

MINUTES

CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK BOULEVARD, BUILDING FOUR
August 08, 2013 AT 6:30 PM

Mayor Matt Powell
 Stephen Thomas, Council Place One
 Mitch Fuller, Council Place Two
 Lyle Grimes, Council Place Three

Donald J. Tracy, Mayor Pro Tem
 Lowell Moore, Council Place Four
 Jon Lux, Council Place Five
 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: David Richardson, Outreach Minister, Victory Baptist.

David Richardson, Outreach Minister with Victory Baptist, gave the Invocation.

A.3 Pledges Of Allegiance. (U.S. and Texas)

Council led the audience in the Pledges of Allegiance.

A.4 Citizen Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information.)

None.

A.5 Mayor and Council Opening Comments.

Council commented on the National Night Out Event.

A.6 City Manager Report: Employee Recognition For Accomplishments In The Texas Lifeguard Competition - Curt Randa, Parks And Recreation Director.

Curt Randa, Parks and Recreation Director, addressed Council regarding the Cedar Park Lifeguard Team placing third in State competition.

- A.7 City Manager Report: Update On The City Of Cedar Park And Cedar Park Chamber Of Commerce Event Partnership - Curt Randa, Parks And Recreation Director, And Tony Moline, Chamber Of Commerce President.

Curt Randa, Parks and Recreation Director, and Tony Moline, Chamber of Commerce President, addressed Council regarding the Heritage Festival and Cedar Fest. The Chamber currently coordinates the Cedar Fest barbeque cook-off event which is in need of a larger venue. Discussions are taking place to combine the two festivals.

CONSENT AGENDA

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

Agenda Item C.1 removed from the Consent Agenda by Staff.

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

Movant: Councilmember Moore

Second: Councilmember Grimes

Vote: 7-0

- B.1 Approval Of The City Council Minutes From The Regular Scheduled Meeting On June 27, 2013.

Approved under the Consent Agenda.

- B.2 Approval Of The City Council Minutes From The Regular Scheduled Meeting On July 11, 2013.

Approved under the Consent Agenda.

- B.3 Approval Of The City Council Minutes From The Special Called Meeting On July 17, 2013.

Approved under the Consent Agenda.

- B.4 Approval Of The City Council Minutes From The Special Called Joint Meeting With The Cedar Park Community Development Corporation Board On July 18, 2013.

Approved under the Consent Agenda.

- B.5 Receipt Of Minutes From The Economic Development Sales Tax Corporation (Type A) Board Meeting Of June 17, 2013.

Received under the Consent Agenda.

- C.1 Second Reading And Approval Of An Ordinance Amending Article 8.00 (Utility Related Fees) In Appendix A (Fee Schedule) Of The City Of Cedar Park Code Of Ordinances To Add A Water Rate Adjustment To be In Effect During Drought Response Stage 3, Providing For Repeal Of Conflicting Ordinances, Providing For An Effective Date, And Ordaining Other Provisions Related To The Subject Matter Thereof.

Removed from the Consent Agenda by Staff.

Sam Roberts, Assistant City Manager, addressed Council regarding a rate adjustment to be implemented during the Stage 3 water restriction phase. The temporary adjustment to the water rate is a 9% increase to the residential and commercial rates charged to retail and wholesale customers. The adjustment will result in an increase to the average residential water bill of approximately \$3.80 per month. The new rate will go into effect at the time the Drought Response Stage 3 is enacted and will cease once the Stage 3 restrictions are lifted.

General Discussion followed:

Mayor Powell stated his appreciation to the citizens who have commented on this. LCRA has a mandatory curtailment for a 20% reduction in water usage. If the City does not comply with this there are financial penalties. Water rates are fixed costs and the cost for the infrastructure, staff, and payment for the water does not go down when usage is reduced. The Stage 3 rate adjustment will be removed once this phase is ended.

Councilmember Thomas commented on the Utility Fund and payment of the bonds issued for the infrastructure.

Councilmember Fuller commented on the rates for surrounding cities. Cedar Park water rates are below the median rate.

Mayor Powell stated the City is always looking for efficiencies in the water system. This may be the opportunity to re-evaluate the water system and see if there can be any improvements or changes.

Mayor Powell allowed public comment:

Rose Green lives in Anderson Mill West and inquired why her MUD board charges a different rate for water.

Les Wilson, Cedar Park, asked Council not to impose the 9% increase and asked if there are other ways the City can save money.

General Discussion continued regarding on rates being charged in accordance with usage, curtailment of water being mandatory by LCRA, and the rate increase being temporary.

Motion to approve the Ordinance amending Article 8.00 (Utility Related Fees) in Appendix A (Fee Schedule) of the City of Cedar Park Code Of Ordinances to add a water rate adjustment to be in effect during Drought Response Stage 3

Movant: Councilmember Grimes

Second: Councilmember Fuller

Vote: 7-0

Ordinance Number CO46.13.08.08.C1

- D.1 A Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Professional Services Agreement With Rodriguez Engineering For Construction Materials Testing On The Bagdad Road (RM 1431 to Kettering Drive) Reconstruction Project.

Approved under the Consent Agenda.

Resolution Number R135.13.08.08.D1

- D.2 A Resolution Authorizing And Directing The Mayor To Execute Amendment No. 5 To Interlocal Agreement Regarding Final Design Services For Regional Water System.

Approved under the Consent Agenda.

Resolution Number R136.13.08.08.D2

- D.3 A Resolution For City Acceptance Of Starwood Drive Subdivision Improvements.

Approved under the Consent Agenda.

Resolution Number R137.13.08.08.D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute An Agreement With The Austin Toros For The Purpose Of Using The Cedar Park Recreation Center As A Practice Facility.

Approved under the Consent Agenda.

Resolution Number R138.13.08.08.D4

- D.5 A Resolution Authorizing A Special Permit To Hold A Fund Raising Walk At Milburn Park.

Approved under the Consent Agenda.

Resolution Number R139.13.08.08.D5

- D.6 A Resolution Authorizing A Special Permit To Hold A 5K Run At Brushy Creek Lake Park.

Approved under the Consent Agenda.

Resolution Number R140.13.08.08.D6

- D.7 A Resolution To Authorize And Direct The City Manager To Execute A Release and Settlement Agreement With The Proprietors Of Hemingway Bar And Grill.

Approved under the Consent Agenda.

Resolution Number R141.13.08.08.D7

PUBLIC HEARINGS

- E.1 (Z-13-010) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 10.51 Acres From General Office (GO) To Planned Development (PD) For Property Located On Old Mill Road, West Of Lakeline Boulevard. *The Planning And Zoning Commission Voted 4-3 To Approve The Request, Conditional Upon Removal Of Permitted Uses In The Estate Lot (ES), Single Family Large Suburban Lot (SF-1), Single Family Large Urban Lot (SF-2) And Single Family Urban Lot (SF-3) From The PD.*

Amy Link, Planning Manager, stated the Applicant has requested postponement of this item until 9.12.13. This item appeared on the Agenda due to the publication of notice in the newspaper.

Motion to postpone this item until September 12, 2013.

Movant: Mayor Powell

Second: Mayor Pro Tem Tracy

Vote: 7-0

- E.2 (Z-13-013) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 17.65 Acres From Single Family, Large Lot (SF) To Single Family, Large Urban Lot – Conditional Overlay (SF-3-CO) For Property Located At 1507, 1509, 1607 And 1609 West Park Street In Williamson County, Texas. *The Planning And Zoning Commission Voted 7-0 To Approve The Request With The Following Conditional Overlay: 10,000 Square Foot Minimum Lot Size And 25 Foot Minimum Rear Yard Setback.*

Amy Link, Planning Manager, addressed Council regarding the applicant's request. The conditional overlay is for 10,000 SF minimum lot size and a 25 foot minimum rear yard setback.

William Newton, Agent, addressed Council on behalf of the applicant. The propose development is a higher quality subdivision with larger square footage houses.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

- E.3 (ANX-13-001) First Public Hearing And Commentary On The Petition By Texas Parks And Wildlife Department For Voluntary Annexation Of Approximately 34.08 Acres Of Land Located Near The Southeast Corner Of South Bell Boulevard And East Little Elm Trail.

Amy Link, Planning Manager, stated this is the first of two required statutory public hearings on the proposed voluntary annexation of approximately 34.08 acres of land located near the southeast corner of South Bell Boulevard and East Little Elm Trail.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

- E.4 Public Hearing And Consideration To Approve A Resolution Amending The Fiscal Year 2012-2013 Operating Revenues and Expenditures By \$706,497 And Capital Improvements Revenues And Expenditures By \$831,267.

Aaron Rector, Assistant Finance Director, addressed Council regarding the amendments.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

Motion to approve a Resolution amending the Fiscal Year 2013 Operating Revenues and Expenditures by \$706,497 and Capital Improvements Revenues and Expenditures By \$831,267.

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

Resolution Number R142.13.08.08.E4

REGULAR AGENDA (NON-CONSENT)

- F.1 Consideration To Approve A Resolution Authorizing The City Of Cedar Park To Withdraw From The Williamson County Emergency Management Plan And Create A City Of Cedar Park Emergency Management Plan And Give Notice To The State, County And Other Signatories On The Plan Of The City's Intent To Do So.

Michael Clanton, Emergency Management Coordinator, addressed Council regarding the City's intent to withdraw from the Williamson County Emergency Management Plan and develop a local municipal plan. A new plan for the City is being draft and will be an all-hazards plan that will define roles and responsibilities of City staff in a widespread emergency or disaster. This new plan will deal more specifically to the needs of the City of Cedar Park than the current countywide plan.

Councilmember Thomas inquired if Williamson County would still be involved.

Councilmember Fuller stated his support for this item.

Motion to approve the Resolution as presented.

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

Resolution Number R143.13.08.08.F1

- F.2 Report From The Sunset Advisory Commission Regarding A Recommendation For The Historic And Cultural Preservation Commission. (Grimes)

Councilmembers Grimes stated the Sunset Advisory Commission has completed the review of the Historic and Cultural Preservation Commission and is making two

recommendations for Council's consideration. A public hearing and online surveys were utilized to receive public comment. The first recommendation is to disband the current board as it currently exists and create a three (3) member Tourism Advisory Board Subcommittee tasked with identifying/completing historic preservation projects to be undertaken by the Tourism Advisory Board. The second recommendation is to amend the ordinance in relation to the professional disciplines for board members and to bring the code into compliance with State law.

Councilmember Fuller stated the function will remain the same however the process will be streamlined.

Motion to accept the recommendations from the Sunset Advisory Commission for the Historic and Cultural Preservation Commission.

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

F.3 Discussion Of The Fiscal Year 2014 Proposed Budget.

Agenda Items F.3 and F.4 called together.

Brenda Eivens, City Manager, addressed Council regarding the FY2014 budget themed "Fit At 40 – Strengthening the Core".

Joseph Gonzales, Finance Director, reviewed the FY2014 proposed budget. The budget goal is to diversify revenue streams and propose a structurally balanced budget. The property tax rate will remain the same at \$.493501.

Josh Selleck, Assistant City Manager, reviewed the Debt Issuance component of the budget.

Ms. Eivens reviewed the personnel aspects of the budget.

Mr. Gonzales, completed review of the Utility Fund.

F.4 Consideration of Setting A Maximum Proposed Tax Rate For Tax Year 2013 And Fiscal Year 2013-2014 And Scheduling Two Public Hearings On The Tax Rate.

Agenda Items F.3 and F.4 called together.

General discussion followed regarding the FY2014 proposed budget, lowering the tax rate to \$.492501, and the fourth year the rate has remained the same.

Motion to set a maximum tax rate of \$0.493501 with interest and sinking rate of \$0.239661 and maintenance and operation rate of \$0.253840 and to schedule public hearings on the tax rate for August 22, 2013 and September 5, 2013 and vote to adopt the tax rate on September 12, 2013.

Movant: Councilmember Fuller

Second: Mayor Pro Tem Tracy

Vote: 7-0

- F.5 Discussion And Possible Action Related To Permitting Livestock To Reside In Residential Areas.

Agenda Item F.5 called after Agenda Item. F.6

Kimberly Painter, Management Intern, stated livestock is restricted by zoning in the City of Cedar Park. Ms. Painter reviewed the City's ordinance related to zoning and where fowl and livestock are allowed. Eleven (11) benchmark cities were researched and all have ordinances related to this except Pflugerville. Homeowner Associations and private deed restrictions can be more stringent than city rules.

Mayor allowed Public comment:

The following speakers spoke in support of chickens in residential areas:

John Signorino

Deb Signorino

Rachel Andrews

Kristi Decarlo

Victoria Kogan

James Maness

Ryan Melard (Austin)

The following speakers spoke in opposition of chickens in residential areas:

Bob Ingraham

Trey Hensley

General discussion followed:

Councilmember Lux inquired if chickens are allowed now what will be requested in the future. The Ordinance has served well and should be retained.

Councilmember Moore stated HOAs can control chickens in residential within the majority of the city. Restrictions should be created that limit the number of chickens, no roosters, and nuisance issues.

Councilmember Thomas asked what the percentage is of residents who are covered under HOAs. He would like additional information in order to make an educated decision on the number of people that would be impacted by this.

Councilmember Grimes stated he is not in support of chickens being allowed on smaller residential lots.

Mayor Powell stated same arguments could be made for other animals for example geese and ducks. What would it be expanded into?

Mayor Pro Tem Tracy agrees with Councilmember Moore with an ordinance being used to handle nuisance issues. He is not opposed to further considering this.

F.6 Discussion And Possible Action On Economic Development And Sister City Opportunities In China. (Powell)

Agenda Item F.6 called after Agenda C.1

Rod Madden and Peter Shen addressed Council regarding the opportunities for economic development and sister cities in China.

Mr. Madden encouraged Council to form a committee to further explore opportunities to foster additional relationships with China.

Mayor Powell commented on sister cities and inquired if there was any interest from Council in pursuing.

Mayor Powell allowed public comment:

Paul Barron, Cedar Park, stated Council should be aware of what the involvement would be on the City's behalf.

General Discussion followed:

Councilmember Lux stated this would be a great opportunity to look at multiple cities for consideration. He would like to serve on the committee.

Councilmember Grimes stated he would like to see a committee formed. There are benefits with working with international businesses.

Mayor Pro Tem Tracy commented on being careful regarding the frame work of how the City would establish this relationship. A better understanding is needed.

Peter Shen stated there are China businesses looking to locate in Texas.

EXECUTIVE SESSION

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

Council convened into Executive Session at 9:15 p.m.

- 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 Terms Of The Strategic Partnership Agreement Providing For The Voluntary Limited Purpose Annexation Of Travis County Water Control Improvement Districts 1F And 1G And Bella Vista Municipal Utility District.
 - b. Legal Issues Concerning The Tax Increment Reinvestment Zone Number Two, City Of Cedar Park.
 - c. Legal Issues Concerning An Interlocal Agreement With The City Of Round Rock For Interim Water Supply.
 - d. Legal Issues Concerning The Lease And Development Agreement With Hicks Cedar Park, LLC Pertaining To The Facility Use Fee.

e. Legal Issues Concerning Permitted Uses In The General Office ("GO") And Hospital ("H") Zoning Districts.

The Council Reconvenes into General Session.

OPEN MEETING

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

H.1 Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.

Council reconvened from Executive Session into Open Meeting at 10:55 p.m.

Agenda Item. G.1c

Motion to approve a Resolution authorizing and directing the City Manager to execute the Interlocal Agreement for Interim Water Supply 2013.

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

Resolution Number R144.13.08.08.G.1c

H.2 Mayor and Council Closing Comments.

Councilmember Fuller requested a future agenda item for the appointment of Place Two on the Arts Advisory Board.

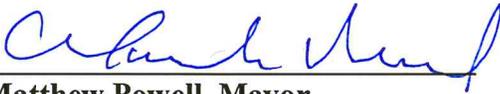
Mayor Pro Tem Tracy requested a future agenda item for an update on the CAPCOG meeting.

Mayor Powell requested a future agenda item for an updated on the CAMPO meeting.

H.3 Adjournment.

Mayor Powell adjourned the meeting at 10:58 p.m.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2013


Matthew Powell, Mayor

ATTEST:


LeAnn M. Quinn, TRMC
City Secretary

