

MINUTES

**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK ROAD, BUILDING FOUR
SEPTEMBER 26, 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.

Councilmember Grimes absent. All others present.

A.2 Invocation. ⁽²⁾

Councilmember Fuller gave the Invocation.

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

Council led the audience in the Pledges of Allegiance.

A.4 Presentation: Employee Recognition For Service With The City Of Cedar Park:

a. Dyanne Hargrove, Legal Department, Five Years.

Charles Rowland, City Attorney, presented Dyanne Hargrove with a plaque in honor of her five years of service with the City of Cedar Park.

b. Aaron Rector, Finance Department, Five Years.

Joseph Gonzales, Finance Director, presented Aaron Rector with a plaque in honor of his five years of service with the City of Cedar Park.

- c. Cpl. Jason Brandt, Police Department, Ten Years.
- d. Sgt. David King, Police Department, Fifteen Years.

Chief Mannix, Police Department, presented plaques to Cpl. Brandt for ten years of service and Sgt. King for fifteen years of service with the City of Cedar Park.

- e. Battalion Chief Larry Mulrain, Fire Department, Fifteen Years.
- f. Asst. Chief Adam Story, Fire Department, Fifteen Years.

Chief Mallinger, Fire Department, presented a plaque to BC Mulrain in honor of ten years of service with the City of Cedar Park. Asst. Chief Story was unable to attend the meeting.

- A.5 Citizen Communications. (Not for items listed on this agenda. Three minutes each. no deliberations with Council. Council may respond with factual information)

Butch West addressed the Council regarding an item on the Consent Agenda (C.2). He represents a property owner at Lakeline and W. Park Street that will be impacted by the removal of gas stations from the Local Retail zoning district. He is asking Council to grandfather the property for a potential future gas station.

Mayor Powell inquired if the current zoning is correct and maybe should be GR.

Estela Argdindegui addressed Council regarding leaving gas stations in the LR zoning.

- A.6 Mayor and Council Opening Comments.

Councilmember Moore commented on the recent InterCity visit to Boston.

Mayor Pro Tem Tracy commented on the recent InterCity visit to Boston.

Mayor Powell also commented on the recent InterCity visit to Boston.

- A.7 City Manager Report: Review Of The FY 2012-2013 Quarterly Financial Report Through June, 2013 - Joseph Gonzales, Finance Director.

Joseph Gonzales, Finance Director, presented Council with the Quarterly Financial Report.

- A.8 City Manager Report: Quarterly Investment Report For The Period Ending June 30, 2013 - Joseph Gonzales, Finance Director.

Josh Selleck, Assistant City Manager, presented Council with the Quarterly Investment Report.

CONSENT AGENDA

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

C.3 removed from the Consent Agenda by Councilmember Lux.

C.5 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 Items C.3 and C.5

Movant: Councilmember Fuller

Second: Mayor Pro Tem Tracy

Vote: 6-0 with Councilmember Grimes absent from meeting.

B.1 Approval Of The City Council Minutes From The Regular Scheduled Meeting Of August 22, 2013.

Approved under the Consent Agenda.

B.2 Receipt Of The Arts Advisory Board Minutes From The Meeting Of June 5, 2013.

Received under the Consent Agenda.

B.3 Receipt Of The Arts Advisory Board Minutes From The Meeting Of July 3, 2013

Received under the Consent Agenda.

B.4 Receipt Of The Arts Advisory Board Minutes From The Meeting Of August 7, 2013.

Received under the Consent Agenda.

B.5 Receipt Of The Cedar Park Community Development "(Type B)" Board Minutes From The Meeting Of July 9, 2013.

Received under the Consent Agenda.

B.6 Receipt Of The Planning And Zoning Commission Minutes From The Meeting Of July 16, 2013.

Received under the Consent Agenda.

- C.1 (ANX-13-001) Second Reading And Approval Of An Ordinance For The Purpose Of Extending The Boundary Limits Of The City Of Cedar Park, Texas, Providing For The Voluntary Annexation Of Approximately 34.08 Acres Of Land Located Near The Southeast Corner Of South Bell Boulevard And East Little Elm Trail, Otherwise Described By Metes And Bounds In Williamson County, Texas.

Approved under the Consent Agenda.

Ordinance Number A51.13.09.26.C1

- C.2 (OA-13-008) Second Reading And Approval Of An Ordinance Amending Chapter 11, Article 11.02 Zoning Districts And Regulations, Division 18 Local Retail District, Section 11.02.146 Permitted Uses; And Division 19 General Retail District, Section 11.02.156 Permitted Uses; And Division 20 Commercial Services District, Section 11.02.164 Permitted Uses; And Division 38 Land Use Chart Comparison, Section 11.02.342 Zoning District Chart Nonresidential Districts; And Article 11.12 Definitions, Section 11.12.002 Terms; To Remove Gasoline Service Station, Limited As A Permitted Use And Amend The Gasoline Service Station, General Permitted Use And Definition. *The Planning And Zoning Commission Voted 6-0 To Approve This Amendment.*

Approved under the Consent Agenda.

Ordinance Number CO52.13.09.26.C2

- C.3 (Z-13-010) Second Reading And Approval 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.*

Agenda Item C.3 removed from the Consent Agenda by Councilmember Lux.

Amy Link, Planning Manager, addressed Council regarding the rezoning request from General Office to a Planned Development (“PD”) zoning district.

Councilmember Lux pulled this item due to the extensive discussion at the Council retreat regarding the creation of more office space. He stated this rezoning goes against the number one goal the Council discussed at the retreat. He would like to have this item tabled until the second meeting in October when there is a full Council.

Motion to postpone this agenda item until the October 24th Council meeting.

**Movant: Councilmember Lux
Second: Councilmember Moore**

General discussion followed:

Councilmember Fuller stated he is going to vote against the motion. The neighborhood is in support of it and he does not agree this area will develop as offices.

Mayor Powell inquired if this item could be placed on the October 3rd Agenda.

Councilmember Lux stated he would like more time and prefers to keep it on the October 24th agenda.

Mayor Powell commented on the neighbors supporting the rezoning. There are current tracts of undeveloped land that can be recruited for offices. Situations change, traffic patterns change, and the land not being developed is not a factor for him. He stated the City is currently trying to make it easier for developers and land owners to recruit businesses and he supports the postponement.

Councilmember Lux does not agree that general office cannot be developed on a residential collector.

Mayor Pro Tem Tracy supports the motion to postpone. The situation is not dependent on how long the land has sat there undeveloped. He commented on the transition from residential to a major corridor.

Mayor Powell called the question.

Vote: 4:2 with Councilmember Grimes absent from meeting

Mayor Powell, Councilmember Moore, Councilmember Lux, and Mayor Pro Tem Tracy voting in favor.

Councilmember Thomas and Councilmember Fuller against.

- C.4 (Z-13-012) Second Reading And Approval Of An Ordinance To Rezone Approximately 66.75 Acres From Development Reserve (DR), Multifamily Residential (MF) And Local Retail (LR) To Single Family Urban Lot (SF-3), Multifamily Residential (MF) And Local Retail (LR) For Property Located On The East Side Of Bagdad Road, South Of West New Hope Drive, In

Williamson County, Texas. *The Planning And Zoning Commission Voted 6-0 To Recommend SF-3, MF And LR.*

Approved under the Consent Agenda.

Ordinance Z54.13.09.26.C4

- C.5 (Z-13-016) Second Reading And Approval Of An Ordinance To Rezone Approximately 19.4 Acres From Open Space Recreation (OSR) To Planned Development (PD) For Property Located On 183A Toll Road, North Of East New Hope Drive. *The Planning And Zoning Commission Voted 6-0 To Approve The Request.*

Agenda Item C.5 removed from the Consent Agenda by Staff.

Amy Link, Planning Manager, addressed the Council regarding the rezoning request. Based on discussions with the applicant the maximum building setback has been increased to 25 feet along the public access ways and the sidewalk requirement has been added along public access easements.

Motion to approve the modified Ordinance to rezone approximately 19.4 acres from Open Space Recreation (OSR) to Planned Development (PD) for property located on 183A Toll Road, North of East New Hope Drive.

Motion Councilmember Thomas

Second Councilmember Moore

Vote: 6-0 with Councilmember Grimes absent from meeting

Ordinance Number Z55.13.09.26.C5

- C.6 Second Reading And Approval Of An Ordinance Approving A Project And Financing Plan For Tax Increment Reinvestment Zone Number Two, City Of Cedar Park, Texas; Making Various Findings Related To Such Plan.

Approved under the Consent Agenda.

Ordinance Number G5613.09.26.C6

- C.7 Second Reading And Approval Of An Ordinance Approving An Economic Development Agreement With Hicks Cedar Park, LLC For Tax Increment Reinvestment Zone Number Two, City Of Cedar Park, Texas.

Approved under the Consent Agenda.

Ordinance Number G57.13.09.26.C7

- D.1 A Resolution Amending The City Of Cedar Park Human Resource Manual, Policy G-8: Drug And Alcohol Free Workplace.

Approved under the Consent Agenda.

Resolution Number R161.13.09.26.D1

- D.2 A Resolution Authorizing And Directing The City Manager To Execute An Interlocal Agreement For The Placement, Operation And Maintenance Of Williamson County Radio Communications Tower And System Tower Site No. 10 – “Cedar Park South”.

Approved under the Consent Agenda.

Resolution Number R162.13.09.26.D2**PUBLIC HEARINGS**

- E.1 First Reading And Public Hearing Of An Ordinance Amending The City Of Cedar Park Code Of Ordinances, Chapter 17 (Traffic And Vehicles), Article 17.03 (Speed Limits), Section 17.03.004 (Speed Limits Established For Certain Described Streets) To Increase The Speed Limits To Sections Of The Following Four City Roadways: New Hope Drive (Lakeline Boulevard To Bagdad Road), Old Highway 183 (Brushy Creek Road To Bell Boulevard), Brushy Creek Road (Bell Boulevard To Cougar Avenue), And W. Park Street (Lakeline Boulevard to Bell Boulevard).

Tom Gdala, Senior Engineering Associate, addressed Council amending speed limits on City streets. Speed limit revisions are based on engineering and traffic investigations. The Texas Department of Transportation (TxDOT) has developed a manual called Procedure for Establishing Speed Zones (Speed Zone manual). This Speed Zone manual recommends using the 85th percentile speed to determine the speed limit for a given section of road. Staff is recommended the following increased to the speed limits:

New Hope Drive: Lakeline Boulevard to Bagdad Road - 45 mph

Old Hwy 183: Brushy Creek Road to Bell Boulevard - 35 mph

Brushy Creek Road: Bell Boulevard to Cougar Avenue - 35 mph

Park Street: Lakeline Blvd to Bell Boulevard - 35 mph

Mayor Powell commented on a media interview given regarding raising speed limits on numerous streets in the past. Roads are designed and built for specific speeds and the 85% rating is very important.

Councilmember Lux inquired about the speed on Vista Ridge.

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 Amending The City Of Cedar Park Code Of Ordinances Chapter Five Fire And Emergency Management, Article 5.07 Emergency And Disaster Management, Sections 5.07.001 - 5.07.005.

Michael Clanton, Emergency Management Coordinator, addressed Council regarding the amendments to the ordinance. The City will be withdrawing from the Williamson County Emergency Management Plan on October 15, 2013. The Texas Division of Emergency Management (TDEM) requires any municipality creating its own emergency management plan have an ordinance establishing a municipal emergency management program. The existing emergency management ordinance has been updated using the State template and language as required by the TDEM.

Councilmember Thomas inquired about the chain of command in absence of the Mayor or Mayor Pro Tem. He encouraged the entire Council to take the FEMA courses.

Mayor Powell stated he is working on coordinating a class for local mayors with Texas A&M for training.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

REGULAR AGENDA (NON-CONSENT)

- F.1 Consideration Of Appointment To Place Two On The Cedar Park Community Development Corporation (Type B) Board With A Term To Expire October 2015. (Fuller)

Motion to reappoint David Scott Burger to Place 2 on the Cedar Park Community Development Corporation Board with a term to Expire October 2015.

Movant: Councilmember Fuller

Second: Councilmember Lux

Vote: 6-0 with Councilmember Grimes absent from meeting.

- F.2 Update On The Acquisition Of Land From The Lower Colorado River Authority For The Brushy Creek Regional Utility Authority Regional Water Project. (Fuller)

Councilmember Fuller provided an update of the site acquisition for the BCRUA project. Phase 2 is not planned for a few years; however the long term purchase has been made. He stated it is time to have a meeting with Williamson County in relation to water. The Commissioners need to know what the BCRUA has done and what it represents. Electricity will become very important moving forward.

EXECUTIVE SESSION

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

Council convened into Executive Session at 7:43 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 Process And Implications Of The Listings Of Endangered/Threatened Species (Salamanders) By The U.S. Fish & Wildlife Service.
 - b. Legal Issues Concerning The Procurement Agreement With Excel Construction Pertaining To The Floating Intake Drought Contingency Project.

The Council Reconvenes into Open 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 8:48 p.m.

No action taken

H.2 Mayor and Council Closing Comments.

None.

H.3 Adjournment.

Mayor Powell adjourned the meeting at 8:49 p.m.

PASSED AND APPROVED THIS 24TH DAY OF OCTOBER, 2013


Matthew Powell, Mayor



ATTEST:


LeAnn M. Quinn, TRMC
City Secretary