

MINUTES

**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK ROAD, BUILDING FOUR
THURSDAY, JUNE 13, 2013 AT 6:30 P.M.**

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

Mitch Fuller, Mayor Pro Tem
Jon Lux, Council Place Five
Donald J. Tracy, Council Place Six
Brenda Eivens, City Manager

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
**Mayor Powell called the meeting to order at 6:31 p.m.
All Council present.**
- A.2 Invocation. (1)
Invocation given by Councilmember Thomas.
- A.4 Recognition Of Councilmember Fuller For His Service As Mayor Pro Tem.
Mayor Powell read and presented a Proclamation to Mayor Pro Tem Fuller in recognition of his service as the Mayor Pro Tem.
- A.5 Recognition Of State Representative Tony Dale. (Mayor Powell)
Mayor Powell read and presented a Proclamation to State Representative Tony Dale in recognition of his service to the State of Texas and the Cedar Park community with his first legislative session.
- A.6 Announcement Of Mayor Pro Tem In Accordance With Council Rules Of Procedure Rule 4.1. (Mayor Powell)
Mayor Powell thanked Mayor Pro Tem Fuller for his service for the past year. Mayor Powell announced the new Mayor Pro Tem will be Councilmember Tracy.
- A.7 Presentation Of The Commission On State Emergency Communications Public Service Announcement Award. (Fuller)
Councilmember Fuller presented the award received by the Cedar Park Police Department for their Public Service Announcement video in relation to "Pocket Dialing 911".
- A.8 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Roland Krienke, Cedar Park, addressed the Council regarding the new Walmart being developed and his concerns with drainage in the area.

The following citizens addressed Council in opposition to the gas station being built at Vista Ridge and Colonial Parkway.

Leticia Pazos

Patricia Guest

Mike Guest

Linda Daniels Hernandez

Stacey Blake

Jeff Mirabelle

Jacob Wright

Magda Kolenda - did not speak but registered her opposition.

Michele Wright – did not speak but registered her opposition.

Laresa Hubbs

Marek Jastrzebski

Matt Harper

Cyndi Bell

Trey Hensley

- A.9 Mayor and Council Opening Comments.
Councilmember Thomas thanked the citizens for their involvement.

Councilmember Fuller commented on the Heroes Night Out event and requested a future agenda item for an update on the LCRA Regional Council meeting. He also commented on Leadership Cedar Park and requested a future agenda item for discussion of this program.

Councilmember Grimes thanked the citizens who spoke under citizen communications.

Councilmember Moore congratulated Don Tracy on his new role as Mayor Pro Tem and thanked State Representative Dale for his service to Cedar Park.

Councilmember Lux thanked Councilmember Fuller and Mayor Pro Tem Tracy for serving as past and future Mayor Pro Tem.

Mayor Pro Tem Tracy stated he is looking forward to serving in his new role as Mayor Pro Tem and thanked Councilmember Fuller for his service as Mayor Pro Tem.

Mayor Powell commented on the Heroes Night Out Event, Memorial Day Celebration in Sun City, and the 35th anniversary of the local AARP Chapter.

- A.10 City Manager Report: Cedar Park Conserves Household Hazardous Waste Free Clean Up Event - Whitney Milberger, Resource Efficiency Specialist.

Whitney Milberger, Resource Efficiency Specialist, provided a summary report of the event.

Mayor Powell commented on the consideration of a budget item in the future for the possibility of adding a second event.

- A.11 City Manager Report: Update On The Parks And Recreation Department Summer Events Including Summer Swimming, Camp Timberwolf And Independence Day Celebration - Curt Randa, Parks And Recreation Director.

Curt Randa, Parks and Recreation Director, updated Council on the many events planned for the summer by the Parks Department.

CONSENT AGENDA

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

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

Movant: Councilmember Moore

Second: Councilmember Fuller

Vote: 7:0

- B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of May 9, 2013.
Approved under the Consent Agenda.
- B.2 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of April 16, 2013.
Received under the Consent Agenda.
- B.3 Receipt Of Minutes From The Tourism Advisory Board Meeting Of March 26, 2013.
Received under the Consent Agenda.
- C.0 Second Reading Of An Ordinance.
No Items For Consideration.
- D.1 A Resolution For City Acceptance Of Buttercup Creek Phase V Section 12 Subdivision Improvements.
Approved under the Consent Agenda.
- Resolution Number R114.13.06.13.D1**
- D.2 A Resolution For City Acceptance Of Caballo Ranch Section 4 Subdivision Improvements.
Approved under the Consent Agenda.
- Resolution Number R115.13.06.13.D2**
- D.3 A Resolution Approving And Adopting Rate Schedule "RRM - Rate Review Mechanism" For Atmos Energy Corporation, Mid-Tex Division To Be In Force In The City For A Period Of Time As Specified In The Rate Schedule.

Approved under the Consent Agenda.

Resolution Number R116.13.06.13.D3

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing On An Ordinance Amending Chapter 11 Zoning, Article 11.03 Height, Setback And Lot Requirements For All Districts And Article 11.12 Definitions To Add Definitions For Existing And Finished Grade, Amend the Building Height Definition And Establish Height Requirements Based Upon Existing Or Finished Grade. **The Planning And Zoning Commission Voted 4-0 To Approve This Amendment. (OA-12-007)**

Rawls Howard, Development Services Director, addressed Council regarding the proposed amendments to building heights and requirements. The amendments focus on three items (1) clarifies the building height definition, (2) separates out existing grade and adds natural grade, and (3) addresses height measurements when adjacent to single-family developments.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

- E.2 First Reading And Public Hearing On An Ordinance Revising Chapter 8 Offenses And Nuisances, Article 8.04 Juvenile Curfew, Sections 8.04.001, 8.04.003, And 8.04.004 Of The City Of Cedar Park Code Of Ordinances, Providing For Repeal Of Conflicting Ordinances, Providing For An Effective Date, And Ordaining Other Provisions Related To The Subject Matter Thereof.

JP LeCompte, Assistant City Attorney, stated the proposed amendments are housekeeping in nature and are related to the removal of the daytime curfew as approved by Council last year.

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 Update On The Proposed FY14 Community Development Corporation (Type B) Projects For City Parks And Transportation/Roads.

Curt Randa, Parks and Recreation Director, reviewed the parks related projects that include the continuation of shade structure installation and also a proposed bike park.

Sam Roberts, Assistant City Manager, addressed Council regarding the road projects.

General discussion followed in relation to Anderson Mill Road and consideration of multi-jurisdictional participation.

- F.2 Consideration To Approve The Williamson County and Cities Health District (“WCCHD”) Proposed Budget Including An Increase In Funding By Its Member Cities Of \$.25 Per Capita To Fund A Level II Mosquito Surveillance And Control Program.

Dr. Chip Riggins, Executive Director WCCHD, provided an overview of the role and function of the WCCHD for the community. An increase in the baseline per-capita rate from \$1.80 to \$2.00 for FY2014 is being proposed. Additionally, the WCCHD is proposing an increase of \$.25 per capita to conduct and fund a Level II Mosquito Surveillance and Control program. This program will create a surveillance program that will allow the WCCHD to “generate GIS enabled data reflecting the density and species present and the presence of West Nile virus in the mosquito population.” The additional funding will also create a new full time employee that will provide expertise to the program that is not currently provided by WCCHD.

Mayor Powell inquired about the proposed Level II Mosquito Surveillance and Control program.

Motion to approve the Williamson County and Cities Health District (“WCCHD”) Proposed Budget including an increase in funding by its member cities of \$.25 Per Capita to fund a Level II Mosquito Surveillance and Control Program.

Movant: Councilmember Thomas

Second: Councilmember Fuller

Vote: 7-0

Resolution Number R117.13.06.13.F2

- F.3 Consideration Of Appointing Council Representatives To Attend The 2013 Inter City Trip.

Mayor Powell stated these trips are very beneficial and he is supportive of participation by the City. He expressed his interest in attending this year.

Councilmember Fuller, Councilmember Grimes, Councilmember Moore and Mayor Pro Tem Tracy expressed their interest in attending.

General discussion followed regarding the location, benefits and specifics of the trip.

Motion to appoint Mayor Powell, Mayor Pro Tem Tracy, Councilmember Moore, Councilmember Grimes, and Councilmember Fuller as Council representatives for the 2013 InterCity Visit.

Movant: Councilmember Fuller
Second: Councilmember Grimes
Vote: 7-0

- F.4 Consideration Of Joint Meeting Between The City Council And The Cedar Park Community Development Corporation (Type B).

General discussion followed regarding proposed dates for a joint meeting.

Motion to have a joint meeting with the Cedar Park Community Development Corporation on July 18, 2013.

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

EXECUTIVE SESSION

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

Council convened into Executive Session at 8:49 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 The Board Of Adjustments Hearing Of June 12, 2013.
 - b. Legal Issues Concerning The Brushy Creek Regional Utility Authority Deep Water Intake Project.
 - c. Legal Issues Concerning The Lease And Development Agreement Between The City Of Cedar Park And Hicks Sports Group LLC.
 - d. Legal Issues Concerning Council Appointments To Boards And Commission.
- 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.
 - b. Legal Issues Concerning The Exchange And Value Of Real Property Within The City Of Cedar Park For Development As Parkland.
- G.3 Section 551.087 Deliberation Regarding Economic Development Negotiations
- a. Legal Issues Concerning Negotiations With Economic Development Prospects.

The Council Reconvenes into General Session.**OPEN MEETING**

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

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

Council reconvened from Executive Session into Open Meeting at 10:06 p.m.

No action taken on any item discussed in Executive Session.

H.1 Mayor And Council Closing Comments.

Councilmember Thomas commented on Councilmember Fuller and Mayor Pro Tem Tracy serving as Mayor Pro Tem.

H.2 Adjournment.

Mayor adjourned the meeting at 10:08 p.m.

PASSED AND APPROVED THIS 25TH DAY OF JULY, 2013.



Matthew Powell, Mayor

ATTEST:



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

