

MINUTES

**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK BOULEVARD, BUILDING FOUR
THURSDAY, NOVEMBER 29, 2012 AT 6:30 P.M.**

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

Lowell Moore, Council Place Four
VACANT, 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 6:31 P.M.
Councilmember Tracy absent and Place Five vacant.
All others present.
- A.2 Invocation. (1)
Invocation given by Councilmember Thomas.
- A.3 Pledges of Allegiance (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Certificate Of Recognition For Life Saving Actions At Vista Ridge High School.
Mayor Powell read excerpts from the Statesman regarding the life savings actions of citizens at a Vista Ridge High School football game to save Mr. Mike Mullens from a massive heart attack. Certificates of Recognition were given to:
Jim Mackay
Lt. Col James Gerraci
Michael Henry
Pavani Pathirana
Lt. Jonathon Morris
Fire Fighter Karl Ortiz
Fire Fighter Brad Lane (not in attendance)
Fire Dept. Engineer Kyle Johnson (not in attendance)
- Mayor Powell commended and thanked them for their heroism.**
- A.5 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information.)
Ellen Klipp, Cedar Park, addressed Council in relation to Anderson Mill Road and traffic safety concerns.

Stephen Mangan, Cedar Park, addressed Council regarding his home and driveway code issues.

Bryon Stephens, Cedar Park, addressed Council regarding the Parmer Lane corridor and how it will be developed. He asked for the City to remember the beautification of the area with future development.

Tony Moline, Cedar Park Chamber of Commerce President, introduced himself to Council.

Citizens Communications recalled after Agenda Item E.2

Pastor Marty Braeur, Good Shepherd Luther, invited Council and citizens to attend their "Follow The Star" program.

A.6 Mayor And Council Opening Comments.

Councilmember Fuller commented on the success of the Veteran Day ceremony and parade, and various meetings he attended for water and the Williamson County Growth Summit.

Mayor Powell read a letter received from Ms. Melissa Howard Gentsch thanking the City for honoring her Father, Colonel Robert Howard, with a commemorative paver in honor of his service.

A.7 City Manager Report: Overview Of The Regional Urban Shield Exercise - Michael Clanton, Emergency Management Coordinator.

Michael Clanton, Emergency Management Coordinator, provided an overview of the Urban Shield Exercise recently conducted.

A.8 City Manager Report: Review Of The September Monthly Financial Report - Joseph Gonzales, Finance Director.

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

A.9 City Manager Report: Employee Recognition For Service With The City Of Cedar Park.

a. Katherine Woerner, Director Of Community Affairs - Five Years Of Service.

Brenda Eivens, City Manager, presented Katherine Woerner, Director of Community Affairs, with a plaque in recognition of five years of service with the City of Cedar Park.

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.2 removed from the Consent Agenda by Councilmember Fuller.

Motion to approve all items on the Consent Agenda consists of all matters set forth on Agenda Items B, C, and D excluding Agenda Item D.2

Movant: Councilmember Thomas

Second: Councilmember Moore

Vote: 5-0 with Councilmember Tracy absent and Place Five vacant.

- B.1 Approval Of The City Council Minutes From The Regular Called Meeting Of October 18, 2012.
Approved under the Consent Agenda.
- B.2 Receipt Of Minutes From The Cedar Park Community Development Board ("4B") Meeting Of October 9, 2012.
Received under the Consent Agenda.
- B.3 Receipt Of Minutes From The Arts Advisory Board Meeting Of October 3, 2012.
Received under the Consent Agenda.
- C.1 (Z-12-009) Second Reading Denying Request 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 5-0 To Deny The Request.** Associated With Future Land Use Map, Agenda Item F.4.
Approved denial under the Consent Agenda.
Request to rezone denied.
- C.2 (Z-12-016) Second Reading And Approval 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.** Associated With Future Land Use Map, Agenda Item D.4.
Approved under the Consent Agenda.
- Ordinance Number Z09.12.11.29.C2**
- D.1 A Resolution Authorizing A Special Permit To Hold A Fitness Walk At Veterans Memorial Park.
Approved under the Consent Agenda.
- Resolution Number R18.12.11.29.D1**
- D.2 A Resolution Authorizing And Directing The City Manager To Execute An Additional Services Agreement With Klotz Associates For The Design Of The RM 1431 Roadway Improvement Project (Parmer Lane - FM 734) To Sam Bass Road (CR 175).
Agenda Item D.2 removed from the Consent Agenda by Councilmember Fuller.

Councilmember Fuller commented on the importance of this project and thanked Williamson County for their financial support. Partnerships are key to future infrastructure projects.

Motion to approve a Resolution authorizing and directing the City Manager to execute an Additional Services Agreement with Klotz Associates for the design of the RM 1431 Roadway Improvement Project (Parmer Lane - FM 734) to Sam Bass Road (CR 175).

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 5-0 with Councilmember Tracy absent and Place Five vacant.

Resolution Number R19.12.11.29.D2

- D.3 Approval Of The Reappointment Of Kathy Galloway To The Williamson County And Cities Health District ("WCCHD") Board Of Health.
Approved under the Consent Agenda.

No Resolution Number assigned.

- D.4 A Resolution Amending The Future Land Use Plan For Property Located On West Whitestone Boulevard Between Power Lane and Trails End Road From Employment Center To Regional Office/Retail/Commercial And From Neighborhood Office/Retail/Commercial To Employment Center. **The Planning And Zoning Commission Voted 6-0 To Approve This Amendment.** (Associated with Z-12-016, Agenda Item C.2)
Approved under the Consent Agenda.

Resolution Number R20.12.11.29.D4

PUBLIC HEARINGS

- E.1 (SDC-12-00002) Public Hearing And Consideration Of An Appeal By The Breakaway Home Owners Association To The Planning And Zoning Commission's Approval Of A Conditional Use Permit For A Car Wash To Be Located At 12201 West Parmer Lane. **The Planning And Zoning Commission Voted 5-1 To Approve The Conditional Use Permit Request.**

Mayor Powell stated this item has been withdrawn and read the following statement:

"The Breakaway Home Owner Association hereby withdraws its appeal of Zoning Case SCD-12-00002; Wash N Roll Car Wash set for hearing on the November 29, 2012 City Council Agenda. It is understood that once withdrawn an appeal cannot be re-filed. It is also understood that should the appeal be heard by the City Council their decision is final."

Mayor Powell asked if the Breakaway Home Owners Association is in agreement with the withdrawal of their appeal. There being no objection, the Mayor declared the appeal for the zoning case as withdrawn.

- E.2 Public Hearing And Consideration To Approve A Resolution Amending The Fiscal Year 2012-2013 Operating Revenues by \$325,000 and Expenditures by \$2,325,000 Capital Improvements Revenues By \$5,061,515 And Expenditures By \$5,086,515.

Aaron Rector, Assistant Finance Director, addressed Council regarding the proposed amendments to the FY13 budget.

Mayor Powell opened the Public Hearing

No Public Comment

Mayor Powell closed the Public Hearing

Motion to approve the Resolution as presented.

A Resolution Amending The Fiscal Year 2012-2013 Operating Revenues by \$325,000 and Expenditures by \$2,325,000 Capital Improvements Revenues By \$5,061,515 And Expenditures By \$5,086,515.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 5-0 with Councilmember Tracy absent and Place Five vacant.

Resolution Number R21.12.11.29.E2

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:
- F.1 Consideration Of Appointments To The Cedar Park Comprehensive Plan Advisory Committee.
(Mayor Powell)
No discussion.
- F.2 Consideration Of Appointment To Place Three On The Cedar Park Board Of Adjustment.
Mayor Powell stated with the recent resignation of Lorena Echeverria de Misi there is now a vacancy on the Board of Adjustments. Mr. Kelly Brent, recently appointed to the P&Z, would be a good suggestion.
- Motion to appoint Kelly Brent to Place Three on the Board of Adjustments.*
- Movant: Mayor Powell**
Second: Councilmember Moore
Vote: 5-0 with Councilmember Tracy absent and Place Five vacant.
- F.3 Consideration To Approve A Resolution Confirming Appointment Of James Mallinger As Fire Chief Of The Cedar Park Fire Department In Accordance With Chapter 143 Of The Texas Local Government Code.
Agenda Item F.3 called after Agenda Item A.5 Citizen Communications.

Brenda Eivens, City Manager, addressed Council regarding the confirmation of James Mallinger as the Cedar Park Fire Chief. Ms. Eivens stated an extensive national search was conducted and James Mallinger, currently the Assistant Fire Chief, has been offered the position as Fire Chief.

Motion to approve a Resolution confirming appointment of James Mallinger as Fire Chief of the Cedar Park Fire Department in accordance with Chapter 143 of the Texas Local Government Code.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 5-0 with Councilmember Tracy absent and Place Five vacant.

Council congratulated James Mallinger on his new position as Fire Chief.

Brenda Eivens, City Manager, thanked the Fire Department for their assistance with the process.

Resolution Number R22.12.11.29.F3

- F.4 Consideration To Approve A Resolution Amending The Future Land Use Plan For Property Located North Of 12342 RM 620 North From Regional Office/Retail/Commercial To Industrial. **The Planning And Zoning Commission Voted 5-0 To Deny This Amendment.** (Associated with Z-12-009, Agenda Item C.1)

Withdrawn from Agenda.

- F.5 Consideration To Approve A Resolution To Ratify The Memorandum Of Understanding Between the Brushy Creek Regional Utility Authority And The Village of Volente. **Sam Roberts, Assistant City Manager, addressed Council regarding the Memorandum of Understanding. The Memorandum of Understanding establishes a basic understanding of securing a deep water intake and future location for the necessary pumping station. The BCRUA has asked the cities to ratify its actions. The City of Round Rock and Leander have both affirmed the MOU.**

Motion to approve a Resolution to ratify the Memorandum of Understanding between the Brushy Creek Regional Utility Authority and the Village of Volente.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 5-0 with Councilmember Tracy absent and Place Five vacant.

General discussion followed regarding Phase Two of the project.

Resolution Number R23.12.11.29.F5

- F.6 Consideration To Approve A Resolution Authorizing And Directing The Purchase Of A Replacement Fire Apparatus (Quint) From Smeal Fire Apparatus Company Through Houston Galveston Area Council ("HGAC") And Scott Fire Apparatus.

Chief Mallinger, Fire Department, and Eric Rauschuber, Utilities Director, addressed Council regarding the purchase of a new Quint. They reviewed the specifics of the new apparatus.

Motion to approve a Resolution authorizing and directing the purchase of a replacement Fire Apparatus (Quint) from Smeal Fire Apparatus Company through Houston Galveston Area Council ("HGAC") and Scott Fire Apparatus.

Movant: Councilmember Mitchell

Second: Councilmember Moore

Vote: 5-0 with Councilmember Tracy absent and Place Five vacant.

Resolution Number R24.12.11.29.F6

- F.7 Consideration Of A Sunset Process For City Boards & Commissions.

Katherine Woerner, Director of Community Affairs, addressed Council regarding the formation of a sub-committee for a sunset process for all City Boards. This will provide for an opportunity to assess and review each board for roles, efficiency, and streamlining processes. Ms. Woerner briefly discussed the formation of the sub-committee and a possible schedule for review of the boards.

General discussion followed:

Councilmember Moore stated a review and process should be utilized similar to the State's process.

Councilmember Fuller stated the review should look for efficiency and how the board fits in the City's Strategic Plan.

Councilmember Thomas inquired if a member of the public should be included in order to have expertise to help with the process.

Mayor Powell stated he favors the more formal process.

- F.8 Consideration For Approval Of The 2013 City Of Cedar Park Meeting Calendar.
Brenda Eivens, City Manager, stated the 2013 Meeting Calendar does not include joint meetings but can be added if Council so chooses, or can be scheduled on an as-needed basis.

Motion to approve the 2013 City of Cedar Park Meeting Calendar.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 5-0 with Councilmember Tracy absent and Place Five vacant.

F.9 Consideration To Approve A Resolution Amending Policy G-5 Of The City Of Cedar Park Human Resources Manual Addressing The Use Of Communication Devices While Operating A City Vehicle.

Miguel Ozuna, Human Resources Director, addressed Council regarding proposed amendments to the policy in relation to communication device usage in City vehicles. The proposed amendments are as follows:

- a. **Allows employees the use of cell phones only when utilizing hands-free features on the phone.**
- b. **Prohibit reading, responding, and/or initiating texts or emails while operating City equipment and vehicles.**
- c. **Exempts Public Safety employees driving vehicles equipped with MDT's and/or other emergency communication devices.**

Councilmember Mitchell inquired if pulling over to the side of the road would be acceptable.

Mayor Powell commented legal operation meaning the vehicle is in motion.

Motion to approve a Resolution amending Policy G-5 of the City of Cedar Park Human Resources Manual addressing the use of communication devices while operating a City vehicle.

Movant: Councilmember Thomas

Second: Councilmember Moore

Vote: 5-0 with Councilmember Tracy absent and Place Five vacant.

Resolution Number R25.12.11.29.F9

F.10 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Enter Into An Agreement With The Texas Department Of Transportation For The Installation, Maintenance, Operation, And Reimbursement Of Traffic Signals Along State Highways.

Eric Rauschuber, Utilities Director, stated this item is for the City of Cedar Park to maintain all the traffic signals within the city limits. The proposal is to operate and maintain 27 additional traffic signals currently under TXDOT control. Mr. Rauschuber briefly reviewed the primary benefits of this. The effective date would be no sooner than January 1, 2013.

Councilmember Mitchell commented on the last census and transferring control.

Mayor Powell commented on his support of the item.

Motion to approve a Resolution authorizing and directing the City Manager to enter into an Agreement with the Texas Department Of Transportation for the installation, maintenance, operation, and reimbursement of traffic signals along State Highways

Movant: Councilmember Fuller

Second: Councilmember Thomas

Vote: 5-0 with Councilmember Tracy absent and Place Five vacant.

Resolution Number R26.12.11.29.10

- F.11 Consideration Of Tourism Opportunities With The Cedar Park Center. (Mayor Powell)
Mayor Powell asked for this item to be placed on the Agenda. With the NHL lockout there is a potential opportunity for tourism with the Texas Stars for citizens in the metroplex looking for hockey.

Phil Brewer, Economic Development Director, stated staff is working on creating a splash page on the Cedar Park Fun website promoting the Texas Stars and hotel discounts.

Mayor Powell commented on the use of radio advertising during sports programs, targeting weekends that include back-to-back games, and looking into utilizing the next Formula One race to encourage tourism to Cedar Park.

Councilmember Fuller stated one of the Formula One race teams stayed in Cedar Park.

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 8:09 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 Fire Service Agreements For Emergency Service Districts 11 & 12.
 - b. Legal Issues Concerning Interlocal Agreement With Williamson County Pertaining To Roadway Projects.
- G.2 Section 551.087(1) Deliberations Regarding Economic Development Negotiations Concerning Possible Conference Facility.

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 8:38 p.m.

Motion to authorize the City Manager to execute a Fire Protection Services Agreement with Williamson County's Emergency Services District #11 subject to approval by the City Attorney.

Movant: Councilmember Moore

Second: Councilmember Mitchell

Vote: 5-0 with Councilmember Tracy absent and Place Five vacant.

- H.1 Mayor And Council Closing Comments.

Mayor Powell relinquished Chair of the meeting and turned over duties to Councilmember Mitchell.

Councilmember Mitchell stated this would be his last regular Council meeting. He will be resigning from the Place 3 due to a work assignment that will take him to Canada. He commented on his years of service to the City of Cedar Park.

Councilmember Moore stated Councilmember Mitchell would be missed and wished him the best.

Councilmember Fuller commented it has been an honor to service with Councilmember Mitchell and he has definitely left his mark on the City.

Councilmember Thomas commented on the many great times with Councilmember Mitchell while serving on the Council.

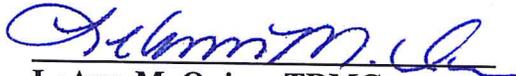
- H.2 Adjournment.

Councilmember Mitchell adjourned the meeting at 8:45 p.m.

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2013.

Matthew Powell, Mayor

ATTEST:


LeAnn M. Quinn, TRMC
City Secretary

