

JUNE 28, 2007

The Round Rock City Council met in Work Session and Regular Session on Thursday, June 28, 2007 in the City Council Chamber, 221 E. Main Street.

CALL WORK SESSION TO ORDER – 6:00 P.M.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Councilmember Rufus Honeycutt, Councilmember Joe Clifford, Councilmember Scott Rhode and Councilmember Kris Whitfield. Mayor Pro-tem Alan McGraw and Councilmember Carlos T. Salinas were absent. Also present were City Manager Jim Nuse, Assistant City Manager David Kautz and City Attorney Steve Sheets.

PRESENTATIONS:

3A1. Consider a presentation regarding the status of the Regional Water System Project for the Cities of Round Rock, Cedar Park, and Leander. Michael D. Thane, Director of Water and Wastewater Utilities made the staff presentation. The cities of Round Rock, Cedar Park, and Leander jointly agreed to pursue a Regional Water System that will ultimately provide an additional 105.8 million gallons per day of potable water to meet future water demands of the cities based on projected population growth. This presentation provided an update on the status of the project, which consisted of the actual physical components (Lake Intake, raw water lines, treatment plant, and distribution lines) of the project, including engineering, easements, land acquisition, environmental and public relation efforts for the project. The presentation also included information regarding financing options and the establishment of the Brushy Creek Regional Utility Authority.

Ken Haney of HDR Engineering briefly outlined the route of the line and the cost of the water supply options.

Rebina Jackson of Group Solutions RJW briefly outlined the public involvement efforts that are currently being conducted and concerns that have been voiced.

Cindy Demers briefly outlined the financing options and impact of this project on ratepayers.

Steve Sheets, City Attorney outlined the steps for the creation of the Brushy Creek Regional Utility Authority.

CALL REGULAR SESSION TO ORDER – 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Maxwell led the following Pledges of Allegiance.

United States Flag and Texas State Flag

Mayor Maxwell dispensed with the order of the agenda with the unanimous consent of all the Councilmembers present and addressed the following item.

APPOINTMENTS:

12A. Consider appointment of an Associate Municipal Court Judge.

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Tourism Commission Recommendation	-	\$1,500
• Round Rock Youth Baseball	-	Requested \$10,000
Tourism Commission Recommendation	-	\$10,000
• Varsity Sports Marketing Group	-	\$10,000
Tourism Commission Recommendation	-	\$10,000

Ms. Yawn gave a brief explanation for the Commission's decision regarding the Sam Bass Community Theatre request.

Councilmember Honeycutt noted that there are certain requirements that need to be submitted with the request for funding. When an applicant does not comply with the requirements then the Commission has no choice but to recommend no funding. He added that the Tourism Commission has given another chance to the Sam Bass Community Theater to cooperate and comply with the requirements of the program.

8A2. Consider a presentation regarding the recommendation of the Tourism Commission to amend the membership of the Tourism Commission to include an At-Large position. Nancy Yawn, Director, Convention and Visitors Bureau Director made the staff presentation. The Tourism Commission recommended that the membership of the Tourism Commission include an At-Large position to enhance the pool of candidates for this Commission and to allow more diverse representation.

PUBLIC HEARINGS:

9A1. Consider public testimony regarding an application filed by Denison Construction, Inc. to rezone 8.0 acres of land from the SF-R zoning district to the PUD No. 73 zoning district. (Bluff's Landing) Jim Stendebach, Planning and Community Development Director made the staff presentation. The primary purpose of this Planned Unit Development is to provide for a senior apartment complex with a three-story height limit for buildings. The SR (Senior) district limits building height to two-stories, which does not accommodate the proposed project. The SR district also has age restrictions for residents, which will be met by the proposed project. This project will provide affordable housing for those aged 55 and over, with amenities.

Mr. Denison, developer of the Bluff's Landing Senior Village gave an update on the status of their Texas Department of Housing and Community Affairs tax credit application.

Mayor Maxwell opened the public hearing.

The following individuals who reside adjacent to the proposed development spoke in favor of the rezoning.

A.E. Martin, 200 Old Settlers
Mike Parker, 309 W. Main Street

Andy Martinez, 3808 Galena Hills Loop, Chairman of the Round Rock Housing Authority spoke on the impact this development would have on the Round Rock Housing Authority.

There being no further testimony, the public hearing was closed.

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9A2. Consider public testimony regarding an application filed by NEC 1460/79, Ltd. to rezone 37.975 acres of land from C-1 zoning district to PUD No. 74 zoning district. (Crossing at Palm Valley) Jim Stendebach, Planning and Community Development Director made the staff presentation. The primary purpose of this Planned Unit Development is to provide for a multifamily component to the development, while insuring an attractive landscaped buffer and pedestrian connectivity between the multifamily and commercial uses.

Mayor opened the public hearing. There being no testimony, the public hearing was closed.

9A3. Consider public testimony regarding an application filed by Designated Tree Partners, L.P. to rezone 12.98 acres of land from the LI zoning district to the PUD No. 75 zoning district. (Green Square) Jim Stendebach, Planning and Community Development Director made the staff presentation. The primary purpose of this PUD is to provide for an office park utilizing the standards of the U.S. Green Building Council's Leadership in Energy & Environmental Design (LEED) program. The LEED Green Building Rating System is the nationally accepted benchmark for design, construction, and operation of high performance green buildings. This PUD will be used as a pilot program as staff considers new zoning regulations to accommodate LEED building standards. The PUD also provides for the development to have eating establishments, which will serve employees and those conducting business in the office park. The eating establishments are restricted to ensure that they remain secondary to the office park use. In addition, the PUD requires the owner to submit documentation showing that the project has been certified by the U.S. Green Building Council.

Mayor Maxwell opened the public hearing. There being no testimony, the public hearing was closed.

9A4. Consider public testimony regarding an application filed by Ali Bahrami to rezone the 0.276 acre Bahrami Estates, Lot 1, Block A from the SF-2 zoning district to the C-1a zoning district. Jim Stendebach, Planning and Community Development Director made the staff presentation. This tract and the adjacent lot to the south are the only remaining residentially zoned tracts on N. Mays north of US 79. The adjacent businesses and the traffic volume on N. Mays make these tracts unsuitable for residential development. The C-1a district is appropriate for this location, since it provides for a range of commercial options, while precluding uses with outdoor storage.

Mayor Maxwell opened the public hearing. There being no testimony, the public hearing was closed.

9A5. Consider public testimony regarding an application filed by Leo A. and Elizabeth Duarte to rezone 2.0 acres from the SF-1 zoning district to the OF zoning district.

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(Duarte Tract) Jim Stendebach, Planning and Community Development Director made the staff presentation. The OF district provides for day care facilities with limitations on the size of the facility. The applicant is proposing a 2,300 square foot facility to serve 40 – 55 children, which is within the district limitation. The residential land use is no longer appropriate for this tract since it abuts non-residential uses on three sides and large lot single family on the rear.

Mayor Maxwell opened the public hearing.

Elizabeth Duarte, the applicant, requested approval of the rezoning request.

There being no further testimony, the public hearing was closed.

9A6. Consider public testimony regarding the application filed by Oakmont Joint Venture to rezone 12.97 acres, Oakmont Centre Section Three, Lot 2 Block B, from the LI zoning district to the C-1a zoning district. Jim Stendebach, Planning and Community Development Director made the staff presentation. The location of this site, south of the Scott & White University Medical Campus, makes it well suited to provide for offices and retail businesses related to the hospital. With the development of the hospital facility on the north side of University Boulevard, commercial uses will be necessary as support. This tract is adjoining a commercial tract along University Boulevard, making it appropriate for commercial uses. While light industrial land is also necessary in the vicinity of the hospital, sufficient land zoned for that purpose is located south and west of this tract.

Mayor Maxwell opened the public hearing. There being no testimony, the public hearing was closed.

9A7. Consider public testimony concerning a partial exemption from ad valorem taxes for certain qualified historically significant properties located in the city limits of Round Rock. Councilmember Rhode disclosed that he has a potential conflict of interest regarding this item and will refrain from discussion. He submitted the appropriate conflict of interest affidavit.

Joelle Jordan , Planner made the staff presentation. The Historic Tax Exemption Program encourages owners of historic properties to use money saved on taxes to provide regular maintenance and/or repair to their historic structures. With this program, property owners receive a 75% exemption of municipal property taxes. On May 15, 2007, the Historic Preservation Commission recommended approval of 54 applications for the historic tax exemption program. Recommended applications met the criteria for preservation and maintenance according to the City's Zoning Ordinance. The City will forego \$53,033 in municipal property tax revenue as a result of the partial tax exemption program. The program does not exempt county or school district taxes.

Mayor Maxwell opened the public hearing. There being no testimony, the public hearing was closed.

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ORDINANCES:

10A1. Consider an ordinance designating a 5.542-acre tract of land, as Reinvestment Zone No. 24 (Komico) for Industrial Tax Abatement. (First Reading) David Kautz, Assistant City Manager/CFO made the staff presentation. Komico is a South Korean company that is a primary servicer of equipment for Samsung. This reinvestment zone will enable the company to establish their first U.S. facility that provides important client services and a reduction of time in the turnaround of essential equipment in Samsung's process. The company will provide quality jobs as well as occupy and renovate a vacant structure formerly owned by Photronics.

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING LOT FIVE (5), BLOCK A, RESUBDIVISION OF THE REMAINDER OF LOT 2, CORRIDOR PARK I, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, AS REINVESTMENT ZONE NO. 24 (KOMICO) FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT, CITY OF ROUND ROCK, TEXAS, ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO.

MOTION: Councilmember Rhode moved to adopt the ordinance. Councilmember Honeycutt seconded the motion.

VOTE:
Ayes: Councilmember Honeycutt
Councilmember Clifford
Councilmember Rhode
Councilmember Whitfield
Mayor Maxwell
Nays: None
Absent: Mayor Pro-tem McGraw
Councilmember Salinas

ACTION: The motion carried unanimously.

MOTION: Councilmember Honeycutt moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and adopt the ordinance. Councilmember Rhode seconded the motion.

VOTE:
Ayes: Councilmember Honeycutt
Councilmember Clifford
Councilmember Rhode
Councilmember Whitfield
Mayor Maxwell
Nays: None
Absent: Mayor Pro-tem McGraw
Councilmember Salinas

ACTION: The motion carried unanimously.

10B1. Consider an ordinance amending Chapter 6, Section 6.611(4), Code of Ordinances regarding the increase of fees for curbside brush pick up. (First Reading) (Requires Two Readings)

Rick Atkins, Parks and Recreation Director made the staff presentation. The fees for curbside brush pick up service have not been updated since 1992. Staff recommended an increase of the fees from \$15.00 to \$25.00.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 6, SECTION 6.611, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AMENDING THE PROCEDURES FOR BRUSH COLLECTION BY THE CITY; UPDATING THE FEE SCHEDULE FOR SAID COLLECTIONS; AND

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Councilmember Whitfield
Mayor Maxwell
Nays: None
Absent: Mayor Pro-tem McGraw
Councilmember Salinas

ACTION: The motion carried unanimously.

10C4. Consider an ordinance rezoning the 0.276 acre Bahrami Estates, Lot 1, Block A from the SF-2 zoning district to the C-1a zoning district. (First Reading) Jim Stendebach, Planning and Community Development Director made the staff presentation for this item during the public hearing held earlier in the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.401(2)(a), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 0.276 ACRES OF LAND, DESCRIBED AS BAHRAMI ESTATES, LOT 1, BLOCK A, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM DISTRICT SF-2 (SINGLE FAMILY - STANDARD LOT) TO DISTRICT C-1A (GENERAL COMMERCIAL - LIMITED).

MOTION: Councilmember Rhode moved to adopt the ordinance. Councilmember Whitfield seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Councilmember Clifford
Councilmember Rhode
Councilmember Whitfield
Mayor Maxwell
Nays: None
Absent: Mayor Pro-tem McGraw
Councilmember Salinas

ACTION: The motion carried unanimously.

MOTION: Councilmember Honeycutt moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and adopt the ordinance. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Councilmember Clifford
Councilmember Rhode
Councilmember Whitfield
Mayor Maxwell
Nays: None
Absent: Mayor Pro-tem McGraw
Councilmember Salinas

ACTION: The motion carried unanimously.

10C5. Consider an ordinance rezoning 2.0 acres of land from the SF-1 zoning district to the OF zoning district. (Duarte Tract) (First Reading) Jim Stendebach, Planning and Community Development Director made the staff presentation for this item during the public hearing held earlier in the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.401(2)(a), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 2.0 ACRES OF LAND, OUT OF THE P.A. HOLDER SURVEY, ABSTRACT NO. 297, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM DISTRICT SF-1 (SINGLE FAMILY - LARGE LOT) TO DISTRICT OF (OFFICE).

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Absent: Mayor Pro-tem McGraw
Councilmember Salinas

ACTION: The motion carried unanimously.

10C7. Consider an ordinance granting a partial exemption from ad valorem taxes for certain qualified historically significant properties located in the city limits of Round Rock.

(First Reading) Councilmember Rhode disclosed that he has a potential conflict of interest regarding this item and will refrain from any discussion and vote. He submitted the appropriate conflict of interest affidavit.

Joelle Jordan, Planner made the staff presentation for this item during the public hearing held earlier in the meeting.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A PARTIAL EXEMPTION FROM AD VALOREM TAXES FOR CERTAIN QUALIFIED HISTORICALLY SIGNIFICANT PROPERTIES LOCATED WITHIN THE CITY LIMITS OF ROUND ROCK, TEXAS; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Whitfield moved to adopt the ordinance. Councilmember Honeycutt seconded the motion.

VOTE:
Ayes: Councilmember Honeycutt
Councilmember Clifford
Councilmember Whitfield
Mayor Maxwell
Nays: None
Abstain: Councilmember Rhode
Absent: Mayor Pro-tem McGraw
Councilmember Salinas

ACTION: The motion carried with 4 ayes and 1 abstention.

MOTION: Councilmember Clifford moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and adopt the ordinance. Councilmember Whitfield seconded the motion.

VOTE:
Ayes: Councilmember Honeycutt
Councilmember Clifford
Councilmember Whitfield
Mayor Maxwell
Nays: None
Abstain: Councilmember Rhode
Absent: Mayor Pro-tem McGraw
Councilmember Salinas

ACTION: The motion carried with 4 ayes and 1 abstention.

10C8. Consider an ordinance changing the name of CR 122 to Red Bud Lane from its intersection with Kiphen Road to its intersection with CR 117. (First Reading) Jim Stendebach, Planning and Community Development Director made the staff presentation. Early in 2006, the City annexed the portion of CR 122 that aligns with Red Bud Lane at the E. Palm Valley Boulevard Intersection. In the spring of that year, that portion of CR 122 was renamed Red Bud Lane by City Ordinance. In January of this year, the City annexed the remaining portion of CR 122, from Kiphen Road to CR 117, as it lines up with the part of Red Bud Lane in the Paloma Lake subdivision. This street name change furthers the City's efforts to maintain consistent street naming throughout Round Rock.

ORDINANCE NO. _____

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ACTION: The motion carried unanimously.

11B1. Consider a resolution authorizing the Mayor to execute a contract with Lowe's Home Centers, Inc. for the purchase of right-of-way for the construction of the IH-35/Hesters Crossing expansion project. Steve Sheets, City Attorney made the staff presentation. This contract is for the purchase of a 0.128 acre fee simple tract and drainage easement along the frontage of property owned by Lowe's in connection with the IH35/Hester Crossing expansion project. The appraised fair market value of the needed right-of-way and utility easement is \$109,871.00. The cost of moving and replacing improvements on the property is \$11,142.00. The total amount of compensation to the owner is \$121,013.00.

RESOLUTION NO. _____

WHEREAS, the City desires to purchase a 0.193 acre tract of land for additional right-of-way and a 0.316 acre public utility easement interest for the I35/Hesters Crossing improvement project,

WHEREAS, Lowe's Home Centers, Inc., the owner of the property, has agreed to sell said property to the City, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Real Estate Contract with Lowe's Home Centers, Inc., for the purchase of the above described property, a copy of said Real Estate Contract being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of June, 2007.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Rhode Councilmember Whitfield Mayor Maxwell
	Nays:	None
	Absent:	Mayor Pro-tem McGraw Councilmember Salinas

ACTION: The motion carried unanimously.

11C1. Consider a resolution authorizing the Mayor to execute a contract with Westar Construction for construction of the Greater Lake Creek Park Improvement Project. Rick Atkins, Parks and Recreation Director made the staff presentation. The Greater Lake Creek Park Improvement Project was competitively bid in May. Westar Construction is the low bidder. The construction contract is based on a revision of scope that was necessary to get the project under the established budget. The cost is \$695,936.90. The Greater Lake Creek Park Project involves three existing park properties and several parcels of land that the City already has or will acquire through the platting process of new neighborhoods. Clay Madsen Park, Greenlawn Park, and Lake Creek Park will all receive improvements in the form of new development and/or renovations. These three parks will also be connected

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with a hike & bike trail. Also included in this project will be the City's first dog park and inline hockey facility. This project is partially funded by a Texas Parks and Wildlife Dept. (TPWD) Grant and a LCRA Partnership in Parks Grant.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has duly advertised for bids for the Greater Lake Creek Park Improvement Project, and

WHEREAS, Westar Construction has submitted the lowest responsible bid, and

WHEREAS, the City Council wishes to accept the bid of Westar Construction, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a contract with Westar Construction for the Greater Lake Creek Park Improvement Project.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of June, 2007.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Rhode Councilmember Whitfield Mayor Maxwell
	Nays:	None
	Absent:	Mayor Pro-tem McGraw Councilmember Salinas

ACTION: The motion carried unanimously.

11C2. Consider a resolution designating 30 acres of land along Greater Lake Creek Trail as Open Space. Rick Atkins, Parks and Recreation Director made the staff presentation. In order to meet the requirements of the Parks and Wildlife Department grant application, the City must designate a portion of the project acreage as dedicated Open Space and for the land to remain relatively undeveloped. This resolution will comply with the grant application.

RESOLUTION NO. _____

WHEREAS, the Round Rock City Council desires to provide quality park facilities for the residents of Round Rock, and

WHEREAS, the City of Round Rock has obtained a grant from the Texas Park and Wildlife Department for the development of the Greater Lake Creek Park ("Park"), and desires to comply with all of the requirements set forth in the grant, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

Section 1. In order to fulfill the requirements of the Texas Parks and Wildlife Department's grant to the City of Round Rock, the City Council hereby designates thirty acres of parkland along the Greater Lake Creek Trail for open space, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

Section 2. The Mayor is hereby authorized to execute the appropriate documents approving the terms and conditions of the agreement with the Texas Parks and Wildlife Department.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of June, 2007.

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MOTION: Councilmember Whitfield moved to approve the resolution.

Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Rhode Councilmember Whitfield Mayor Maxwell
	Nays:	None
	Absent:	Mayor Pro-tem McGraw Councilmember Salinas

ACTION: The motion carried unanimously.

11C3. Consider a resolution authorizing the temporary closure of Harrell Parkway from the north parking lot entrance of Dell Diamond to Aten Loop by the tennis courts for the TriTX2Step Youth Triathlon. Rick Atkins, Parks and Recreation Director made the staff presentation. This will be the second year for the TriTX2Step Youth Triathlon. This event will take place on Sunday July 8th 2007. Staff recommended the closure of Harrell Parkway to Aten Loop from 5:00 a.m. – 11:00 a.m.

RESOLUTION NO. _____

WHEREAS, the Parks and Recreation Department has requested that the following streets be closed on July 8, 2007 for the TriTX2Step Youth Triathlon: Harrell Parkway from the north parking lot entrance of Dell Diamond to Aten Loop by the tennis courts from 5:00 a.m. to 11:00 a.m., and

WHEREAS, the City Council wishes to grant said request, Now Therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,
That Harrell Parkway and Aten Loop be closed as set forth above.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of June, 2007.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Whitfield seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Rhode Councilmember Whitfield Mayor Maxwell
	Nays:	None
	Absent:	Mayor Pro-tem McGraw Councilmember Salinas

ACTION: The motion carried unanimously.

11D1. Consider a resolution authorizing the Mayor to execute a Tax Abatement Agreement with Komico Technology, Inc. David Kautz, Assistant City Manager/CFO made the staff presentation. Komico is a South Korean company that is a primary servicer of equipment for Samsung. This will be their first US facility that will provide a reduction of time in the turnaround of essential equipment in Samsung's process. The Tax Abatement Agreement will enable the company to provide quality jobs as well as occupy and renovate a vacant structure formerly owned by Photronics. This five year abatement is only for new equipment.

RESOLUTION NO. _____

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WHEREAS, the City Council, on the 28th day of June, 2007, in Ordinance No. G-07-06-28-_____, created Reinvestment Zone No. 24 in the City of Round Rock, Texas, and

WHEREAS, in accordance with Chapter 312, Tax Code, V.A.T.S. as amended, the City desires to enter into a tax abatement agreement with Komico Technology, Inc., regarding property located in Reinvestment Zone No. 24, and

WHEREAS, the Council has determined that all requirements of the guidelines and criteria amended and readopted by Ordinance No. G-06-03-09-8B1 have been complied with, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Tax Abatement Agreement with Komico Technology, Inc., a copy of said agreement being attached hereto as Exhibit "A" and incorporated herein.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of June, 2007.

MOTION: Councilmember Honeycutt moved to approve the resolution.

Councilmember Rhode seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Rhode Councilmember Whitfield Mayor Maxwell
	Nays:	None
	Absent:	Mayor Pro-tem McGraw Councilmember Salinas

ACTION: The motion carried unanimously.

11D2. Consider a resolution authorizing the denial of Atmos Energy Corporation's Mid-Tex Division's Gas Reliability Infrastructure Program adjustments for calendar year 2006. David Kautz, Assistant City Manager/CFO made the staff presentation. Two more Gas Reliability Infrastructure Program ("GRIP") filings were made by Atmos Energy on May 31, 2007 to the Railroad Commission of Texas. The filing by Atmos Mid-Tex Division with the City Secretary calls for a monthly increase of: (a) 59 cents for residential customers; (b) \$1.48 for commercial customers and \$28.90 for industrial customers. In that filing Atmos is requesting that an additional \$89 million be placed in its rate base. This is for cost allegedly related to the investment in transmission pipe or pipe which is not included in the Mid-Tex distribution system.

RESOLUTION NO. _____

RESOLUTION OF THE CITY OF ROUND ROCK, TEXAS AUTHORIZING THE DENIAL OF ATMOS ENERGY CORPORATION'S MID-TEX DIVISION'S ("ATMOS MID-TEX") GAS RELIABILITY INFRASTRUCTURE PROGRAM ADJUSTMENTS FOR CALENDAR YEAR 2006; AUTHORIZING PARTICIPATION IN A COALITION OF CITIES KNOWN AS ATMOS TEXAS MUNICIPALITIES ("ATM"); AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE RAILROAD COMMISSION OF TEXAS IN GUD DOCKET NOS. 9734 AND 9726; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, on or about May 31, 2007 Atmos Energy Corporation's Mid-Tex Division ("Atmos Energy") filed an application with the City to increase gas rates for its Gas Reliability Infrastructure Program ("GRIP") for calendar year 2006 pursuant to Section 104.301 of the Gas Utility Regulatory Act ("Act"); and

WHEREAS, Atmos Pipeline-Texas filed at the Railroad Commission for a GRIP adjustment for calendar year 2006; and

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WHEREAS, due to the ratemaking complexity of Section 104.301 of the Act it is therefore necessary to engage the expertise of lawyers and consultants who specialize in ratemaking proceedings before regulatory authorities to assist the City as provided for in Section 103.022 of the Act; and

WHEREAS, given the complexity and the need to carefully review the proposed GRIP adjustment it is necessary to deny the GRIP adjustment in order to allow the City's rate experts sufficient time to determine the merits of Atmos Energy's proposed GRIP adjustment; and

WHEREAS, in order to maximize the efficient use of resources and expertise in reviewing, analyzing and investigating Atmos Energy's request for a GRIP adjustment it makes sense to coordinate the City's efforts with a coalition of similarly situated municipalities; and

WHEREAS, a coalition of municipalities, known as the Atmos Texas Municipalities ("ATM") has been active in gas utility ratemaking proceedings; and

WHEREAS, the City will join with other cities participating in ATM in a steering committee in order to coordinate the hiring and direction of legal counsel and consultants working on behalf of ATM and the City; Now Therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS THAT:

Section 1. That the statements set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. The City hereby denies Atmos Mid-Tex's request for GRIP adjustments for fiscal year 2006, in all respects.

Section 3. The City is authorized to join with other cities in a coalition of cities known as the Atmos Texas Municipalities ("ATM") with the understanding that the steering committee of ATM will provide direction and guidance to the lawyers who are representing said cities.

Section 4. The City employs Jim Boyle, and Alfred Herrera as special counsel to represent the City with regard to the proposed GRIP adjustments of Atmos Energy before local and state regulatory authorities and any court of law and authorizes special counsel to employ such rate experts as are recommended by the ATM Steering Committee.

Section 5. The City authorizes special counsel to intervene on behalf of the City and other members of ATM before the Railroad Commission of Texas in GUD Docket Nos. 9734 and 9726.

Section 6. The City, in coordination with the Steering Committee, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to Atmos Energy for reimbursement.

Section 7. Atmos Energy shall reimburse the City, through the designated representative city of the Steering Committee, for the reasonable costs of attorneys and consultants and expenses related thereto, upon the presentation of invoices reviewed by the Steering Committee.

Section 8. The City Secretary shall notify Atmos Energy of this resolution by sending a copy of same to Ms. Barbara Myers, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1824, Dallas, Texas 75240 and ATM shall be notified by sending a copy of this resolution to Mr. Jim Finley, City Attorney for the City of Longview by fax to (903) 239-5539.

Section 9. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings act, Texas Government Code, Chapter 551.

Section 10. This resolution shall become effective from and after its passage. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of June, 2007.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Honeycutt seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Rhode Councilmember Whitfield Mayor Maxwell
Nays:	None
Absent:	Mayor Pro-tem McGraw Councilmember Salinas

ACTION: The motion carried unanimously.

11D3. Consider a resolution authorizing the Mayor to execute an engagement letter with Brown McCarroll L.L.P. for legal services for Certificate of Convenience and Necessity

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(CCN) issues. Jim Nuse, City Manager made the staff presentation. The City is facing CCN challenges from several utility companies regarding service within our future city limits. Staff researched firms to assist us with the expertise necessary to file application and provide appropriate response to these challenges with the state. The cost of the services is not to exceed \$30,000.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock desires to retain professional legal services to represent the City regarding Certificate of Convenience and Necessity (CCN) issues, and WHEREAS, Brown, McCarroll L.L.P. has submitted an engagement letter to provide said services, and

WHEREAS, the City Council desires to enter into said engagement letter with Brown, McCarroll L.L.P., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City said engagement letter with Brown, McCarroll L.L.P., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of June, 2007.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Rhode Councilmember Whitfield Mayor Maxwell
	Nays:	None
	Absent:	Mayor Pro-tem McGraw Councilmember Salinas

ACTION: The motion carried unanimously.

11E1. Consider a resolution authorizing the Mayor to execute a Memorandum of Agreement with the City of Cedar Park and the City of Leander pursuant to the Interlocal Agreement Regarding Ancillary Consulting Services for Regional Water System for right-of-way acquisition services. Michael D. Thane, Water & Wastewater Utility Director made the staff presentation. These services are for land acquisition for permanent and temporary construction easements for the Trails End raw water pipeline route to deliver Lake Travis Water to the Regional Water Treatment Plant. The cost of the services is \$66,893.89.

RESOLUTION NO. _____

WHEREAS, on February 8, 2007, the City of Round Rock entered into an Interlocal Agreement Regarding Ancillary Consulting Services for Regional Water System ("Agreement") with the City of Cedar Park and the City of Leander ("Parties"), and

WHEREAS, pursuant to the Agreement, the City and Parties wish to enter into a Memorandum of Agreement to approve the Client Additional Services Authorization, dated June 15, 2007, between the Project Consultant and the City of Cedar Park, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Memorandum of Agreement with the City of Cedar Park and the City of Leander, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted

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upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of June, 2007.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Honeycutt seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Rhode Councilmember Whitfield Mayor Maxwell
Nays:	None
Absent:	Mayor Pro-tem McGraw Councilmember Salinas

ACTION: The motion carried unanimously.

APPOINTMENTS:

12A. Consider appointment of an Associate Municipal Court Judge.

This item was addressed earlier in the meeting.

COUNCIL COMMENTS: None

EXECUTIVE SESSIONS:

14A. Consider Executive Session as authorized by §551.071 Government Code, related to pending litigation, to wit: Cause No. 04-0587-CC1 City of Round Rock, Texas vs. Aaron Thomison and Brenda Thomison, regarding the acquisition of 1.051 acres of land and a .175 acre parcel for a waterline easement for the proposed Highway 79 Improvement Project.

The Council recessed to the Executive Chamber for the Executive Session. Mayor Maxwell called the Executive Session to order for this item at 8:51 p.m. and adjourned at 9:10 p.m.

14B. Consider Executive Session as authorized by §551.071 Government Code, related to pending or contemplated litigation, regarding the acquisition of a 1.140 acre parcel of land from Donald Holder for the proposed Red Bud Lane (CR 122) Improvement Project.

Mayor Maxwell called the Executive Session to order for this item 9:11 p.m. and adjourned at 9:25 p.m.

14C. Consider Executive Session as authorized by §551.071 Government Code, related to pending or contemplated litigation, concerning the acquisition of a permanent tunnel wastewater line easement on 2.634 acres and .4609 acres temporary staging and storage easement from Bill and Beverly Johnson Gordon for the McNutt Creek Wastewater Interceptor Project.

Mayor Maxwell called the Executive Session to order for this item at 9:26 p.m. and adjourned at 9:45 p.m.

14D. Consider Executive Session as authorized by §551.072 Government Code, related to the purchase of real property, to wit:

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- 1) Kiphen Road right-of-way from GCLC, Ltd. (Parcel 2)
- 2) Kiphen Road right-of-way from Northpark at Old Settlers, Ltd. (Parcel 3) and
- 3) Kiphen Road right-of-way from Park Central Building Associates, LP, (Parcel 4)

Mayor Maxwell called the Executive Session to order for this item at 9:46 p.m. and adjourned at 9:56 p.m.

ACTION RELATIVE TO EXECUTIVE SESSION:

15A. Consider discussion and/or possible action related to Cause No. 04-0587-CC1 City of Round Rock, Texas vs. Aaron Thomison and Brenda Thomison, regarding the acquisition of 1.051 acres of land and a .175 acre parcel for a waterline easement for the proposed Highway 79 Improvement Project.

MOTION: Councilmember Rhode moved to offer a settlement of \$750,000.

Councilmember Honeycutt seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Rhode Councilmember Whitfield Mayor Maxwell
Nays:	None
Absent:	Mayor Pro-tem McGraw Councilmember Salinas

ACTION: The motion carried unanimously.

15B. Consider discussion and/or action related to pending or contemplated litigation, regarding the acquisition of a 1.140 acre parcel of land from Donald Holder for the proposed Red Bud Lane (CR 122) Improvement Project.

MOTION: Councilmember Rhode moved to offer a settlement of \$85,000.

Councilmember Clifford seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Rhode Councilmember Whitfield
Nays:	Mayor Maxwell
Absent:	Mayor Pro-tem McGraw Councilmember Salinas

ACTION: The motion carried with 4 ayes and 1 nay.

15C. Consider discussion and/or action related to pending or contemplated litigation, concerning the acquisition of a permanent tunnel wastewater line easement on 2.634 acres and .4609 acres temporary staging and storage easement from Bill and Beverly Johnson Gordon for the McNutt Creek Wastewater Interceptor Project.

MOTION: Councilmember Honeycutt moved to offer a settlement of \$75,000.

Councilmember Clifford seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Rhode Councilmember Whitfield Mayor Maxwell
Nays:	None
Absent:	Mayor Pro-tem McGraw Councilmember Salinas

ACTION: The motion carried unanimously.

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15D. Consider discussion and/or action related to the purchase of real property, to wit:

- 1) Kiphen Road right-of-way from GCLC, Ltd. (Parcel 2)
- 2) Kiphen Road right-of-way from Northpark at Old Settlers, Ltd. (Parcel 3)
- 3) Kiphen Road right-of-way from Park Central Building Associates, LP, (Parcel 4)

Steve Sheets, City Attorney outlined the letter from staff regarding the settlement terms offered to the property owners for the acquisition of a portion of right-of-way for the proposed improvements to Kiphen Road.

MOTION: Councilmember Rhode moved to approve staff's recommendation as described in the letter dated June 25, 2007. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Rhode Councilmember Whitfield Mayor Maxwell
	Nays:	None
	Absent:	Mayor Pro-tem McGraw Councilmember Salinas

ACTION: The motion carried unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 10:07 p.m.

Respectfully Submitted,

Christine R. Martinez, City Secretary