayor Pro Tem Fuller asked about the development of the area in front of the CPEC.

Mayor Powell opened the Public Hearing.

Public Comment:

Bob Ingraham commented on the concept of vertical development.

Mayor Powell closed the Public Hearing.

- E.4 First Reading And Public Hearing Of An Ordinance For The Purpose Of Extending The Boundary Limits Of The City Cedar Park, Texas, Providing The Voluntary Annexation Of Approximately 0.5 Acres Of Land Located At The Northeast Corner Of West Whitestone Boulevard And Power Lane. (ANX-12-001)**

Rawls Howard, Development Services Director, stated this is for the voluntary annexation of approximately 0.5 acres of land located on the northeast corner of West Whitestone Boulevard and Power Lane.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

- E.5 (Z-12-018) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 0.5 Acres And Rezone Approximately 0.924 Acres From Commercial Services (CS) To General Retail (GR) For Property Located At The Northeast Corner Of West Whitestone Boulevard And Power Lane. **The Planning And Zoning Commission Voted 6-0 To Approve This Request.**

Rawls Howard, Development Services Director, stated this request is to assign original zoning of General Retail (GR) to approximately 0.5 acres and rezone approximately 0.924 acres to General Retail (GR).

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 Amending The Future Land Use Plan For Property Located At 100 And 102 Valk Street From Low Density Residential To Medium Density Residential. **The Planning And Zoning Commission Voted 6-0 To Deny This Amendment. (Associated with Z-12-017, Agenda Item C.2)**

Withdrawn from Agenda. Zoning request denied.

- F.2 Consideration Of Appointments To The Cedar Park Comprehensive Plan Advisory Committee.
Agenda Item F.2 called after Agenda Item F.3

Mayor Powell commented Bob Ingraham, 4A, is interested in serving on the Committee. Cobby Caputo may also be interested in serving.

Motion to appoint Bob Ingraham to the Cedar Park Comprehensive Plan Advisory Committee.

Movant: Mayor Pro Tem Fuller
Second: Councilmember Grimes
Vote: 7-0

Councilmember Tracy stated Doug James has also expressed an interest in serving.

Motion to appoint Doug James to the Cedar Park Comprehensive Plan Advisory Committee.

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

- F.3 Consideration Of Appointment To Place Two And Place Five On The Cedar Park Economic Development Corporation ("Type A") Board.
Agenda Item F.3 called after Agenda Item F.4.

Mayor Powell stated Cobby Caputo has submitted an application for the 4A Board. He is unable to attend the meeting but offered to come to the next meeting if needed.

Motion to appoint Cobby Caputo to Place Two on the 4A Board.

Movant: Mayor Powell
Second: Councilmember Tracy
Vote: 7:0
Agenda Item F.3 recalled after Executive Session.

Motion to reconsider action.
(Motion to appoint Cobby Caputo to Place Two on the 4A Board.)

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

Mayor Powell stated Kerry Watson, currently in Place Two has expressed an interest in being reappointed. Place Five is the position currently vacant.

Motion to reappoint Kerry Watson to Place Two and Cobby Caputo to Place Five on the 4A Board.

Movant: Mayor Powell
Second: Councilmember Tracy
Vote: 7-0

- F.4 Consideration Of Appointment To Place Seven On The Cedar Park Community Development Corporation ("Type 4B") Board. (Mayor Powell)

Agenda Item F.4 called after the City Manager Reports.

Brad Young introduced himself to Council as an applicant for the Place 7 vacancy and his interest in serving.

Motion to appoint Brad Young to Place Seven on the 4B Board.

Movant: Mayor Powell

Second: Councilmember Tracy

Vote: 7-0

- F.5 Consideration And Update On The Capital Area Council Of Governments ("CAPCOG") General Assembly And Executive Committee Meetings On February 13, 2013. (Tracy)
Amendment

Councilmember Tracy provided an update on the CAPCOG Executive Committee meeting he attended. One of the items of major discussion included water issues. One of the presenters talked about water issues not being a drought related item but rather a regional transmission system problem. The general concern is cities turning over access of water to a regional system. He will continue to monitor these discussions.

Councilmember Tracy also gave a brief update on discussions of the 911 service fee and proposed legislation.

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 8:30 p.m.

G.0 Executive Session

- G.1 Section 551.071 (2) Consultation With Attorney Regarding Matters In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflict With This Chapter:
- a. Legal Issues Concerning Saigebrook Development Housing Tax Credit Program Application.
 - b. Legal Issues Concerning The Chapter 380 Economic Development Agreement Between The City Of Cedar Park, Cedar Park Town Center LP And Costco Wholesale Corporation.
 - c. Legal Issues Concerning Council Subcommittee Appointments And The Texas Open Meetings Act.

d. Legal Issues Regarding Proposed Legislation Relating To The Provision Of Emergency Services In Travis County Water Control And Improvement District 1-F, Travis County Water Control And Improvement District 1-G, And Bella Vista Municipal Utility District.

- G.2 Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property
 a. Legal Issues Concerning The Lease Of Rental Space At The City Hall Campus.

The Council Reconvenes into General Session.

OPEN MEETING

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

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

Council reconvened from Executive Session at 8:52 p.m. into Open Meeting.

Motion to authorize and direct the City Manager, subject to the approval of the City Attorney, to extend the Costco land closing date until March 21, 2013 in order to allow Costco to complete their land purchase.

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

- H.1 Mayor And Council Closing Comments.

Mayor Powell would like a Staff report on the impact of expanding the Corridor Overlay from 400ft to 500ft.

Councilmember Thomas requested an update on commercial construction.

Agenda Item F. 3 recalled. Refer to F.3 for additional action taken.

- H.2 Adjournment.
Mayor Powell adjourned the meeting at 8:55 p.m.

PASSED AND APPROVED THIS 14TH DAY OF MARCH, 2013.



Matthew Powell, Mayor

ATTEST:



LeAnn M. Quinn, TRMC
City Secretary

