

City of Cedar Park
Regular Called Meeting Agenda
City Council Chambers, City Hall Campus
450 Cypress Creek Road Building Four
Cedar Park, Texas
Thursday, May 10, 2012
6:30 P.M.

- A.1 [CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.](#)
- A.2 [Invocation. \(1\)](#)
- A.3 [Posting Of The Colors - Cedar Park Police Department Honor Guard.](#)
- A.4 [Pledges of Allegiance. \(U.S. and Texas\)](#)
- A.5 [Presentation: A Proclamation Recognizing May 13th To May 19th, 2012 As National Police Week 2012.](#)
- A.6 [Presentation: A Proclamation Supporting The Capitol Of Texas Vietnam War Monument.](#)
- A.7 [Presentation: A Proclamation Honoring And Recognizing Harold Dean, Cedar Park Chamber Of Commerce.](#)
- A.8 [Citizens Communications \(Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information\)](#)
- A.9 [Mayor and Council Opening Comments.](#)
- B.1 [Approval Of The City Council Minutes From The Regular Scheduled Meeting Of April 12, 2012.](#)
- B.2 [Approval Of The City Council Minutes From The Special Called Meeting Of April 19, 2012.](#)
- B.3 [Receipt Of Minutes From The Parks And Recreation Board Meeting Of January 9, 2012.](#)
- B.4 [Receipt Of Minutes From The Parks And Recreation Board Meeting Of March 12, 2012.](#)
- C.1 [Second Reading And Approval Of An Ordinance Reducing And Revising The Boundaries Of Reinvestment Zone Number One, City Of Cedar Park, Texas, A Tax Increment Reinvestment Zone Created Pursuant To Chapter 311 Of The Texas Tax Code, As Amended, As Established By City Of Cedar Park, Texas Ordinance No. D-01-12-20-10.B; Approving The Fourth Amendment To The Amended Final Project Plan And Reinvestment Zone Financing Plan.](#)
- C.2 [\(Z-12-003\) Second Reading And Approval Of An Ordinance To Rezone Approximately 4.04 Acres From Single Family Large Lot \(SF\) To Transitional Office-Conditional Overlay \(TO-CO\)](#)

For Property Located At The Southeast Corner Of West Park Street And Lakeline Boulevard. The Conditional Overlay Prohibits Vehicular And Pedestrian Access To Amelia Drive. The Planning And Zoning Commission Voted 6-0 To Approve The Request.

- C.3 (Z-12-004) Second Reading And Approval Of An Ordinance To Rezone Approximately 34.23 Acres Located Near The Northeast Corner Of West Whitestone Boulevard And West New Hope Drive From Development Reserve (DR) And Business District (BD) To Approximately 4.12 Acres Of Local Retail (LR), Approximately 6.29 Acres Of General Retail (GR), Approximately 12.43 Acres Of Light Industrial (LI) And Approximately 11.39 Acres Of Commercial Services-Conditional Overlay (CS-CO). The Planning And Zoning Commission Voted 5-1 To Approve The Request.
- D.1 A Resolution Authorizing A Special Permit To Hold A 5K Run And Bake Sale At Brushy Creek Lake Park.
- D.2 A Resolution Authorizing A Special Permit To Hold A 5K Run At Brushy Creek Lake Park.
- D.3 A Resolution Authorizing And Directing The City Manager To Execute A Contract For Public Affairs Consulting Services With Hillco Partners.
- D.4 A Resolution Amending The Future Land Use Plan For Property Located At The Northeast Corner Of West Whitestone Boulevard and West New Hope Drive From Neighborhood Office/Retail/Commercial And Employment Center To Neighborhood Office/Retail/Commercial, Regional Office/Retail/Commercial And Industrial. The Planning And Zoning Commission Voted 6-0 To Approve This Amendment.
- D.5 A Resolution Authorizing and Directing The City Manager To Apply For The State Farm Safety Grant Program for 2013.
- D.6 A Resolution Authorizing And Directing The City Manager To Execute Agreements With The Texas State Library And Archives Commission And Sirsi-Dynix, Inc. For The Purchase, Installation And Maintenance Of National Information Standards Organization Circulation Interchange Protocol Software To Implement A Interlibrary Loan Service.
- D.7 A Resolution Authorizing And Directing The City Manager To Execute An Agreement With Sirsi-Dynix, Inc For A 7-year Maintenance Plan For The Library's Integrated Library System Software.
- D.8 Authorization To Excuse The Absence Of Mayor Lemon And Councilmember Fuller From The April 26, 2012 Regular Scheduled Meeting.
- E.1 First Reading And Public Hearing Of An Ordinance Allowing Implementation Of The February 10, 2012 Interim Rate Adjustment Filing Pursuant To The Texas Utilities Code Section 104.301 Of Texas Gas Service Company, A Division Of Oneok, Inc.

- E.2 [First Reading And Public Hearing Of An Ordinance Authorizing The Sale Of An Approximately 0.338 Acre Tract Of Land To Williamson-Travis Counties Municipal Utility District No. 1.](#)
- F.0 [Discussion And Possible Action:](#)
- F.1 [Consideration Of The Williamson County Task Force On Salamanders/Endangered Species. \(Dale\)](#)
- F.2 [Consideration Of Providing Former Cedar Park City Councilmembers A Membership To The Texas Association Of Former Municipal Officials \(Moore\)](#)
- G.0 [Executive Session](#)
- G.1 [Section 551.071\(2\) Of The Texas Local Government Code Consultation With City Attorney Concerning Legal Matters For Which He Has A Duty to Discuss As Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.](#)
 - a. Legal Issues Concerning Contract Negotiations For A Property Management Company.
- H.0 [Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session](#)
- H.1 [Mayor And Council Closing Comments.](#)
- H.2 [Adjournment.](#)



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. A.1
CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. A.2
Invocation. (1)



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. A.3
Posting Of The Colors - Cedar Park Police Department Honor Guard.

Commentary:



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. A.4
Pledges of Allegiance. (U.S. and Texas)



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. A.5

Presentation: A Proclamation Recognizing May 13th To May 19th, 2012 As National Police Week 2012.

Commentary:



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. A.6

Presentation: A Proclamation Supporting The Capitol Of Texas Vietnam War Monument.

Commentary:



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. A.7

Presentation: A Proclamation Honoring And Recognizing Harold Dean, Cedar Park Chamber Of Commerce.

Commentary:



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. A.8
Citizens Communications (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. A.9
Mayor and Council Opening Comments.



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. B.1
Approval Of The City Council Minutes From The Regular Scheduled Meeting Of April 12, 2012.

Commentary:

MINUTES

CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD

THURSDAY, APRIL 12, 2012 AT 6:30 P.M.

Mayor Bob Lemon
VACANT, Council Place One
Mitch Fuller, Council Place Two
Scott Mitchell, Council Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Council Place Five
Don Tracy, Council Place Six
Brenda Eivens, City Manager

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- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:32 p.m.
Place One vacant, all others present.
- A.2 Invocation. (5)
Invocation given by Councilmember Dale.
- A.3 Pledges of Allegiance (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: A Proclamation Recognizing National Public Safety Telecommunications Week 2012.
Mayor Lemon read and presented a Proclamation recognizing National Public Safety Telecommunications Week 2012 to representatives of the Cedar Park Police Department.
- A.5 Presentation: A Proclamation Recognizing National Crime Victims' Rights Week 2012.
Mayor Lemon read and presented a Proclamation recognizing National Crime Victims' Rights Week 2012 to representatives of the Cedar Park Police Department.
- A.6 Presentation: A Proclamation Recognizing National Animal Control Appreciation Week 2012.
Mayor Lemon read and presented a Proclamation recognizing National Animal Control Appreciation Week 2012 to representatives of the Cedar Park Police Department.
- A.7 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Gillis Bartles addressed Council regarding the support for the renaming of Creekside Park to honor his late wife, Janet Bartles.
- JoAnne Smith, Lago Vista, addressed Council regarding safety concerns with 183A and RM1431 and prohibiting u-turns.**

Maria Talamo addressed Council regarding the Arts Advisory Board and the funding sources and methodology.

- A.8 Mayor and Council Opening Comments.
Mayor Lemon commented on the Heritage Festival event.

Councilmember Tracy commented on speaking to Leander ISD students about employment and jobs.

Councilmember Dale acknowledged Boy Scout Troop 271 in attendance at the meeting. He also commented on the ribbon cutting for Brushy Creek Road East, and thanked the Chamber of Commerce for the recent candidate forum. He requested a future agenda item for the April 19th special called meeting to appoint Stephen Thomas to Place One and Swearing In Ceremony.

Mayor Pro Tem Moore commented on the ribbon cutting for Brushy Creek Road East.

Councilmember Mitchell requested a future agenda item for appointment to Place Three on the Planning and Zoning Commission. He also commented on May being Older Americans Month.

Councilmember Fuller commented on the Chamber of Commerce Barbeque Cook-Off Event, and thanked Applebee's for their assistance with funding raising for the Veterans Memorial and American Legion Post 911. He would like a Proclamation to honor their support of Veteran issues and programs in Cedar Park.

Mayor Lemon commented on this being the last meeting at the library before moving to the new Council Chambers.

- A.9 City Manager Report: Employee Recognition For Service With The City Of Cedar Park.
a. April Christiansen, Court Administrator - Five Years Of Service.
Josh Selleck, Interim Assistant City Manager, presented April Christiansen with a plaque for five years of service with the City.
b. Tim Dean, Recreation Manager - Parks And Recreation, Fifteen Years Of Service.
Curt Randa, Parks and Recreation Director, presented Tim Dean with a plaque for fifteen years of service with the City.
- A.10 City Manager Report: Update For the Ribbon Cutting And Dedication Ceremony For the City Hall Campus - Katherine Woerner, Director of Community Affairs.
Katherine Woerner, Director of Community Affairs, updated Council on events planned for the City Hall Campus ribbon cutting and dedication. The events will be on April 19th beginning at 6:00 p.m.
- A.11 City Manager Report: Update On The Keen On Clean Citywide Clean Up Event - Nanette McCartan, Utility Billing Supervisor.

Nanette McCartan, Utility Billing Supervisor, provided information on the city-wide clean up event to be held on Saturday, April 28th at Gupton Stadium.

- A.12 City Manager Report: Review Of The January Monthly Financial Report.
Joseph Gonzales, Interim Finance Director, presented the January Monthly Financial 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.

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

Movant: Mayor Pro Tem Moore

Second: Councilmember Tracy

Vote: 6:0 with Place One vacant

- B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of February 23, 2012.
Approved under the Consent Agenda.
- B.2 Approval Of City Council Minutes From The Special Called Meeting Of February 29, 2012.
Approved under the Consent Agenda.
- B.3 Approval Of City Council Minutes From The Regular Scheduled Meeting Of March 8, 2012.
Approved under the Consent Agenda.
- B.4 Receipt Of Minutes From The Cedar Park Economic Development Corporation ("4A") Meeting Of January 23, 2012.
Received under the Consent Agenda.
- C.1 Second Reading And Approval Of An Ordinance Suspending The Implementation Of The Interim Rate Adjustment Under Section 104.301 Of The Texas Utilities Code By Texas Gas Service Company.
Approved under the Consent Agenda.

Ordinance Number G47.12.04.12.C1

- C.2 (OA-12-003) Second Reading And Approval Of An Ordinance Amending Chapter 11 Zoning, Article 11.12 Definitions, Chapter 14 Site Development Ordinance, Section 14.07.007 Fencing Requirements-Residential, Section 14.07.008 Fencing Requirements-Non-Residential, And Section 14.12.001 General Definitions To Add Further Regulations Regarding Residential And Non-Residential Fence Requirements. **The Planning And Zoning Commission Voted 7-0 To Approve The Amendment.**

Approved under the Consent Agenda.

Ordinance Number CO48.12.04.12.C2

- D.1 A Resolution Authorizing A Special Permit To Hold A 5K Run And Fitness Festival At Veterans Memorial Park.
Approved under the Consent Agenda.

Resolution Number R95.12.04.12.D1

- D.2 A Resolution Authorizing A Special Permit To Hold A Duathlon Race At Brushy Creek Sports Park.
Approved under the Consent Agenda.

Resolution Number R96.12.04.12.D2

- D.3 A Resolution Authorizing And Directing The City Manager To Execute A License Agreement With the Capital Metropolitan Transportation Authority (CapMetro) For City Installation And Maintenance Of A Traffic Signal Conduit Within CapMetro Right-of-Way At The Brushy Creek Road / BMC Drive Intersection.
Approved under the Consent Agenda.

Resolution Number R97.12.04.12.D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute An Election Services Agreement With The Williamson County Elections Department.
Approved under the Consent Agenda.

Resolution Number R98.12.04.12.D4

- D.5 A Resolution Authorizing And Directing The City Manager To Execute A Joint Election Agreement Between The City Of Cedar Park, Williamson County Elections Department And Participating Entities For General And Special Elections.
Approved under the Consent Agenda.

Resolution Number R99.12.04.12.D5

- D.6 A Resolution Authorizing and Directing The City Manager To Apply For The Capital Area Council of Governments ("CAPCOG") Regional Solid Waste Grant Program for 2013.
Approved under the Consent Agenda.

Resolution Number R100.12.04.12.D6

- D.7 A Resolution Designating Michael Clanton As The Emergency Management Coordinator And James Mallinger As The Assistant Emergency Management Coordinator For The City Of Cedar Park.
Approved under the Consent Agenda.

Resolution Number R101.12.04.12.D7

- D.8 A Resolution Authorizing And Directing The City Manager To Execute A Contract With Herzog Contracting Corporation in the Amount of \$111,800. For The Construction Of A Private Rail Crossing Under The Brushy Creek Road (US 183A To Parmer Lane) Roadway Improvement Project.
Approved under the Consent Agenda.

Resolution Number R102.12.04.12.D8

- D.9 A Resolution Authorizing And Directing The City Manager To Execute An Agreement With The Leander Independent School District ("LISD") To Use The Gupton Stadium Parking Lot For The Fifth Annual Household Hazardous Waste Cleanup On April 28, 2012.
Approved under the Consent Agenda.

Resolution Number R103.12.04.12.D9

- D.10 A Resolution Authorizing And Directing The City Manager To Execute An Agreement With The Lower Colorado River Authority ("LCRA") To Use The Household Hazardous Waste Trailer For The Fifth Annual Household Hazardous Waste Cleanup On April 28, 2012.
Approved under the Consent Agenda.

Resolution Number R104.12.04.12.D10

- D.11 A Resolution Authorizing And Directing The City Manager To Grant An Underground Utility Easement And Execute A Developer Service Agreement With Pedernales Electric Cooperative To Provide Underground Electrical Service To The Field Operations Expansion Project.
Approved under the Consent Agenda.

Resolution Number R105.12.04.12.D11

- D.12 Authorization To Excuse The Absence Of Mayor Pro Tem Lowell Moore From The March 22, 2012 Regular Scheduled Meeting.
Approved under the Consent Agenda.

PUBLIC HEARINGS

- E.0 First Reading And Public Hearing: No Items For Consideration.

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:

- F.1 Review And Update Of The Comprehensive Plan Request For Qualification And Process.
Rawls Howard, Planning and Development Services Director, addressed Council regarding updating the Comprehensive Plan.

General discussion followed regarding the process to be used, Council representation on the Selection Committee, and the Steering Committee and process.

Mayor Pro Tem Moore commented on the original Comprehensive Plan and the process to utilize citizens' comments and input thru the use of charrettes.

Mayor Lemon stated the first Comprehensive Plan was very important to guide the growth of the City. This update is even more important with the City almost being fully built out.

No action taken.

- F.2 (OA-11-010) Consideration For The Second Reading And Approval Of An Ordinance Amending Chapter 11 Zoning Ordinance, Article 11.02 Zoning Districts And Regulations, Division 33 Corridor Overlay Regarding Permitted Uses In The Corridor Overlay. **The Planning And Zoning Commission Voted 6-1 To Approve The Amendment.**

Rawls Howard, Planning and Development Services Director, stated from Council's discussion on this item from the March 22nd meeting, staff is recommending this item be withdrawn pending the adoption of the City's new Comprehensive Plan.

Motion to withdraw Agenda Item F.2.

Movant: Councilmember Dale

Second: Councilmember Fuller

Vote: 6:0 with Place One Vacant

- F.3 (OA-11-009) Consideration For The Second Reading And Approval Of An Ordinance Amending Chapter 11 Zoning Ordinance, Article 11.02 Zoning Districts And Regulations; Article 11.03 Height, Setback And Lot Requirements For All Districts; And Article 11.12 Definitions; And Adding Article 11.05 Architectural Design Standards Regarding Amendments And Additions Relating To Masonry Construction Requirements. **The Planning And Zoning Commission Voted 4-3 To Recommend Approval Of The Proposed Amendments With The Exception Of The Increased Masonry Requirements In The Residential Districts.**

Rawls Howard, Planning and Development Services Director, addressed Council regarding the proposed amendments to the Masonry Construction Requirements. From the March 22nd Council meeting there were concerns regarding the requirements for 2 masonry materials on a structure were expressed and the direction to remove this standard. Staff has removed that language from the proposed ordinance. Additionally, whereas staff had an original recommendation going into the process, staff is also equally supportive of P&Z's recommendation as it keeps in-line with the "no net decrease" position staff held at the beginning of the discussions.

Mayor Lemon allowed Public Comment:

Leila Wurst encouraged Council to support the increase for masonry standards.

Harry Savio, Home Builders Association, addressed consumer choice and stated there are no provisions for grandfathering. He supports no change to the current ordinance.

General discussion followed:

Mayor Lemon supports the higher standard. This is not just an aesthetic issue but also a safety issue. He commented on the fire at Middle Brook Apartments and the dangers of vinyl siding.

Councilmember Tracy addressed grandfathering for existing residential areas, and on the lack of requirements for the secondary masonry.

Mayor Pro Tem Moore inquired if there was a specific issue driving the proposed amendments.

Councilmember Dale stated he agrees with the Mayor and is also not interested in two types of masonry. He supports the Planning and Zoning recommendation.

Councilmember Tracy inquired about the market driven concept and spec homes. Homes could possibly be built below that standard.

Mayor Pro Tem asked for masonry to be defined.

Councilmember Fuller state he would support 75% for single family residential.

Motion to approve Agenda F.3 as recommended by the Planning and Zoning Commission with the change of not requiring two types of masonry.

Movant: Councilmember Dale

Second Councilmember Mitchell

Vote: 5:1 with Councilmember Fuller voting against and Place One vacant.

Ordinance Number CO49.12.04.12.F3

- F.4 Update On The City Website Project - Jennie Huerta, Media Relations Manager.
Jennie Huerta, Media Relations Manager, provided Council with the updated City Website.**

General discussion followed on the features, possible changes and corrections.

- F.5 Consideration Of Recognition Of Prior Council Members. (Moore)
Mayor Pro Tem Moore requested this item in relation to the TML conference he attended.**

He stated there are a number of people who have served and the volume of talent could be a valuable resource. He said there is a TML affiliate of former mayors and councilmembers and inquired if the City Council would consider funding the membership fee. Also, there could be the possibility of attendance at the TML annual conference.

General discussion followed for the support of this by Council.

- F.6 Consideration Of Appointing A Council Representative To Attend The International Council For Shopping Centers Conference As A City Representative For The Purposes Of Promoting Economic Development In Cedar Park. (Fuller)

Councilmember Fuller requested this item and addressed the importance of the Conference. He would like to attend this year.

Phil Brewer, Economic Development Director, stated a small group comprised of a Council Representative, City Manager and himself attend the Conference. There is very limited meeting space.

Motion to appoint Councilmember Fuller as the Council Representative.

Movant: Mayor Lemon

Second: Councilmember Mitchell

Vote: 6:0 with Place One vacant

- F.7 Consideration For The Renaming Of Creekside Park To Janet Bartles Park. (Moore)
Agenda Item F.7 called after the Consent Agenda.

Mayor Pro Tem Moore addressed Council regarding his request to rename the park to Janet Bartles Park.

Curt Randa, Parks and Recreation Director, addressed the renaming and the placement of a memorial monument. The Parks and Recreation Board did vote in favor of the name change.

General discussion followed on Janet Bartles dedication to the City and her many accomplishments.

Motion to rename Creekside Park to Janet Bartles Park.

Movant: Mayor Pro Tem Moore

Second: Councilmember Mitchell

Vote: 6:0 with Place One vacant

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 8:30 p.m.

- G.0 Executive Session
- G.1 Section 551.071(2) Of The Texas Local Government Code Consultation With City Attorney Concerning Legal Matters For Which He Has A Duty to Discuss As Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
 - a. Legal Issues Concerning Fire Protection Services In The City's Extra Territorial Jurisdiction ("ETJ").
 - b. Legal Issues Concerning Zoning Laws.
 - c. Legal Issues Concerning Agreements For The Water Park Project.
- G.2 Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property
 - a. Legal Issues Concerning The Lease Of Rental Space At The City Hall Campus.
- G.3 Section 551.087 Deliberation Regarding Economic Development Negotiations
 - a. Legal Issues Regarding An Economic Development Agreement For A Major Retail Development.

The Council Reconvenes into General Session.

OPEN MEETING

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

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

Council reconvened from Executive Session into Open Meeting at 10:07 p.m.

Motion to authorize and direct the City Manager to execute a lease agreement with Timberland Medical Group for 450 Cypress Creek Road, Building Five pending final approval of the City Attorney.

Movant: Councilmember Mitchell

Second: Mayor Pro Tem Moore

Vote: 6:0 with Place One vacant

- H.1 Mayor And Council Closing Comments.
Councilmember Fuller stated he would not be able to attend the April 26th meeting in the new Council Chambers.
- H.2 Adjournment.
Mayor Lemon adjourned the meeting at 10:09 p.m.

PASSED AND APPROVED THIS 10TH DAY OF MAY, 2012.

Robert S. Lemon, Mayor

ATTEST:

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



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. B.2
Approval Of The City Council Minutes From The Special Called Meeting Of April 19, 2012.

Commentary:

MINUTES

**CITY OF CEDAR PARK
SPECIAL CALLED CITY COUNCIL MEETING
DEDICATION CEREMONY FOR THE CITY HAL CAMPUS
CEDAR PARK CITY HALL, 450 CYPRESS CREEK ROAD, BUILDING FOUR**

THURSDAY, APRIL 19, 2012 AT 6:00 P.M.

Mayor Bob Lemon
VACANT, Council Place One
Mitch Fuller, Council Place Two
Scott Mitchell, Council Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Council Place Five
Don Tracy, Council Place Six
Brenda Eivens, City Manager

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1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Pro Tem Moore called the meeting to order at 6:10 p.m.
Mayor Lemon absent and Place One vacant. All others present.
 2. Posting Of The Colors – Cedar Park Police Department Honor Guard.
The Cedar Park Police Department Honor Guard posted the colors.
 3. National Anthem – Cedar Park High School Choir.
Representatives from the Cedar Park High School Choir sang the National Anthem.
 4. Pledges of Allegiance (U.S. and Texas) Girl Scout Brownie Troop #854.
Girl Scout Brownie Troop #854 led the Council and audience in the Pledges of Allegiance.
 5. Consideration To Appoint Stephen Thomas To Council Place One.
Motion to appoint Stephen Thomas to Council Place One.

Movant: Councilmember Dale
Second: Councilmember Tracy
Vote: 5:0 with Mayor Lemon absent and Place One vacant
 6. Swearing In Of Appointed Council Place One, Stephen Thomas.
Councilmember Thomas was sworn in by Justice Pemberton, Third Court of Appeals.
 7. Installation Of Council Place One On Dais.
Councilmember Thomas was installed on the dais.
 8. Invocations And Blessing Of The Council Chambers.
The following representatives from the faith community provided invocations and blessings for the new Council Chambers.
Rabbi Marie Betcher – Shir Ami Congregation

**Kathleen Ellis – Live Oak Unitarian
William Wilson – Breath of Praise Church
Priest Ganti and Craig Edwards – Sri Shirdi Sai Baba Temple
Lance Bance – Church of the Hills
Mitch Friedman – The Journey Bible Fellowship
Doug James – Hill Country Bible Church
Paul Mason – Celebration Church
David Richardson – Victory Baptist**

9. Welcome And Recognition Of Project Contributors.

Mayor Pro Tem Moore welcomed everyone and recognized the many project contributors who assisted with the City Hall Campus. He read a letter from Mayor Lemon.

10. Presentation Of Proclamations.

a. Representative From U.S. Congressman John Carter's Office.

A Proclamation from U.S. Congressman Carter was read and presented to the City.

b. Received From Governor Rick Perry.

A Proclamation from Governor Rick Perry was read and presented to the City.

11. Mayor And Council Comments.

Council commented on the new City Hall Campus and its impact to the City and its citizens.

12. Adjournment.

Mayor Pro Tem Moore adjourned the meeting at 7:03 p.m.

PASSED AND APPROVED THIS 10TH DAY OF MAY, 2012.

Robert S. Lemon, Mayor

ATTEST:

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



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. B.3
Receipt Of Minutes From The Parks And Recreation Board Meeting Of January 9, 2012.

Commentary:



CEDAR PARK

CITY OF CEDAR PARK Parks and Recreation Advisory Board PARKS & RECREATION ADVISORY BOARD MINUTES January 9, 2012

Place 6: Jesse Holguin/Chair
Place 1: Gail Lindholm
Place 2: Scott Rodgers
Place 3: Mary Caputo

Place 4: David Powers
Place 5: John Greeley
Place 7: Janet Bartles
Director: Curt Randa

1. Call to Order/Quorum Determined/Meeting Declared Open:

Meeting called to order by Jesse at 6:31pm.
Janet Bartles was absent. All other members were present.

2. Consider Approval of December 12, 2011 Regular-Called Parks and Recreation Advisory Board Minutes:

A motion to approve the December 12, 2011 Regular-Called Parks and Recreation Advisory Board minutes was made by Scott, and seconded by David. Motion passed unanimously.

3. Citizens Communications:

None

4. Director's Report - Curt Randa:

a. Update on the Christmas tree recycling event held on January 7th.

Curt showed photos of the tree recycling event; over 400 participated. Streets department, community services, and the local boy scouts helped make this event one of the most successful. The mulch from the tree recycling will be distributed to the community garden and Buttercup cave preserve. The first 200 customers received either a Crepe Myrtle or white Oak seedling.

5. Discussion and possible action:

a. Consideration of a funding request to the 4B Community Development Corporation for a replacement playground at Buttercup Creek Neighborhood Park:

Curt presented: On a list of 3 projects for 2012, Buttercup Creek playground is the second to request funding from 4B. Buttercup Creek playground is 14 years old. Staff is requesting \$100k for the playground and also outdoor fitness equipment. Curt showed photos of the playground equipment and Scott asked if we will replace the existing fall surface. Curt said that the bid includes engineered wood fiber. Gail asked if the HOA commented and what will we do with the old playground components. Curt mentioned that no comments were received from the HOA. We plan on recycling as much as possible, and the non-recyclable items will be disposed accordingly. Scott asked if we thought about reusing the pea gravel in other locations in Cedar Park. Curt said we reuse old pea gravel at Brushy Creek canoe launch beach area and on trails.

A motion to support the request for funding to the 4B Community Development Corporation for a replacement playground at Buttercup Creek Neighborhood Park was made by Gail, and seconded by Scott. Motion passed unanimously.

b. Consideration of a funding request to the 4B Community Development Corporation for a shade canopy at the Elizabeth Milburn Park basketball court.

Curt showed a presentation of some basketball court shade options. In addition to providing protection from sun and light rain, it would increase the court usage, provide multi-purpose usage for concerts, events and possibly rentals. Curt showed current pictures of the basketball court and a sketch of the proposed shade structure. Curt showed similar shade structures from Twin Creeks YMCA, Champion

Park, Veterans Memorial and Milburn pools. We will try to fit the color of the shade to match the other park amenities. Gail asked if the poles would have padding to prevent injuries. Curt said that we are leaving a contingency to allow for unforeseen costs. The plan doesn't include lighting, but park staff will look into the cost of adding lights. Gail can see it being used for fit classes such as Yoga. Scott asked if we can resurface the court with poles in the way. Curt asked staff to get an estimate on patching the cracked surface. Park staff will request \$75k and the bid is at \$69.

A motion to support the request for funding to the 4B Community Development Corporation for a shade canopy at the Elizabeth Milburn Park basketball court was made by David and seconded by Mary. Motion passed unanimously.

6. Closing Comments:

Gail noticed invasive bamboo; Curt asked Gail to provide Park staff with the location.

David met with the Science Center committee and Concordia University representatives; email David with any questions about the project.

Gail mentioned that the City of Austin started to charge instructors to use outdoor space and wanted to know if we thought about doing that. Curt said we have contracts with current fitness groups that teach in our parks. Scott wants to make sure we monitor activities to prevent Austin contractor from teaching classes in Cedar Park without a contract. Gail asked if we could add that a contract is needed to teach in our parks. And would like the information added to the new website. She was concerned about the City's liability and being fair to everyone. David asked if we have any signage regarding fitness instructors teaching in our parks. Curt said we might add it to the Parks rules.

7. Upcoming Meeting Dates:

- a. Regular-called Meeting of the Parks and Recreation Advisory Board to be held on February 13, 2012 at 6:30 pm at the Library meeting room in the Cedar Park Public Library.

8. Adjournment:

Motion to adjourn this meeting was made by David, and seconded by Gail. Motion passed unanimously at 7:12 PM.

Minutes passed and approved on the 12 day of March, 2012.



Jesse Holguin, Chairman





CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. B.4
Receipt Of Minutes From The Parks And Recreation Board Meeting Of March 12, 2012.

Commentary:



CEDAR PARK

CITY OF CEDAR PARK Parks and Recreation Advisory Board PARKS & RECREATION ADVISORY BOARD MINUTES March 12, 2012

Place 6: Jesse Holguin/Chair
Place 1: Gail Lindholm
Place 2: Scott Rodgers
Place 3: Mary Caputo

Place 4: David Powers
Place 5: John Greeley
Place 7: Vacant
Director: Curt Randa

1. Call to Order/Quorum Determined/Meeting Declared Open:

Meeting called to order by Vice-Chair Mary Caputo at 6:38 pm. All other members were present. Mary requested a moment of silence for Janet Bartles who served from 1998-2002 as City Council member, from 2006-2012 as Parks Board member; Veterans Memorial Park is one of her legacies that will live on.

2. Consider Approval of March 12, 2012 Regular-Called Parks and Recreation Advisory Board Minutes:

A motion to approve the March 12, 2012 Regular-Called Parks and Recreation Advisory Board minutes was made by David Powers, and seconded by Scott Rodgers. Motion passed unanimously.

3. Citizens Communications:

None

4. Director's Report - Curt Randa:

a. Update on the upcoming Parks and Recreation spring events to be held at Milburn Park including:

- i) Movies in the Park: There are 3 upcoming movies, Zookeeper on 3/23, Kung Fu Panda on 4/6, and Hop on 4/20. All movies begin around 8pm at Milburn Park. Free admission.
- ii) Heritage Festival will be held on 4/14 at 4pm. Free admission.
- iii) Spring Egg-Stravaganza will be held at Milburn Park on 4/1 2pm, with over 79,000 eggs, candies and prizes. Free admission
- iv) Concert in the park: On 5/4 at 7pm, Radio Star is coming back. Last year, the event brought in about 1,000 people. Free admission

For questions call the event hot line 401-5888, the Parks office 401-5500, our website, or cedarparkfun.com. If anyone is interested in volunteering, please call our Parks office.

5. Discussion and possible action:

a. Consideration of a recommendation to the Cedar Park City Council regarding the approval of the Parkwest Estates Subdivision Parkland Dedication proposal:

Parkwest Estates Subdivision is located in the center of town, at Park Street and 183. There are several parks within one mile radius of that subdivision; Buttercup Creek Natural Area, Prize Oaks Park, Park Place Park, and Quest Village Park. Staff is requesting cash-in-lieu. Currently, Parkwest Estates is going through final platting and site plan review. Since parkland would only be approximately 1.8 acres for 77 plats, cash-in-lieu would be a better option. The fee would be \$55,440 and it would be best used towards a larger park. The current required amount per lot is \$720.

Scott asked how large the lots were: Curt said they are about 85 feet. Jesse Holguin asked what the closest park distance was from the subdivision: Curt said that Buttercup Creek Natural Park, a 12-13 acre park is about ¼ mile from the subdivision. Scott asked when were the park development fees last revised. Curt said the fees were last revised on January 24, 2002, ten years ago. Scott would like to consider revisions. Mary asked if

Buttercup Creek Natural Area has street access. Scott asked if staff could have an executive session to discuss parkland acquisition. Robbie Chapman, Cedar Park Attorney suggested to do a work session once the Parks Board open seat is filled. Gail Lindholm asked if we get a more detailed plan, will Parks Board have to review this item. Curt said only if there are changes to be made. Jesse said staff may want to wait for revised park development fees. Scott said recommended approval because it may take too long to wait for the revised fees.

Mary made a motion to recommend that Cedar Park City Council consider approval of the Parkwest Estates Subdivision Parkland Dedication proposal; Scott seconded. Motion passed unanimously.

- b. Consideration of a recommendation to the Cedar Park City Council regarding the approval of the Reserve at Brushy Creek Subdivision Parkland Dedication proposal: Item pulled
- c. Consideration of a recommendation to the Cedar park City Council regarding the location of a Community Garden site.

There isn't room for expansion at the current Milburn Park garden site. A second garden location should be in a Community Park. BCLP doesn't have water. BCSP, a 54 acre park mostly taken by sports fields and no irrigation. Veterans Memorial Park has irrigation and sun. Curt asked for open discussion from Parks Board, Park staff will put together a rendering and cost estimates. Staff is considering a 40 plot garden with room for expansion. Scott likes Veterans Memorial Park; it is shielded and far enough away from the Memorial. Jesse wanted to know if there would be any regulations. Curt said that patrons would be allowed 1 plot per person and offered to City residents first. Scott asked if it is fairly easy to get water to the site. David asked if the City have a policy in place in case the plot is not maintained. Gail wanted to know if staff knew the geographical location of the people on the waiting list. Scott asked if there are other locations with easier access to water. Curt said that the demand is there, and this is a first step to look at the feasibility.

- d. Consideration of a recommendation to the Cedar Park City Council regarding the establishment of a Community Parks Foundation:

Staff is looking for feedback from Parks Board: The City currently does not have a Parks Foundation. The Austin Parks Foundation was established in 1992; the Dallas Parks Foundation was established in 2004. Parks Department has a program called Adopt-a-Park. Austin Parks Foundation offers grants to improve local parks. A Foundation might help with the Parkland Dedication funds. It would have to be non-profit, and would work along side with Parks and Recreation Department. Jesse asked what the driving force was. Gail asked if donations were tax deductible. David said it would be a good opportunity for more funding. Mary said that Dallas' Mission Statement uses the word "recover" so they must be recovering from economic loss. John Greeley said it would take some buy-in. In Austin, the clean up projects provide the tools to help after storms; he said it is a great idea but would not be as substantial as Austin. Scott said that as funding gets tight, this would be an option. John said that a group of people may want to spear-head the program. Curt said that Park staff takes advantage of volunteers wanting to give back and want to clean up parks. Curt is asking the Board if Park staff should start looking into this program. Gail said it takes buy-in, and since our park system is young, that it might be a good opportunity. Mary asked if the City would use part of the budget to start this foundation. Jesse said that Park staff needs to investigate. Mary said the library has a Foundation. Gail said the Foundation could have the opportunity to contribute and volunteer. Gail mentioned that in Irving, staff would have a project round up. The City of Burnett built their Recreation Center with several groups similar to the Foundation. Gail is happy to work on this. Curt said to send him questions and will put together a report.

6. Closing Comments:

David thanked Mary for her opening comments and would like to organize a Memorial for Janet Bartles. Gail said she will check with City Council to see if they have made arrangements. Mary wanted to encourage everyone to go to the Concert in the Park. Jesse looked at videos of his little girl that went to her first concert last year. She is ready for this year. Mary said her grandson will do his 1st Easter Egg hunt and looks forward to the Egg-Stravaganza.

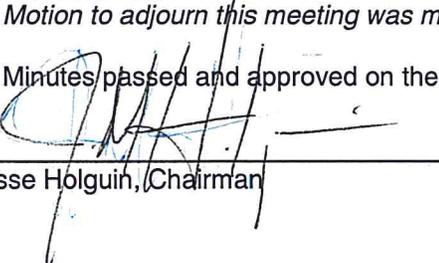
7. Upcoming Meeting Dates:

- a. Regular-called Meeting of the Parks and Recreation Advisory Board to be held on April 9, 2012 at 6:30 pm at the Library meeting room in the Cedar Park Public Library.

8. Adjournment:

Motion to adjourn this meeting was made by David, and seconded by Mary. Motion passed unanimously at 7:47 PM.

Minutes passed and approved on the 9th day of April, 2012.



Jesse Holguin, Chairman



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. C.1
Second Reading And Approval Of An Ordinance Reducing And Revising The Boundaries Of Reinvestment Zone Number One, City Of Cedar Park, Texas, A Tax Increment Reinvestment Zone Created Pursuant To Chapter 311 Of The Texas Tax Code, As Amended, As Established By City Of Cedar Park, Texas Ordinance No. D-01-12-20-10.B; Approving The Fourth Amendment To The Amended Final Project Plan And Reinvestment Zone Financing Plan.

Commentary:

Reinvestment Zone Number One, City of Cedar Park, Texas was created on December 20, 2001 by Ordinance No. D-01-12-20-10B in accordance with the Tax Increment Financing Act in Chapter 311 of the Texas Tax Code. The original boundary of the Zone included approximately 479 acres of land. In 2006 the zone boundaries were amended by Ordinance No. D17-06-03-23-3A by removing 8.429 acres to facilitate an economic development agreement with Triad Hospitals, Inc. for construction of a 250,000 square foot acute care hospital. The second amendment to the amended final project plan and reinvestment zone financing plan was also approved at that time by the Zone board of directors and City Council as required by the Tax Code.

In September of 2011 the Zone was again amended by Ordinance D47.11.09.08.C7 by removing 207 acres and a third amendment to the amended final project plan and reinvestment zone financing plan was also approved at that time by the Zone board of directors and City Council as required by the Tax Code.

This Ordinance will further reduce the boundaries of the zone by 42.86 acres resulting in a revised zone boundary of approximately 221 acres (see Exhibit A of Ordinance) and will approve the fourth amendment to the amended final project plan and reinvestment zone financing plan as required by the Chapter 311 of the Texas Tax Code.

The boundary revisions done in September 2011 and by this ordinance are the result of provisions in a development agreement between Cedar Park, V-S Cedar Park, Ltd., and Continental Homes (D.R. Horton) which required V-S Cedar Park to develop at least \$50 million in taxable assessed value of non-residential improvements within the downtown district of the Zone by January 1, 2010. The non-residential development was not completed within the required time frame and as a result the City is exercising actions authorized in the agreement which allow for revising the boundaries of the Zone. The Texas Tax Code requires that the boundary revisions be made by Ordinance including a public hearing.

Director

City Manager's Remarks

City Manager

Fiscal Impact
Account No.:

Budget
Budget/Expended:

Finance Director Review

Legal Certification

Approved as to form and content:

Yes

No **City Attorney**

Associated Information: Ordinance Attached

ORDINANCE NO. _____

AN ORDINANCE REDUCING AND REVISING THE BOUNDARIES OF REINVESTMENT ZONE NUMBER ONE, CITY OF CEDAR PARK, TEXAS, A TAX INCREMENT REINVESTMENT ZONE CREATED PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, AS AMENDED, AS ESTABLISHED BY CITY OF CEDAR PARK, TEXAS ORDINANCE NO. D-01-12-20-10.B; APPROVING THE FOURTH AMENDMENT TO AMENDED FINAL PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN; PROVIDING FOR SEVERABILITY AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

WHEREAS, Reinvestment Zone Number One, City of Cedar Park, Texas (the “Zone”) is a tax increment reinvestment zone designated as such and created by the City of Cedar Park (the “City”) on December 20, 2001, Ordinance No. D-01-12-20-10B (the “TIRZ Ordinance”), pursuant to the Tax Increment Financing Act, as codified in Chapter 311 of the Texas Tax Code (the “Act”).

WHEREAS, the original boundary of the Zone included approximately 479 acres of land and is located entirely in Williamson County (the “County”) and within the corporate limits of the City, and

WHEREAS, in 2006 the Zone boundaries were amended by Ordinance No. D17-06-03-23-3A by removing 8.429 acres to facilitate an economic development agreement with Triad Hospitals, Inc. for construction of a 250,000 square foot acute care hospital, and

WHEREAS, in September of 2011 the Zone boundaries were amended by Ordinance D47.11.09.08.C7 by removing 207 acres pursuant to provisions contained in a development agreement between Cedar Park, V-S Cedar Park, Ltd., and Continental Homes related to development within the Zone, and

WHEREAS, This Ordinance will further reduce the boundaries of the zone by 42.86 acres resulting in a revised zone boundary of approximately 221 acres and will approve the fourth amendment to the amended final project plan and reinvestment zone financing plan as required by the Chapter 311 of the Texas Tax Code.

WHEREAS, the September 2011 Zone boundary revisions and the revisions being done pursuant to this ordinance are a result of the failure of the Developer of the Zone to develop at least \$50 million in taxable assessed value of non-residential improvements within the downtown district of the zone by January 1, 2010 as required pursuant to a Development Agreement between the City and the Developer, and

WHEREAS, The Development Agreement contains provisions allowing the City to take certain actions in the event of the failure of the Developer to develop the non-residential improvements by January 1, 2010 including but not limited to revising the boundaries of the Zone, and

WHEREAS, a notice of the April 26, 2012 public hearing on the reduction of the Zone boundaries was published on April 11, 2012, in the Cedar Park Citizen, a newspaper of general circulation in the City, as required pursuant to Chapter 311 of the Texas Tax Code, and

WHEREAS, at the public hearing on April 26, 2012, interested persons were allowed to speak for or against the reduction of the zone boundaries to remove said 42.86 acres from the Zone as required pursuant to Chapter 311 of the Texas Tax Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1: That the boundaries of the Zone are hereby reduced by approximately 42.86 acres and the revised boundaries being approximately 221 acres are more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein and the areas removed from the Zone are hereby released from the Zone and from all restrictions, burdens, and servitudes associated with and/or arising from the Zone and the TIRZ Ordinance.

SECTION 2: That the Fourth Amendment to Amended Final Project Plan And Reinvestment Zone Financing Plan in Exhibit "B", a copy of which has been presented to and reviewed by the City Council, as approved and adopted by the Board of Directors of the Zone, is hereby approved as required by and pursuant to Section 311.011 of the Texas Tax Code.

SECTION 3: That the Fourth Amendment to Amended Final Project Plan And Reinvestment Zone Financing Plan hereby replaces in its entirety the Third Amendment To The Amended Final Project Plan And Reinvestment Zone Financing Plan and all amendments thereto.

SECTION 4: It is hereby found, determined, and declared that a sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding its meeting, as required by the Open Meetings Law, Texas Government Code, Ch. 551, and such notice was published and posted as required by the Tax Increment Financing Act, Texas Tax Code, Ch. 311, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and posting and publication thereof.

SECTION 5: If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portion of this Ordinance or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Cedar Park in adopting this Ordinance that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

SECTION 6: This Ordinance shall be published according to law and shall be and remain in full force and effect from and after the date of publication

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 26th day of April, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, *et seq.*, of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the ___ day of May, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, *et seq.*, of the Government Code.

APPROVED this ___ day of May, 2012.

Robert S. Lemon, Mayor

ATTEST:

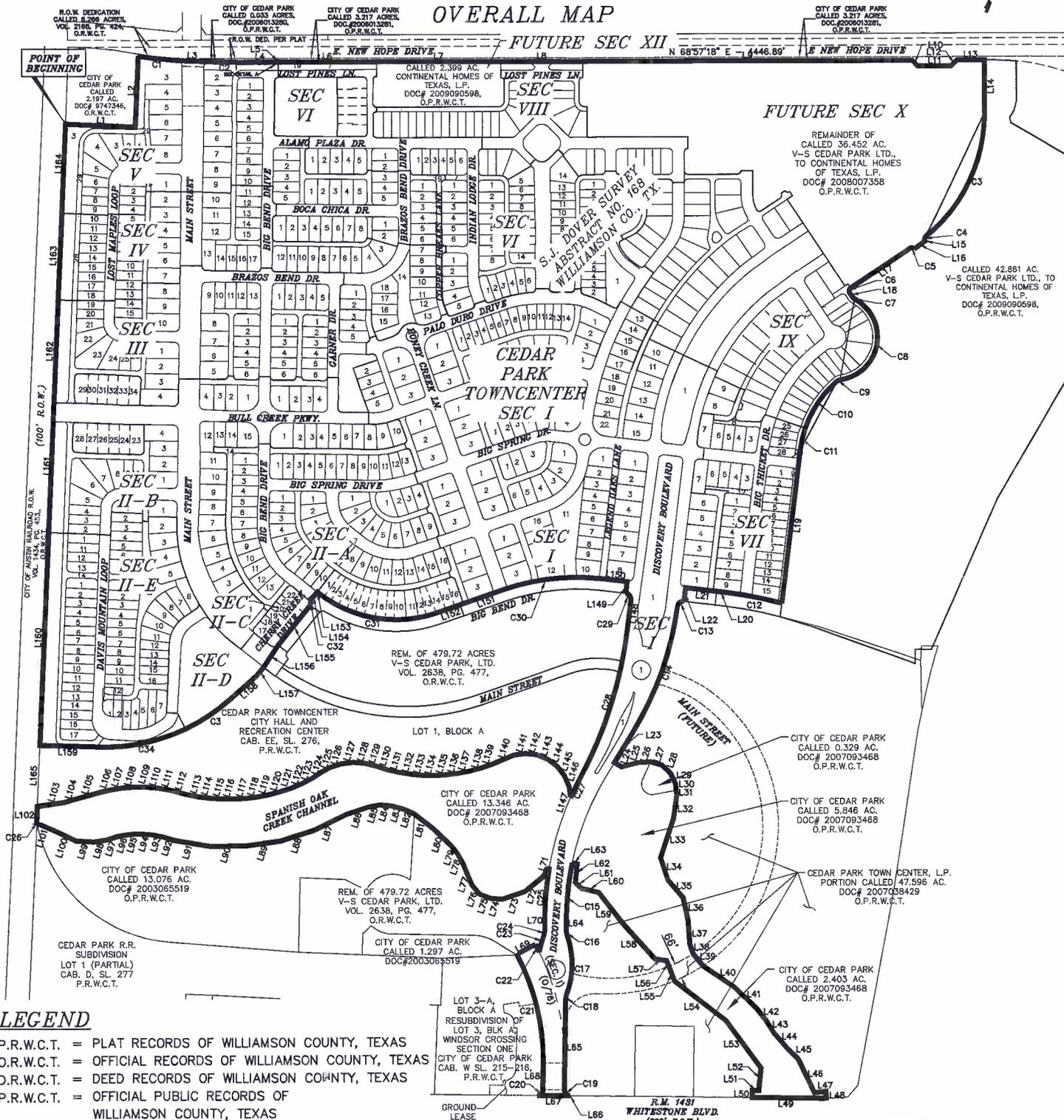
LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles Rowland, City Attorney

EXHIBIT A

TO ACCOMPANY METES & BOUNDS DESCRIPTION OF A 221.19 ACRE TRACT OVERALL MAP



LEGEND

- P.R.W.C.T. = PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS
- O.R.W.C.T. = OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS
- D.R.W.C.T. = DEED RECORDS OF WILLIAMSON COUNTY, TEXAS
- O.P.R.W.C.T. = OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS

- NOTES:**
- THIS DRAWING IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION.
 - BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON RECORD PLATS AND DEEDS.
 - INTERIOR LOT/TRACT LINES ARE SHOWN FROM GIS INFORMATION FOR REFERENCE PURPOSES ONLY AND MAY NOT BE ACCURATE AS TO SCALED DIMENSIONS.
 - REFER TO ENLARGED VIEWS ON THE FOLLOWING 4 PAGES FOR CLARITY.

The Wallace Group, Inc.
 One Chisholm Trail Suite 130
 Round Rock, Texas 78681
 TBPE-54 Ph (512) 248-0065 Fax (512) 246-0359
 Engineers ■ Architects ■ Planners ■ Surveyors
 Waco ■ Killeen ■ Dallas ■ Round Rock

THIS EXHIBIT WAS PREPARED FOR THE CITY OF CEDAR PARK UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

REFER TO SHEETS 1-8 FOR SIGNATURE & SEAL

EXHIBIT "B"

**FOURTH AMENDMENT TO
AMENDED FINAL
PROJECT PLAN
AND
REINVESTMENT ZONE FINANCING PLAN**

**REINVESTMENT ZONE NUMBER ONE
CITY OF CEDAR PARK, TEXAS**

DOWNTOWN DISTRICT

April 26, 2012

**REINVESTMENT ZONE NUMBER ONE,
CITY OF CEDAR PARK, TEXAS**

**FOURTH AMENDMENT TO
AMENDED FINAL PROJECT PLAN
AND REINVESTMENT ZONE FINANCING PLAN**

TABLE OF EXHIBITS AND APPENDICES

Exhibit A	Map Indicating Existing Conditions (at time of creation)
Exhibit B	Original Zone Boundary Map
Exhibit C	Amended Zone Boundary Map
Exhibit D	Map of Proposed Uses and Improvements
Exhibit E	Market and Economic Feasibility Study
Exhibit F	Anticipated Budget for Project Costs
Appendix I	TIRZ Ordinance

I

INTRODUCTION.

Reinvestment Zone Number One, City of Cedar Park, Texas (the “Zone”) is a tax increment reinvestment zone designated as such and created by the City of Cedar Park (the “City”) on December 20, 2001, Ordinance No. D-01-12-20-10B (the “TIRZ Ordinance”), pursuant to the Tax Increment Financing Act, as codified in Chapter 311 of the Texas Tax Code (the “Act”). A copy of the TIRZ Ordinance is in Appendix I. Concurrent with the creation of the Zone, the City entered into a Development Agreement with V-S Cedar Park, Ltd., (the “Developer”) and Continental Homes of Texas, L.P. (dba DR Horton Homes) which set forth the terms and conditions for the development and financing of the reinvestment zone. There have been three amendments to the Development Agreement since 2001. Executed copies of the Development Agreement and amendments thereto are on file at the offices of the City of Cedar Park.

The Amended Final Project Plan (“Project Plan”) and Reinvestment Zone Financing Plan (“Financing Plan”) was approved and adopted by the Board of Directors of the Zone and by the City Council of the City pursuant to and in accordance with Section 311.011 of the Act. Since its original adoption, the Project Plan and Financing Plan have been amended four times, including this Fourth Amendment, to reflect various changes in the Development Agreement between the City and the Developer and to reflect various revisions to the Zone boundaries. Each amendment has been done pursuant to and in accordance with Section 311.011 of the Act and is on file at the offices of the City of Cedar Park.

The original boundary of the Zone included approximately 479 acres of land and is located entirely in Williamson County (the “County”) and within the corporate limits of the (see Exhibit B). In 2006 the zone boundaries were amended by Ordinance No. D17-06-03-23-3A by removing 8.429 acres to facilitate an economic development agreement with Triad Hospitals, Inc. for construction of a 250,000 square foot acute care hospital.

The second amendment to the amended final project plan and reinvestment zone financing plan was also approved at that time by the Zone board of directors and City Council as required by the Tax Code.

In September of 2011 the Zone was again amended by Ordinance D47.11.09.08.C7 by removing 207 acres and a third amendment to the amended final project plan and reinvestment zone financing plan was approved at that time by the Zone board of directors and City Council as required by the Tax Code.

This amendment will further reduce the boundaries of the zone by 42.86 acres resulting in a revised zone boundary of approximately 221 acres (see Exhibit C) and will approve the fourth amendment to the amended final project plan and reinvestment zone financing plan as required by the Chapter 311 of the Texas Tax Code.

The boundary revisions done in September 2011 and by this amendment are the result of provisions in a development agreement between Cedar Park, V-S Cedar Park, Ltd., and Continental Homes which required V-S Cedar Park to develop at least \$50 million in taxable assessed value of non-residential improvements within the downtown district of the zone by January 1, 2010. The non-residential development was not completed within the required time frame and as a result the City is exercising actions authorized in the agreement which allow for revising the boundaries of the Zone. The Texas Tax Code requires that the boundary revisions be made by Ordinance including a public hearing.

The duration of the Zone is a 30-year period, ending December 31, 2031. The owners of a majority of the property within the Zone are D. R. Horton Homes, V-S Cedar Park, Ainbinder Corporation, City of Cedar Park and various residential property owners.

Public improvements which have either been completed or were originally contemplated for the Zone include but are not limited to the construction of: 1) new roadways, bridges and traffic circles, 2) water, wastewater and storm sewer lines, 3) drainage, detention and water quality facilities, 4) landscaping, streetscape, fountains, works of art and street furniture, 5) plazas, squares, pedestrian malls, boardwalks, and other public places, 6) parks, recreational facilities, trails, greens and greenbelts, 7) other related public improvements. The public improvements which constitute the Project Costs as defined in Section 311.002 of the Act, were estimated at the time of creation of the Zone to be in excess of \$26 million (2001 dollars).

II PROJECT PLAN

A. Existing Uses and Conditions (311.011(b)(1)).

Prior to creation of the Zone, a majority of the land within the Zone was vacant and unimproved. Exhibit A is a map illustrating the condition of property within the Zone at the time of its creation, as required by Section 311.011 (b)(1) of the Act. The purpose of the Zone is to facilitate a program of public improvements to allow the development of the property in the Zone.

B. Municipal Ordinances and Agreements (311.011(b)(2)).

All of the property within the Zone is within the corporate limits of the City. The City and the Developer entered into the Development Agreement, as amended, describing the public improvements to be financed by the Zone, the manner of reimbursement to the Developer and various other matters related to the Project. The City has agreed to participate in the Zone by contributing a portion of its tax increment.

The City Council passed Ordinance No. 2-01-12-20-10.C. (The “TIRZ Zoning Ordinance,”) pursuant to which Chapter 12, Article 12.200 Zoning Ordinance of the City of Cedar Park was amended to add “Section 15: Downtown District.”

As of the date of this Fourth Amendment to the Amended Final Project Plan, the zoning regulations for the Downtown District are contained in Chapter 11, Exhibit "A", Downtown District of the City's zoning ordinance. The Downtown District zoning ordinance contains land use and development standards called the "Urban Code" and "Regulating Plan" which control development on the majority of the Property within the Zone. Subsequent to the original TIRZ Zoning Ordinance the Downtown District has been amended to reflect requests by the Developer as noted in previous amendments to the Project Plan.

The description of the above referenced ordinances, plans and agreements is provided in accordance with Section 311.001(b)(2) of the Act. The development proposed within the revised boundaries of the zone does not anticipate any additional changes to the City's Comprehensive Plan, City ordinances or building codes other than those relating to the creation of the Zone.

C. Zone Non-Project Costs (311.011(b)(3)).

Non-Project Costs represent the expenditures estimated by the Developer necessary to complete the development as contemplated by the master plan prepared by the Developer, exclusive of Project Costs as defined in Section 311.002 (1)(A-K) of the Act. Non-Project Costs estimated by the Developer at the time of creation of the Zone were estimated at over \$40 million (in 2001 dollars.)

D. Relocation (311.011(b)(4)).

At the time of the creation of the Zone, none of the Property within the Zone was utilized for residential purposes and therefore, no relocations were required.

III

FINANCING PLAN

A. Estimated Project Costs And Location of Project Improvements.

Exhibit F contains a detailed list of the estimated project costs of the zone. Exhibit D shows the location of the projects within the Zone.

B. Economic Feasibility Study

The original economic feasibility study which was conducted with the creation of the Zone in 2001 is shown in Exhibit E. Since the revised Zone boundaries are comprised of mainly residential land uses there is no need to update the feasibility. As of the date of this amendment the land within the revised zone boundaries is approximately seventy five (80%) built out and should be fully built out in the next 3 to 5 years.

C. Estimated Amount of Bond Indebtedness 311.011(c)(4)).

The City will reimburse the Developer for certain eligible project costs as described in the development Agreement and as illustrated in Exhibit F which were incurred in order to develop the property in the Zone. While the City is authorized to sell bonds secured by the tax increment in the Zone to finance the public improvements, it is most likely that reimbursements will be paid annually from the increment due to the size and value of the zone after the boundaries are redrawn. At the time of this amendment, the current obligations of the zone total \$10,695,187.03 and include: \$7,979,852.03 due to DR Horton Homes for infrastructure built within the Zone, \$1,545,335 due to VS Cedar Park for acquisition of the Community Facility site, \$50,000 due to VS Cedar Park as reimbursement for eligible zone creation costs, and \$1,120,000 to the City of Cedar Park for land acquisition costs. In May of 2011, DR Horton was paid \$1,480,000 bringing the total outstanding to \$9,215,187.03, \$6,499,852.03 of which is due to DR Horton.

D. Timing of Monetary Obligations

The obligations will be paid in accordance with the priority order established in the Exhibit D of the Development Agreement. Cash flow schedules based on current values and expected build out of the zone are estimated in Section F. below.

E. Methods of Financing

If Tax Increment Bonds are issued by the City, they will be secured by ad valorem taxes collected by the City on the incremental increase in the assessed value of real property located within the Zone. If it is determined according to the agreement that Tax Increment Bonds are not feasible, the City will annually distribute funds in accordance with the priority order established in the Development Agreement.

For purposes of this financing model, it is anticipated that the City will participate in the Zone at 80% of its total tax rate.

The City's Tax Increment Fund (the "Fund") has been established for the Zone in the ordinance designating the Zone. In accordance with Section 311.013 of the Act, each participating taxing jurisdiction will pay into the Fund the amount of increment generated by the taxing jurisdiction.

F. Current Appraised Value

The base value, from which captured appraised value is calculated, was the total assessed taxable value of all property within the Zone on January 1, 2001, as shown on the rolls of the Williamson County Appraisal District. On January 1, 2001, the total appraised value of all taxable real property in the Zone was \$7,665,403, and the assessed value was \$390,715. The current estimated assessed value of the Zone as amended is \$88,817,425 which equates to 71,053,940 at the 80% participation level.

As the remainder of the residential tracts develop over the next three to five years, the projected captured appraised value will increase. An estimate of the captured appraised value, which is equivalent to 80% of the estimated assessed value in each year less the zone's base value, is shown below along with estimated revenues using a 49.5 cent tax rate per \$100 of value:

Fiscal Year & Tax Year	Estimated Value	Estimated Revenues
FY11 / TY 10	70,741,368	350,170
FY12 / TY 11	75,247,528	372,475
FY13 / TY 12	80,897,855	400,444
FY14 / TY 13	86,632,938	428,833
FY15 / TY 14	92,454,046	457,648
FY16 / TY 15	98,362,471	486,894
FY17 / TY 16	104,359,522	516,580
FY18 / TY 17	105,924,915	524,328
FY19 / TY 18	107,513,789	532,193
FY20 / TY 19	109,126,496	540,176

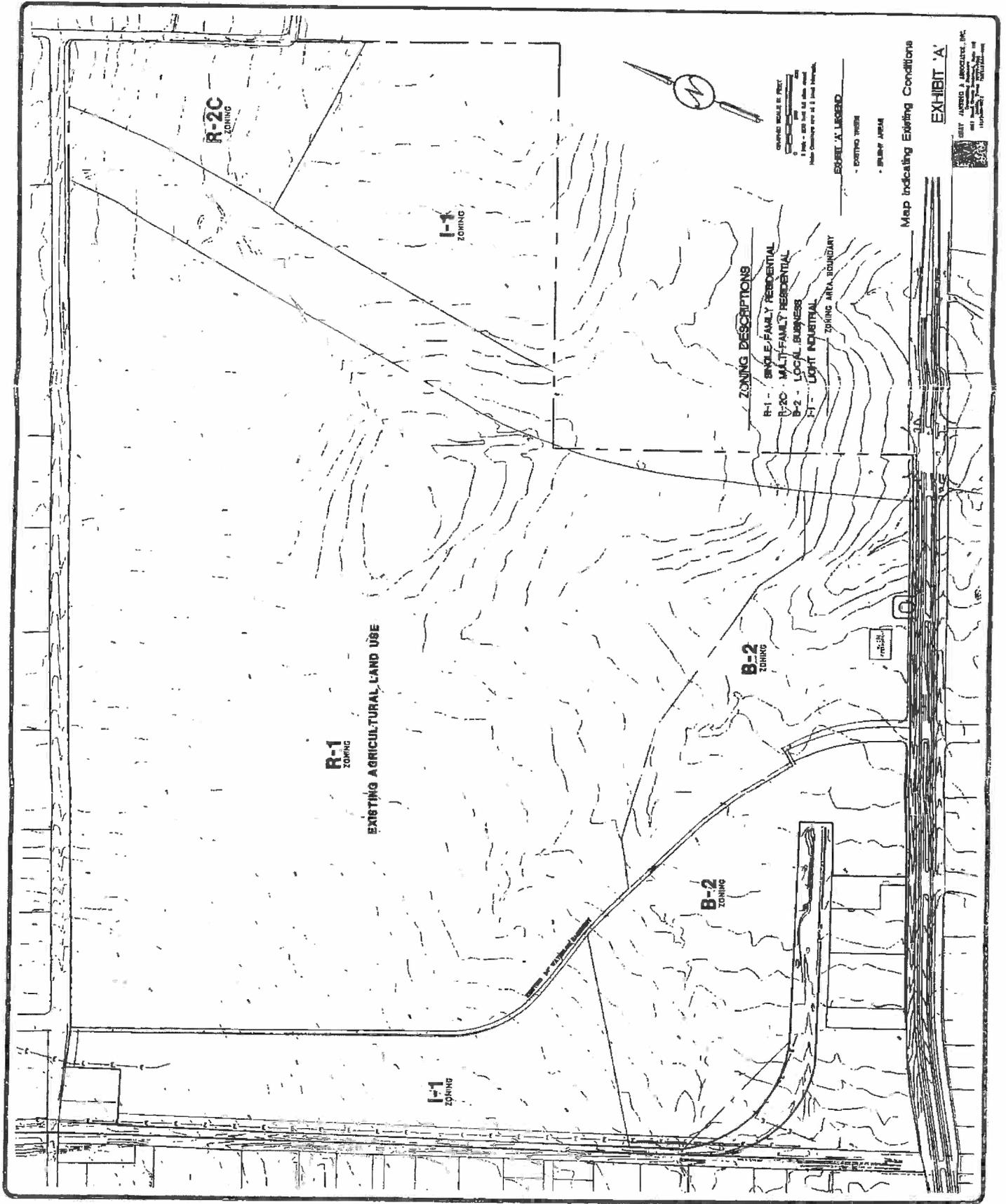
Fourth Amendment To Amended Final Project Plan And

Reinvestment Zone Financing Plan

FY21 / TY 20	109,126,496	540,176
FY22 / TY 21	109,126,496	540,176
FY23 / TY 22	109,126,496	540,176
FY24 / TY 23	109,126,496	540,176
FY25 / TY 24	109,126,496	540,176
FY26 / TY 25	109,126,496	540,176
FY27 / TY 26	106,943,966	529,373
FY28 / TY 27	104,805,087	518,785
FY29 / TY 28	102,708,985	508,409
FY30 / TY 29	100,654,805	498,241
FY31 / TY 30	98,641,709	488,276

The undersigned, Chairman of the Board of Directors of the Zone, hereby certifies that this Fourth Amendment to the Amended Final Project Plan and Reinvestment Zone Financing Plan was adopted by said Board of Directors on April 26, 2012.

Robert S. Lemon, Chairman



R-2C
ZONING

I-1
ZONING

R-1
ZONING

EXISTING AGRICULTURAL LAND USE

ZONING DESCRIPTIONS

- R-1 - SINGLE-FAMILY RESIDENTIAL
- R-2C - MULTI-FAMILY RESIDENTIAL
- B-2 - LOCAL BUSINESS
- I-1 - LIGHT INDUSTRIAL

ZONING AREA BOUNDARY

- EXHIBIT 'A' LEGEND**
- EXISTING WATER
 - EXISTING AREAS



GRAPHIC SCALE IN FEET
 0 100 200 300 400 500
 1 inch = 500 feet (at 11" x 17" scale)
 Map Contours are at 1 Foot Intervals

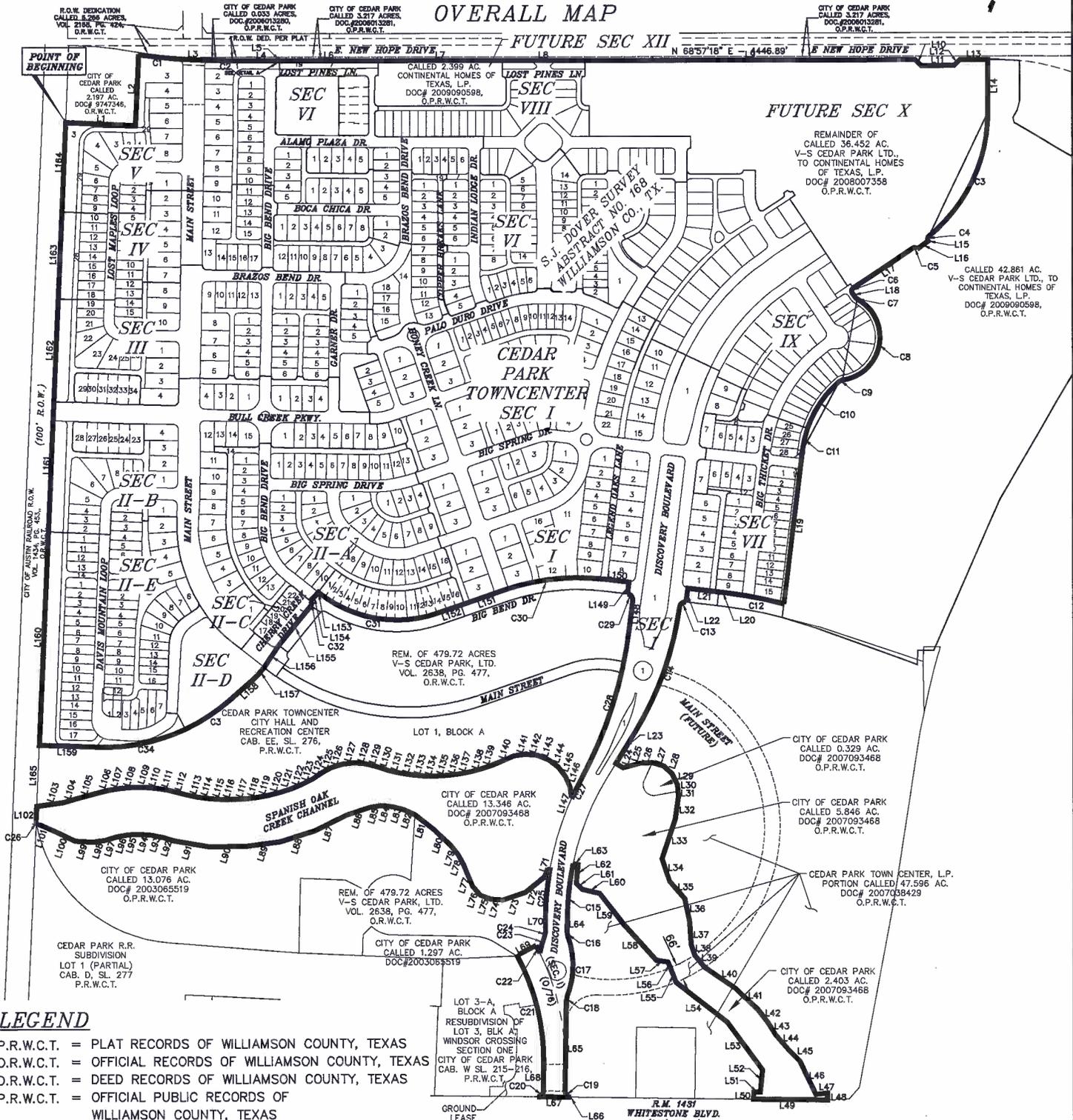
Map Indicating Existing Conditions

EXHIBIT 'A'

DEWITT ARCHITECT & ASSOCIATES, INC.
 1001 W. 10th Street, Suite 100
 Lincoln, Nebraska 68502
 (402) 441-1111

EXHIBIT C

TO ACCOMPANY METES & BOUNDS DESCRIPTION OF A 221.19 ACRE TRACT OVERALL MAP



LEGEND

- P.R.W.C.T. = PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS
- O.R.W.C.T. = OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS
- D.R.W.C.T. = DEED RECORDS OF WILLIAMSON COUNTY, TEXAS
- O.P.R.W.C.T. = OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS

- NOTES:**
1. THIS DRAWING IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION.
 2. BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON RECORD PLATS AND DEEDS.
 3. INTERIOR LOT/TRACT LINES ARE SHOWN FROM GIS INFORMATION FOR REFERENCE PURPOSES ONLY AND MAY NOT BE ACCURATE AS TO SCALED DIMENSIONS.
 4. REFER TO ENLARGED VIEWS ON THE FOLLOWING 4 PAGES FOR CLARITY.

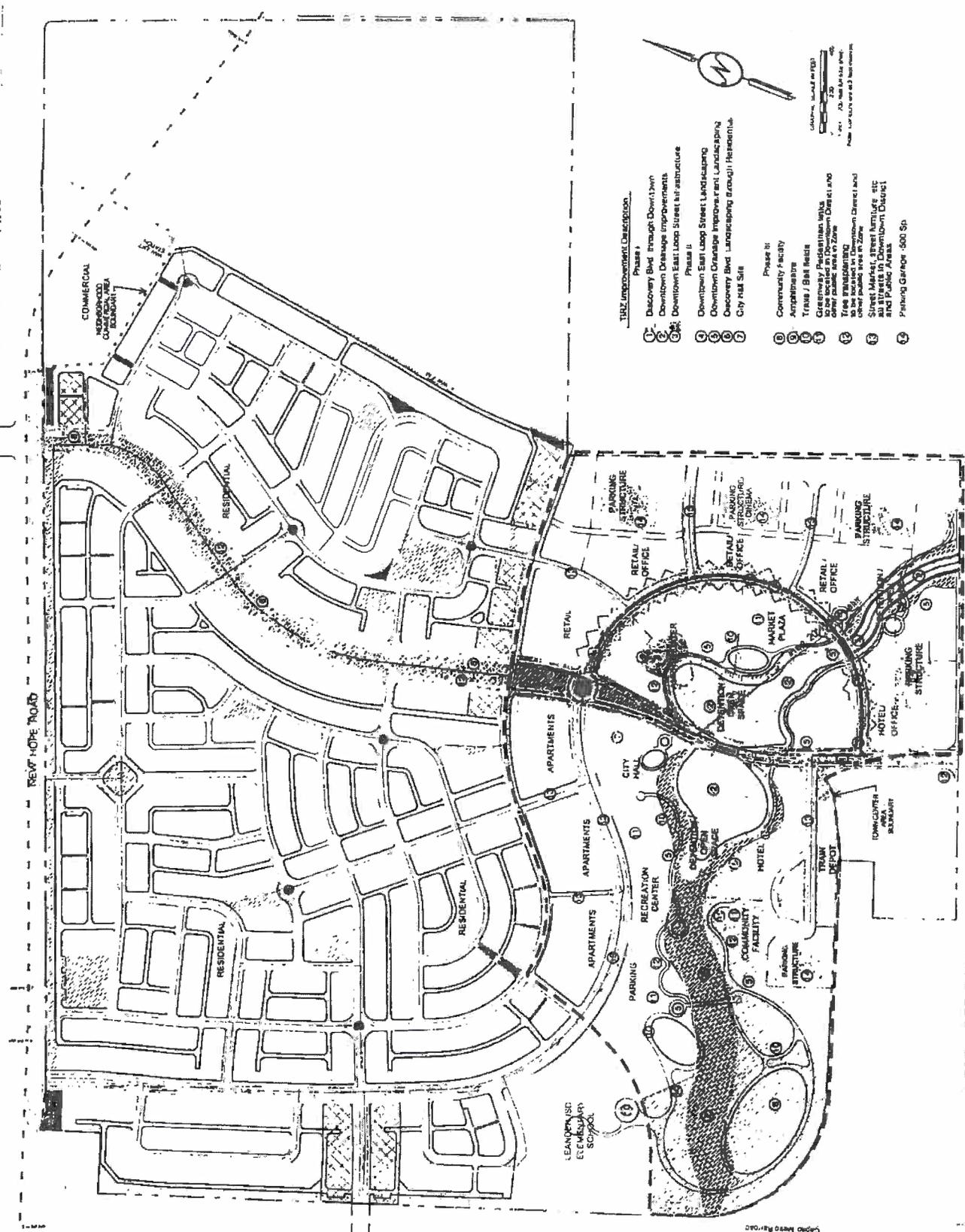
The Wallace Group, Inc.
 One Chisholm Trail Suite 130
 Round Rock, Texas 78681
 (512) 248-0065 Fax (512) 246-0359
 Engineers ■ Architects ■ Planners ■ Surveyors
 Waco ■ Killeen ■ Dallas ■ Round Rock

THIS EXHIBIT WAS PREPARED FOR THE CITY OF CEDAR PARK UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

REFER TO SHEETS 1-8 FOR SIGNATURE & SEAL

EXHIBIT D

CREW JAMES & ASSOCIATES, INC.
 1000 ...
 ...



- TRZ Improvement Description**
- Phase I**
- 1 Discovery Blvd through Downtown
 - 2 Downtown Driveway Improvements
 - 3 Downtown East Loop Street Air Structure
- Phase II**
- 4 Downtown East Loop Street Landscaping
 - 5 Downtown Driveway Improvement Landscaping
 - 6 Discovery Blvd Landscaping through Reservoir
 - 7 City Hall Site
- Phase III**
- 8 Community Facility
 - 9 Apartments
 - 10 Trees / BM Install
 - 11 Greenway / Pedestrian Area with other public area to Zone
 - 12 Discovery Blvd Landscaping through other public area to Zone
 - 13 Street Market, street furniture, etc. in Downtown District and Public Plaza
 - 14 Parking Garage - 600 Sp



GRAPHIC SCALE IN FEET
 0 10 20 30 40 50
 1" = 20' 1/2" = 40' 3/4" = 60' 1" = 80' 1 1/4" = 100'

8.8.14.01

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CEDAR PARK TOWN CENTER

Exhibit IV-1

OPPORTUNITY MATRIX FOR WINDSOR CROSSING ASSUMING NEW URBANISM DEVELOPMENT PROGRAM

	OFFICE	INDUSTRIAL/FLEX	HIGHWAY RETAIL	TOWN CENTER RETAIL	RENTAL APARTMENTS	FOR-SALE HOUSING
CURRENT TRENDS	Office market experienced very strong absorption in 1998. Momentum is expected to carry through 2000. Core is emerging around Four Points/ River Place/ Grandview Hills area (620 @ FM 2222).	Market strong over last several years. Strongest growth in north and northwest along IH-351, pers. in huge employment. Airport area seeing strong infill/abandonment growth.	Continuing growth along Highway 183, especially around Lakeline Mall, particularly for big boxes. Also increasing growth around Round Rock, 1431, and 620	There is a national trend toward town center developments. To date, no such development exists in the market.	Strong construction and infill activity due to strong job growth projected to moderate although apartment construction activity remains still strong. Potential for following market conditions	Cedar Park at heart of strong growth area. Most area communities are slower to move. Up (up to \$3,500) and are selling well. Most have amenities.
IMPACT ON SUBJECT PROPERTY	Currently lacks prestige, executive housing necessary for Class A office. Cedar Park is not in an office core. Infrastructure already in place for office growth in other directions.	Cedar Park represents price alternative to Round Rock and Four Points/ 620 @ FM 2222. That decision may positively impact Cedar Park area	Growth in Cedar Park area expected to be primarily residential, resulting in increased demand for neighborhood/community serving retail	An opportunity to capitalize on national trends and create a sense of place for the community.	Market likely to correct itself by 2004, when project starts increased demand/potential from Gen-Y at that time. Land pricing and rental rates expected to flatten out.	Strong residential growth continuing around Cedar Park. Home prices now pushing \$250,000.
OPPORTUNITY	X - Local Serving	XX - Flex Space	XXX	XXX	XXX	XXX
POSITIONING	Local serving office, should be at the top of the local office market.	Should initially be positioned competitively to La Jata and Quent.	Retail space should be positioned below competitive retail properties around Lakeline Mall, comparable to above existing center on Hwy 183.	Kens may initially need to be equal to local market to seed development. With strong design and theater anchor, can gain positioning above the local market.	For TND product, should initially be competitively with Farmer Lane apartments projects. Traditional garden positioned below.	Residential product above \$180,000 should be positioned (on and home size) competitively with actively selling Cedar Park area communities. Product below \$180,000 should position above market
TIMING	Short- to Mid-Term	Short-Term to Mid-Term	Mid-Term to Long-Term	Short-Term	Short-Term to Mid-Term	Short-Term
KEY CONSIDERATIONS	Provide spec space opportunities, including in the town center. Market to local-serving professionals, government, and medical.	Space should be flexibly designed to accommodate service users and small tech firms. Consider working with the U. of Texas to create high-tech incubator	Market won't evolve until closer to completion of relocated Highway 183. Should be located along Highway 1431 at the relocated 183.	Town center should be highly visible from outside of project. Anchor with theater and civic uses. Establish residential component first. Possibly incorporate grocery to town center.	Apartments should be developed both garden-style (in a new urbanism style) and over retail as the retail core is developed.	Development of a "New Urbanism" housing village with distinct architecture. Will set tone for town center. Develop separate enclave for high-end residential.
RENTS	Should be at the top of the local market, \$15 - \$16 today.	Price alternative to Round Rock - \$9.00 - \$9.50/sf.	Approximately \$14 - \$16 per square foot, positioned competitively with newer centers in the area.	Approximately \$14 - \$16 per sq. ft. Initially, increasing above market once established and anchored	\$.80 to \$1.00 per square foot	Unit (Single Family, Townhome, and Cottage) prices should range in price from \$90,000 to \$250,000
LAND PRICING	Developer should develop and lease.	\$2.25 to \$2.75, competitive with Quent and La Jata.	\$4.00 - \$4.50 for retail tract, \$9.00 - \$11.00 for pad sites (per square foot), comparable to competitive properties in the area.	Developer should build and lease retail spaces.	\$6,000 to \$7,000 per unit	Lot should be priced from \$24,000 to \$40,000

NOTE: X - Minimal Opportunity; XX - Moderate Opportunity; XXX - Stronger Opportunity.
NOTE: Short-term - 1 to 3 years; Mid-term - 4 to 6 years; Long-term - 7 to 10 years.

ROBERT CHARLES LESSER & CO.

Page 1 of 1

EXHIBIT E

Ex. IV-1 Opp. Analysis-Exhibit IV-1
04-7198.01
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CEDAR PARK TOWN CENTER

Exhibit IV-2

ANNUAL LAND AND UNIT SALE ABSORPTION PHASING SCHEDULE FOR THE CEDAR PARK TOWN CENTER

Land Use/Product Type	Initial Pricing (\$/ unit or acre)	Lot Size/ Density	Gross Dev. Acres	Support- able SF	Support- able Units	Dev. Timing	Absorption											
							Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10		
Residential		11.5	124.0		1,138		86	194	245	236	228	149	0	0	0	0	0	0
Town Center Townhomes	\$90,000 - \$120,000	16.0	3.3		60	1	12	24	24									
Town Center Townhomes	\$120,000 - \$140,000	16.0	4.0		72	2	16	16	16	16	8							
Village Homes	\$100,000 - \$150,000	9.7	6.1		611	1	58	116	116	116	89							
Town Center Townhomes	\$150,000 - \$180,000	18.0	4.0		72	3	8	16	16	16	16							
Village Homes	\$150,000 - \$180,000	7.3	29.2		212	1	30	52	52	26								
Village Homes	\$180,000 - \$210,000	6.1	10.4		63	2	11	20	20	10								
Village Homes	\$210,000 - \$250,000	4.8	9.9		48	2	8	16	16	8								
Estate Homes	\$250,000 - \$300,000	4.3	0.0		0	5	12											
Annual For-Sale Residential							228	86	194	245	236	228	149	0	0	0	0	0
Cumulative Detached For-Sale					934		58	204	393	597	801	934	934	934	934	934	934	934
Cumulative Attached For-Sale					204		28	76	132	164	188	204	204	204	204	204	204	204
Cumulative For-Sale Residential		11.5	124		1,138		86	280	525	761	989	1,138	1,138	1,138	1,138	1,138	1,138	1,138
Town Center & Adjacent			25	1,326,600		1												
Retail				312,000														
Office				283,000					75	100	100	37						
Hotel				50,000					75	75	75	58						
Civic			3	133,600					60	56								
Rental Apartments				200,000	200						150	50						
Rental Apartments (Adj.)	\$120,000 - \$160,000			350,000	350		173				150	150	50					
Neighborhood/ Highway			8	160,000		5												
Retail (grocery anchored)	\$174,000			160,000														
Industrial/Exec Space			55.4	554,000		1	7.2	7.2	7.2	7.2	7.2	7.2	7.2	7.2	7.2	7.2	7.2	5.0
Total Cumulative Residential Units (Apartments and For-sale Units)					1,688				86	280	675	1,111	1,489	1,688	1,688	1,688	1,688	1,688
Total Resident Population (2.5 persons per hh sid & 1.75 per hh m)					3,655				194	643	1,476	2,392	3,207	3,655	3,655	3,655	3,655	3,655
Parks, Institutional Space, ROW			179.0															
Non-Core Institutional Space			10.6															
Highway 183A/New Hope Road ROW			32.0															
TOTAL			459.9	2,042,600	1,688													

Ex. IV-2.3 CPTC phas ana--total FINAL--Annual Phasing--Total
04-7198.01
3/0/00

EXHIBIT E

Page 1 of 1

ROBERT CHARLES LESSER & CO.

CEDAR PARK TOWN CENTER

Exhibit IV-4

CEDAR PARK TOWN CENTER OVERALL DEVELOPMENT RECOMMENDATIONS TOWN CENTER RECOMMENDATIONS

- Location on Property:** Oriented to Highway 183, with pedestrian orientation to all other land uses, especially residential.
- Size of Town Center:** Approximately 58 acres containing 1.3 million square feet of retail, office, civic and residential uses.
- Mix of Uses:**
- 325,000 s.f. of retail space
 - 275,000 s.f. of office space
 - 100,000 s.f. of hotel space
 - 116,000 s.f. of civic space (not including plazas, commons, etc.)
 - 208 rental apartment units above shops
 - 250 rental apartments adjacent to the town center (not above shops)
- Recommended FAR:** Approximately .5, areas in the town center with FARs above .6 will likely require some type of structured parking.
- Development Timing & Phasing:** Begin the town center early in the development process to set development tone/standard and to enhance residential sales opportunities. Initial uses should be retail and civic uses, followed by office and rental apartments. Consider a residential information center in or adjacent to the town center to further explain and "sell" the TND concept of the community.
- Design Guidelines:** Ample parking should be provided for each use, allowing for some possible overlap between complimentary uses, such as residential and office.
- Consider providing on-street parking as well to promote access to retail shops.
- Town Center should feature strong public open spaces, including a central focus, such as a green lawn and gardens or a lake. A farmer's market located in the Town Center would enhance the level of activity in the project and would further support Town Center retail. Public events, including hosting the symphony, should be provided on or around this central area to establish identity of community.
- Retail should include some unique restaurants to the Austin area, as well as some established local favorites. Cineplex theaters or other entertainment uses typically anchor town center projects and should be strongly considered as a retail anchor for the subject property.

CEDAR PARK TOWN CENTER

Exhibit IV-4

CEDAR PARK TOWN CENTER OVERALL DEVELOPMENT RECOMMENDATIONS RESIDENTIAL RECOMMENDATIONS

Development of a moderately-priced TND residential community in Cedar Park Town Center is strongly encouraged. This residential community should be positioned comparably to actively-selling Cedar Park and Northwest (non-Hill Country) communities above \$180,000 and positioned above those communities below \$180,000. Lots should be slightly smaller than those typical in the market.

Residential absorption is estimated to average approximately 228 sales annually when all products, attached and detached, are available. The following summarizes the recommended residential development program.

Product Type	Avg Lot Front	Initial Home Price Range	Stabilized Home Price Range	Home Size Range	Initial Value Ratio	Avg Lot Size	Average Lot Price	L/H Ratio
TH-Gar.		\$90,000 - \$120,000	\$90,000 - \$120,000	1,200 - 1,400	\$75 - \$86			
TH-Gar.		\$120,000 - \$140,000	\$120,000 - \$140,000	1,500 - 1,800	\$80 - \$78			
SFD	36	\$100,000 - \$150,000	\$150,000 - \$180,000	1,300 - 1,900	\$77 - \$79	4,500	\$25,000	20%
TH-Gar.		\$150,000 - \$180,000	\$150,000 - \$180,000	1,700 - 2,100	\$88 - \$86			
SFD	48	\$150,000 - \$180,000	\$180,000 - \$210,000	1,700 - 2,400	\$88 - \$75	6,000	\$32,000	19%
SFD	60	\$180,000 - \$210,000	\$210,000 - \$250,000	2,100 - 3,000	\$86 - \$70	7,200	\$35,000	18%
SFD	72	\$210,000 - \$250,000	\$250,000 - \$300,000	2,400 - 3,400	\$88 - \$74	9,000	\$40,000	17%

The weighted average detached home price in Cedar Park is estimated to be approximately \$176,000 while the average weighted attached for-sale home price is estimated to be approximately \$137,000.

The housing should incorporate historic architecture consistent with that of the Austin area in a "hybrid" or modified traditional style of development. Housing guidelines that emphasize historic architecture, yet are not overly stringent so as to significantly increase construction costs, should be created for CPTC. Frustration by builders, arising from meeting strict design guidelines, will limit builder interest and acceptance of the community.

EXHIBIT E

CEDAR PARK TOWN CENTER

Exhibit IV-4

CEDAR PARK TOWN CENTER OVERALL DEVELOPMENT RECOMMENDATIONS TOWN CENTER RECOMMENDATIONS

Incorporation of production builders into the development process is necessary to achieve the levels of absorption estimated for the community. Production builders, including Morrison, Centex, Pulte and Weekley are now creating TND product lines for use in markets throughout the U.S.

In some more affordable areas of the CPTC community, housing costs may be kept down by minimizing alleyways and providing garages. These garages should be set-back from the house, so as not to dominate the streetscape.

Inter-mixing of attached for-sale townhouse product into detached for-sale housing areas may be appropriate in the community. Sensitivity to scale and massing should be considered should this inter-mixing occur.

Family amenities are recommended and should include parks and playgrounds, a swim center and possibly tennis. Other amenities should include an elementary school and institutional amenities such as churches.

Single family development areas should be physically linked to the town center by sharing a major amenity area, such as a village green or small lake.

Marketing of the CPTC residential product should be coordinated through a centralized marketing center. Although not a sales center, this marketing center can "sell" the TND concept and assist buyers in identifying appropriate products and builders in their price range.

EXECUTIVE SUMMARY

PROJECT BACKGROUND

Thomas Consultants Inc. (Vancouver, Canada) has been retained by the British American Development Corporation of Austin, Texas to undertake a comprehensive study pertaining to the appropriate market feasibility/positioning and merchandising strategy for the Cedar Park Town Center (CPTC), currently being planned in the Austin suburb of Cedar Park in Williamson County.

Fronting the proposed FM 1431 and proposed US 183A, the subject development is envisioned to be a mixed-use project to take advantage of this central location within a key growth region in Williamson County. In close proximity to the City of Cedar Park's commercial core, the site is strategically located to serve both the local and regional consumers. Capitalizing upon the strong market growth in the Williamson County region, this multi-faceted development is envisioned to comprise of retail, food/beverage, entertainment, civic, office and residential components; and is expected to serve as the focal point or commercial town center of the Cedar Park/Leander region specifically; and on a broader basis, the northern region of Greater Austin.

SITE ASSESSMENT

Located immediately east of Cedar Park's commercial node (US 183 and FM 1431, the CPTC site is strategically positioned in the City's commercial functions and within the region's residential development boom. With an expected diverse patronage base, ranging from the expanding resident population and local workforce, to commuters and visitors, CPTC has the opportunity to offer a broad range of commercial, residential, recreational, and civic functions to represent the social gathering place for both locals and visitors on a regional scale. Moreover, combined with the excellent site profile and accessibility (enhanced via the proposed US 183A and FM 1431 expansion), this site clearly exudes landmark development opportunities. The CPTC is expected to represent the social/community 'gathering place' for the Williamson County region.

Site Strengths:

- Venue that features a variety of functions (commercial, civic, office, residential, etc.) and promotes a 'sense of place' and social gathering currently does not exist in the marketplace.
- Proposed US 183A will provide excellent exposure and access to Cedar Park Town Center.
- Good access to the Town Center from FM 1431.



- Cedar Park Town Center is interceptory to Leander's commuters en route to downtown Austin via US 183.
- Rapid growth in residential population in Cedar Park, Leander and Round Rock creates a strong local customer base.
- Proposed office and residential functions within the Cedar Park Town Center site bodes well for daytime activity and creates captive market for retail functions.

Site Challenges:

- Proposed US 183A, which will enhance north-south access throughout Williamson County, may divert traffic away from the Town Center project.
- Currently, Cedar Park's commercial core (US 183/FM 1431) lacks destination appeal and critical mass of specialty retail functions.
- To create significant regional appeal for the Town Center, and attract potential customers from competing retail to the south (i.e. Lakeline Mall/Plaza, Arbor Shops at Arboretum).
- High traffic volumes and congestion (with ongoing construction) may deter or discourage patrons from visiting the Town Center (i.e. until proposed US 183A is completed).

Overall, given the overwhelmingly positive site attributes, CPTC will likely represent the key retail/leisure destination for the northern sector of Metropolitan Austin over the foreseeable future.

COMPETITIVE ASSESSMENT

Overall, the Metropolitan Austin region exhibits similar retail trends evident throughout the nation. Specifically, the Williamson County region (i.e. majority of study area) is dominated by large format retail and convenience-oriented strip centers. Super regional malls such as Lakeline Mall, Highland Mall and Barton Creek Square are strategically located in the north, central and south sectors of metro Austin. The north sector (i.e. Williamson County) is experiencing strong residential/population growth, and is the focus of new major retail development.

Lakeline Mall/Lakeline Plaza and La Frontera Village (Round Rock), represent the most recent major retail developments in marketplace. The Lakeline shopping precinct is anticipated to remain a strong shopping destination, given the strong presence of national/branded retailers (i.e. Lakeline Mall) and selection of value-oriented tenants (i.e. Lakeline Plaza). While the Lakeline precinct achieves a critical mass of retail functions, the retail offering is traditional in nature and typical of any large format retail development in the nation.

Similarly, Round Rock's La Frontera Village exhibits the typical characteristics of any power center. The La Frontera Village development was in response to the ongoing residential construction boom and rapid population growth in Round Rock. Despite the relative quality and magnitude of this La Frontera Village, this center only features "chore shopping" needs, and does not offer a pedestrian-oriented setting that promotes community gathering.



EXHIBIT E

Although smaller in retail floor area compared to other competing centers, the Arbor Shops at the Arboretum is the direct competitor to CPTC. It represents the first generation 'town center' within the study area. Although the center has experienced success in terms of above average retail sales and attracts patrons from a regional scale, the Arbor Shops lacks critical mass in terms of retail and entertainment functions. Despite the open-air format and significant landscaping, the center does not create a truly pedestrian-oriented setting or encourage social gathering.

An examination into this retail network revealed significant retail opportunities, particularly for a town center development hybrid that would serve as the regional and local social focal point. To identify fully the requisite merchandising direction, each retail segment of study area was assessed with the following highlights:

Retail Format	Centers	Estimated Market Share	Expected Level of Impact to CPTC
Super Regional Centers	Lakeline Mall	30%	Significant
	Highland Mall	3%	Minimal
	Barton Creek Square	0%	Minimal
Regional Centers	Arbor Shops at the Arboretum	10%	Moderate
Power Centers	Lakeline Precinct	25%	Significant
	La Frontera	10%	Moderate
	Village Gateway Center	2%	Minimal
Convenience Centers	Numerous	20%	Moderate

It is noted that the estimated market share depicts the proportion of the retained expenditure destined to the major retail centers within the study area. Given the developing nature of the competitive infrastructure within the trade area, a significant degree of expenditure outflow from the region is also likely. This outflow component represents retail sales that could potentially be captured by CPTC.

Specific areas of merchandising opportunity include: Specialty/Lifestyle Retail, Upscale Dining, Home Accessories, and family oriented Leisure and Entertainment activities. Based on the existing limited retail infrastructure (for a destination-oriented community focal point) and strong growth in population within the study area, the conditions are highly favorable for the CPTC's proposed retail functions.

The void in the marketplace for a pedestrian-oriented social/community focal point or venue within the study area reinforces the opportunities for the CPTC to create a unique identity for the City of Cedar Park by featuring a variety of daytime and evening activities that extends the length of stay of its visitors and encourages community interaction. As such, the perception of constant activity at the Town



EXHIBIT E

Center will result, attracting more visitors from a regional scale, and ultimately achieving a critical mass of people and activities.

TRADE AREA DELINEATION AND CHARACTERISTICS

Based on a stringent set of criterion, the proposed CPTC is expected to serve a trade area covering approximately 85% of the Williamson County. At present, this trade area comprises of 212,500 residents. The primary trade area (PTA) features 52,300 residents or approximately 25% of the total trade area. Over time however, the PTA will benefit from the significant growth occurring in the local regions. Specifically, the PTA is expected to generate a strong annual population growth in the range of 9.2% (2001-2010 est.), significantly above the state average of 1.1%. The detailed demographic analysis also suggests a highly stable trade region characterized predominately by formative households. While the entire trade area is relatively consistent in household characteristics, subtle differences do exist in the various primary and secondary sub-regions. The following table summarizes such variations.

VARIABLE	PTA		STA			
	PTA North	PTA South	STA North	STA East	STA West	STA South
Population Growth	Very High	High	Moderate	High	Very High	Moderate
Household Income	Average	Very High	High	Average	Above Average	High
Dominant Segment	Young Families	Young Families	Established Families	Young Families	Established Families	Established Families
Home Ownership	Very High	Very High	High	Above Average	High	Average
Household Size	High	High	High	High	Above Average	Average

As the population influx continues and levels of affluence increase, the aggregate income of the trade area is anticipated to grow by approximately 135% from \$4.2 billion to \$9.9 billion by 2010. The Town Center is situated in close proximity to the residential development boom currently underway Williamson County's larger communities of Cedar Park, Leander and Round Rock. Thus a significant opportunity exists to capture the emerging local market early on by providing a critical mass of modern retail and entertainment offering in an environment that instills a 'sense of place' and social gathering.

In summary, it will be crucial for CPTC to achieve a broad level of support amongst the varied households within the trade area. It is also important to provide the unique retail and leisure offering that would consistently draw patronage inflow from beyond the defined trade area. This target market profile suggests a significant potential for family entertainment, family/upscale restaurants, a House & Home precinct and a critical mass of Personal Services and Specialty Retail, set in a uniquely designed destination. In so doing, CPTC could become dominant social focal points and a key retail destination in Austin.

THIBT E

TARGET MARKETS AND EXPENDITURE POTENTIAL

The Cedar Park Town Center is strategically located in a trade area that features a market potential of over \$2.1 billion (2001) in retail and entertainment based spending. Given the current rapid growth profile of the overall Trade Area, an overall market expenditure potential of \$4.4 billion is forecast for the year 2010 for the trade areas. The expenditure analysis yield the following salient highlights:

- > The trade area residents in the PTA represent a total retail/entertainment potential of \$522.2 million in 2001. This figure is anticipated to increase to \$1.3 billion by 2010, a very significant annualized increase of 16.5%.
- > With respect to the STA, the total amount of retail and related expenditure potential is estimated to be \$1.6 billion in 2001 and will increase to approximately \$3.1 billion by 2010, which represents a rate of increase of approximately 10.4% per annum.
- > Presently the total retail and entertainment expenditures for the defined trade area (primary and secondary) are estimated to be \$2.1 billion per annum. By 2010, this figure is forecast to increase to an estimated \$4.4 billion.
- > Overall, the most significant retail/entertainment segments include (based on overall Trade Area): Supermarket (19.1%), Apparel/Accessories (12.9%), Restaurant (11.1%), Home Furnishings (9.8%), and Specialty Retail (15.2%).

The expenditure profile indicates a typical growing suburban retail market, which must be reflected in the merchandising for the subject development. Overall, this expenditure pattern bodes well for CPTC, particularly the proportion of household expenditure being allotted to home needs and specialty/lifestyle retailing. A selection of destination retailers in these categories would encourage a strong destination appeal throughout the defined trade areas in Williamson/Travis Counties.

In terms of per capita spending patterns, convenience related expenditure accounts for 33.8% of the total retail potential with comparison and entertainment at 53.0% and 13.2%, respectively. This expenditure profile clearly indicates a relatively traditional suburban retail market and is reflective of the retail infrastructure currently found in the Williamson County region. It is noted that this current conservative and traditional expenditure profile will evolve over time to reflect the lifestyle changes of the new residential base found in the study region. Accordingly, the merchandising mix at Cedar Park Town Center must capitalize upon the inherent opportunities in the form of specialty and lifestyle related retailing, as well as new entertainment/leisure categories.



SECRET E

PROJECTED SALES AND WARRANTED FLOORSPACE

Based on the market potential and the long-term development strategy for CPTC, projections were made in each category with respect to market share, sales volume and warranted floorspace allocation. An estimated total floorspace of 518,484 square feet is supportable for the Town Center's initial year in 2004. Based on additional market demand over time, this total is expected to rise to 651,305 square feet by 2007 and 825,107 square feet by 2010. The following table summarizes the critical findings with respect to the projected sales and floorspace allocation on a category basis.

PROJECTED SALES AND WARRANTED FLOORSPACE

RETAIL CATEGORIES	Year 2004		Year 2007		Year 2010	
	Projected Sales (\$millions)	Warranted Floorspace (sq.ft.)	Projected Sales (\$millions)	Warranted Floorspace (sq.ft.)	Projected Sales (\$millions)	Warranted Floorspace (sq.ft.)
Comparison Retail						
Apparel/Accessories	\$37.3	76,604	\$49.2	96,713	\$65.6	123,329
Jewelry	\$4.8	6,982	\$6.2	8,677	\$8.1	10,870
Toys/Hobbies/Sports	\$5.3	12,748	\$6.9	15,932	\$9.2	20,101
Books/Stationery/Media	\$12.7	28,637	\$16.7	35,866	\$22.0	45,222
Appliances/Home Electr	\$20.7	54,968	\$26.9	68,278	\$35.2	85,346
Home Furnishings/Access	\$31.9	74,389	\$41.8	93,247	\$55.2	117,785
Specialty/Miscellaneous	\$14.8	35,421	\$19.1	43,628	\$24.8	54,144
Sub-Total	\$127.50	289,749	\$166.80	362,341	\$220.10	456,797
Convenience Retailing						
Supermarket/Specialty Foods	\$40.1	73,030	\$53.3	92,786	\$71.4	119,003
Alcohol & Tobacco	\$10.6	16,955	\$14.1	21,455	\$18.8	27,349
Personal Care/Services	\$8.2	24,027	\$10.9	30,647	\$14.7	39,475
Pharmacy/Drugstore	\$6.1	11,515	\$8.3	14,780	\$11.2	19,150
Sub-Total	\$65.00	125,527	\$86.60	159,668	\$116.10	204,977
Entertainment/Leisure						
Restaurants	\$30.0	57,301	\$39.4	72,002	\$52.2	91,247
Entertainment	\$7.2	45,907	\$9.4	57,304	\$12.4	72,086
Sub-Total	\$37.20	103,208	\$48.80	129,306	\$64.60	163,333
TOTAL WARRANTED SPACE	\$229.7	518,484	\$302.0	651,305	\$400.6	825,107

Source: Thomas Consultants Inc., 2001. Figures derived and rounded off from Tables 6.1.A to 6.1.Q.



EXHIBIT F
Cedar Park Downtown Tax Increment Reinvestment Zone No. 1
TIRZ Improvements Allocations

Item	TIRZ Improvement Description	Time to Complete	Total Project Cost	Developer Funded			City Funded			Total TIRZ Reimb		Non-Reimbursed		
				%	Capital	Interest	Total	%	Capital	Interest	Total	%	Total	
PHASE I														
1	Discovery Blvd. Through Downtown ¹	2 yrs	\$2,261,000	100%	\$2,261,000	\$271,320	\$2,532,320	0%	\$0	\$0	\$2,532,320	0%	\$0	
2	Downtown Drainage Improvements ²	2yrs	\$3,800,000	100%	\$3,800,000	\$456,000	\$4,256,000	0%	\$0	\$0	\$4,256,000	0%	\$0	
3	Main Street Infrastructure Phase 1 ³	Agmt	\$1,855,000	100%	\$1,855,000	\$222,600	\$2,077,600	0%	\$0	\$0	\$2,077,600	0%	\$0	
	Subtotal Phase I		\$7,916,000		\$7,916,000	\$949,920	\$8,865,920		\$0	\$0	\$8,865,920		\$0	
PHASE II														
4	Main Street Landscaping Phase 1 ⁴	Agmt	\$700,000	100%	\$700,000	\$84,000	\$784,000	0%	\$0	\$0	\$784,000	0%	\$0	
5	Discovery Blvd through Downtown Landscaping ⁵	Agmt	\$1,250,000	100%	\$1,250,000	\$150,000	\$1,400,000	0%	\$0	\$0	\$1,400,000	0%	\$0	
6	Downtown Drainage Improvements Landscaping ⁵	Agmt	\$700,000	100%	\$700,000	\$84,000	\$784,000	0%	\$0	\$0	\$784,000	0%	\$0	
7	Discovery Blvd Landscaping Thru Residential ⁶	TBD	\$250,000	50%	\$125,000	\$15,000	\$140,000	0%	\$0	\$0	\$140,000	0%	\$125,000	
8	Community Facility Acquisition (18.1 Acres)	Agmt	\$1,379,763	100%	\$1,379,763	\$165,572	\$1,545,335	0%	\$0	\$0	\$1,545,335	0%	\$0	
9	Cajal Hall Site Acquisition (12.4 Acres)	TBD	\$1,000,000	0%	\$0	\$0	\$0	100%	\$1,000,000	\$1,200,000	\$1,120,000	0%	\$0	
10	Main Street Infrastructure Phase 2 ⁷	TBD	\$1,855,000	100%	\$1,855,000	\$222,600	\$2,077,600	0%	\$0	\$0	\$2,077,600	0%	\$0	
11	Main Street Landscaping Phase 2 ⁸	TBD	\$700,000	100%	\$700,000	\$84,000	\$784,000	0%	\$0	\$0	\$784,000	0%	\$0	
	Subtotal Phase II		\$7,834,763		\$6,709,763	\$805,172	\$7,514,935		\$1,000,000	\$1,200,000	\$8,634,935		\$125,000	
PHASE III														
12	Amphitheatre	TBD	\$3,405,580	0%	\$0	\$0	\$0	100%	\$3,405,580	\$408,670	\$3,814,249	0%	\$0	
13	Trails/Ball Fields	TBD	\$1,135,193	0%	\$0	\$0	\$0	100%	\$1,135,193	\$136,223	\$1,271,416	0%	\$0	
14	Greenway Pedestrian Links ⁹	TBD	\$2,724,464	33%	\$908,155	\$108,979	\$1,017,133	33%	\$908,155	\$108,979	\$1,017,133	33%	\$908,155	
15	Tree Transplanting ⁸	TBD	\$1,700,000	50%	\$850,000	\$102,000	\$952,000	0%	\$0	\$0	\$952,000	50%	\$850,000	
16	Street Market, Street Furniture, etc ⁹	TBD	\$1,700,000	100%	\$1,700,000	\$204,000	\$1,904,000	0%	\$0	\$0	\$1,904,000	0%	\$0	
	Subtotal Phase III		\$10,665,237		\$3,458,155	\$414,979	\$3,873,133		\$5,448,928	\$653,871	\$6,102,799		\$1,758,155	
	TOTAL COST		\$26,416,000		\$18,083,918	\$2,170,070	\$20,253,988		\$6,448,928	\$773,871	\$7,222,799		\$1,883,155	

Notes:

- Roadway, traffic circles, bridge, landscape improvements, including lighting, monumentation, trails, tree transplanting.
- Regional detention, water quality and wet pond, wet pond plantings, aeration, earthworks, drop and discharge structures, walls, tree transplanting.
- Roadway, bridge, streetscape improvements, including special paving, signage and lighting.
- Street trees, plantings, irrigation, fountains, site furniture and tree transplanting. *Note: "Main Street" is the spine street that runs through the Town Center Area.*
- Earthworks, walls, pedestrian bridges, trails, site furnishings, lighting, planting, irrigation and tree transplanting.
- Landscape improvements, including lighting, tree transplanting, street trees, trails, fountains, site furniture, public art, monumentation and signage.
- Trails, walks, lighting, site furniture, planting, irrigation, signage, pedestrian bridges.
- Transplanted trees into Downtown District, Discovery Boulevard through residential, public areas in Zone.
- Street furniture, signage, environmental graphics, public art, fountains, pedestrian, shade structures.
- Capital costs include all hard and soft costs, exclusive of administration costs, incurred in constructing the TIRZ improvements including but not limited to construction, engineering, surveying, geotechnical, environmental, inspection and right-of-way easement acquisition.

EXHIBIT F

Cedar Park Downtown Tax Increment Reinvestment Zone No. 1

\$139,850 for construction of the tower steel structure, foundation, and installation

APPENDIX I

City of Cedar Park, Texas, Ordinance No. D-01-12-20-10.B.

AN ORDINANCE DESIGNATING A CONTIGUOUS GEOGRAPHIC AREA WITHIN THE CITY OF CEDAR PARK GENERALLY BOUNDED BY NEW HOPE ROAD ON THE NORTH, U.S. 183-A RIGHT-OF-WAY ON THE EAST, F.M. 1431 AND THE RAILROAD SPUR ON THE SOUTH AND THE RAILROAD RIGHT-OF-WAY ON THE WEST (DOWNTOWN DISTRICT AREA) AS A REINVESTMENT ZONE FOR TAX INCREMENT FINANCING PURPOSES PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE; CREATING A BOARD OF DIRECTORS FOR SUCH ZONE; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the City Council of the City of Cedar Park, Texas (the "City") has determined that the creation of a reinvestment zone by the City, as authorized by the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code, Vernon's Texas Codes Annotated (the "Act") within the area of the City as described in Exhibit "A" attached hereto (the "Zone"), is in the best interests of the City in accordance with Article VIII, Section 1-g of the Texas Constitution as the area is predominantly open, underdeveloped and, because of obsolete platting, substantially impairs the sound growth of the City; and

WHEREAS, the City Council has determined that creation of the proposed Zone is in compliance with the provisions of Ordinance No. 02000-42 regarding the creation of special districts for new development; and

WHEREAS, the City has prepared a preliminary reinvestment zone project and financing plan, a true and correct copy of which is on file with the City Secretary, which plan provides that a portion of City of Cedar Park ad valorem taxes constituting its tax increment are to be deposited into the hereinafter created tax increment fund, and that taxes of other taxing units may be utilized in the financing of the proposed Zone; and

WHEREAS, the City, on September 28, 2001, provided written notice of the City's intention to create the proposed Zone, complying with the requirements of Section 311.003, Texas Tax Code, to the governing body of all taxing units levying taxes on property in the proposed Zone; and

WHEREAS, a notice of the December 13, 2001, public hearing on the creation of the proposed Zone was published on December 5, 2001, in the Hill Country News, a newspaper of general circulation in the City; and

WHEREAS, at the public hearing on December 13, 2001, interested persons were allowed to speak for or against the creation of the proposed Zone, its boundaries, or the concept of tax

increment financing and owners of property in the proposed Zone were given a reasonable opportunity to protest the inclusion of their property in the proposed Zone; and

WHEREAS, evidence was received and presented at the public hearing in favor of the creation of the proposed Zone and its boundaries under the provisions of Chapter 311, Texas Tax Code; and

WHEREAS, no owner of real property in the proposed zone protested the inclusion of his property in the proposed Zone; and

WHEREAS, none of the property within the proposed Zone is currently used for residential purposes, as that term is defined in Section 311.006(d) of the Texas Tax Code; and

WHEREAS, the City has provided all information, and made all presentations, given all notices and done all other things required by Chapter 311, Texas Tax Code, or other law as a condition to the creation of the proposed Zone; and

WHEREAS, the City has not previously created any tax increment reinvestment zones or any industrial districts; and

WHEREAS, the total appraised value of taxable real property in the proposed Zone does not exceed 15 percent of the total appraised value of taxable real property in the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

Section 1. Findings. a) That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are adopted as part of this Ordinance for all purposes.

b) That the City Council further finds and declares that the proposed improvements in the Zone will significantly enhance the value of all the taxable real property in the proposed zone and will be of general benefit to the City.

c) That the City Council further finds and declares that the proposed reinvestment Zone meets the criteria and requirements of Section 311.005 of the Texas Tax Code because:

- (1) The proposed Zone substantially impairs and arrests the sound growth of the City, retards the provision of housing accommodations, constitutes an economic and social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use because of:
 - a. the predominance of defective or inadequate sidewalk or street layout; and
 - b. faulty lot layout in relation to size, adequacy, accessibility or usefulness; and

- (2) The proposed Zone is predominantly open and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impairs or arrests the sound growth of the City.

d) That the City Council, pursuant to the requirements of Chapter 311, Texas Tax Code, further finds and declares:

- (1) That the proposed Zone is a contiguous geographic area located wholly within the corporate limits of the City of Cedar Park;
- (2) That the total appraised value of taxable real property in the proposed Zone, does not exceed fifteen percent of the total appraised value of taxable real property in the City and in the industrial districts created by the City;
- (3) That the proposed Zone does not contain more than fifteen percent of the total appraised value of real property taxable by Williamson County;
- (4) That the development or redevelopment of the property in the proposed Zone will not occur solely through private investment in the reasonably foreseeable future;
- (5) That less than ten percent of the property in the proposed Zone is used for residential purposes within the meaning of Section 311.006(d), Texas Tax Code; and
- (6) That the improvements proposed to be implemented in the proposed reinvestment Zone will significantly enhance the value of all taxable real property in the proposed reinvestment Zone.

e) The City Council finds and declares that creation of the Zone is in conformity with Ordinance No. 02000-42 and further finds and declares:

- (1) That there are significant special circumstances or conditions affecting the property proposed to be included in the Zone that justify an exception to the City's general development policy;
- (2) That there are special development considerations affecting the proposed development that shall result in increased development costs over the usual and customary development costs within the City and its extraterritorial jurisdiction;
- (3) That the land within the Zone shall be developed to a higher development standard than that required under the City's applicable development ordinances;
- (4) That the quality of the development over time shall be assured through restrictive covenants applicable to all of the property within the Zone that are: (i) approved by

the City Council and (ii) enforceable by a mandatory homeowners' association with assessment power, which the City may compel to perform its enforcement duties;

- (5) That the roads, parks and utility infrastructure within the Zone shall generally be of higher quality than that required under applicable City development ordinances and regulations, so as to reduce operation and maintenance costs to the City over time;
- (6) That the creation of the Zone shall contribute to the economic development of the City and improve the quality of life for residents of the City; and
- (7) That any loss of ad valorem property taxes incurred by the City as a result of the creation of the Zone shall be made up through the collection of other taxes generated within such Zone, particularly sales and use taxes.

Section 2. Designation of the Zone. That the City, acting under the provisions of Chapter 311, Texas Tax Code, including Section 311.005(a), does hereby designate as a reinvestment zone, and create and designate a reinvestment zone over, the area described in Exhibit AA@ and depicted in the map attached hereto as Exhibit AB@ to promote the redevelopment of the area. The reinvestment zone shall hereafter be named for identification as Tax Increment Reinvestment Zone Number One, City of Cedar Park, Texas (the "Zone").

Section 3. Board of Directors. That there is hereby created a Board of Directors for the Zone, which shall consist of seven (7) members. The City Council shall appoint directors to Positions One through Seven; provided, however, that Williamson County shall be entitled to appoint a director to Position Seven if Williamson County approves the payment of all or part of the tax increment attributable to Williamson County. Failure of Williamson County to appoint a director by March 1, 2002, shall be deemed a waiver of Williamson County's right to appoint a director, and the City Council shall be entitled to nominate and appoint a director to such position.

The directors appointed to Positions One, Three, Five and Six shall be appointed for two year terms, beginning on January 1, 2002, while the directors appointed to Positions Two, Four and Seven shall be appointed to one year terms beginning on the effective date of the Zone. All subsequent appointments shall be appointed for two-year terms. The member of the Board of Directors appointed to Position One is hereby designated to serve as chair of the Board of Directors for the term beginning on the effective date of the Zone, and ending December 31, 2002. Thereafter the City Council shall annually nominate and appoint a member to serve as chair for a term of one year beginning January 1 of the following year. The City Council authorizes the Board of Directors to elect from its members a vice chairman and such other officers as the Board of Directors sees fit.

The Board of Directors of the Zone shall comply with Chapter 551, Texas Government Code (the Open Meetings Act) and Chapter 552, Texas Government Code (regarding public records and information). The Board of Directors shall make recommendations to the City Council concerning the administration of the Zone. The Board of Directors shall prepare or cause to be prepared and adopt a project plan and a reinvestment zone financing plan for the Zone as described in Section

311.011, Texas Tax Code, and shall submit such plans to the City Council for its approval. The City, pursuant to Section 311.010(a) of the Texas Tax Code hereby authorizes the Board of Directors to exercise all of the City's powers necessary to administer, manage or operate the Zone and to prepare the project plan and reinvestment zone financing plan, including the submission of an annual report on the status of the Zone. Notwithstanding the foregoing, the Board of Directors shall not be authorized to issue tax increment bonds or notes, impose taxes or fees, exercise the power of eminent domain or give final approval to the project plan and reinvestment zone financing plan. The Board of Directors of the Zone may not exercise any power granted to the City by Section 311.008 of the Texas Tax Code without additional and prior authorization from the City.

Section 4. Duration of the Zone. That the Zone shall take effect immediately upon the passage and approval of this Ordinance, and termination of the operation of the Zone shall occur on December 31, 2031, or at an earlier time designated by subsequent ordinance of the City Council in the event the City determines in its sole discretion that the Zone should be terminated due to insufficient private investment or other good cause, or at such time, subsequent to the time that all project costs, tax increment bonds, notes and other obligations of the Zone, and the interest thereon, have been paid in full.

Section 5. Tax Increment Base. That the Tax Increment Base of the City or any other taxing unit participating in the Zone for the Zone is the total appraised value of all real property taxable by the City or other taxing unit participating in the Zone and located in the Zone, determined as of January 1, 2001, the year in which the Zone was designated as a reinvestment zone (the ATax Increment Base@).

Section 6. Tax Increment Fund. That there is hereby created and established a Tax Increment Fund for the Zone which may be divided into subaccounts as authorized by subsequent resolutions or ordinances. All Tax Increments, as defined below, shall be deposited in the Tax Increment Fund. Any expenditure to be made from the Tax Increment Fund in excess of \$10,000, or any contract related thereto, must be approved by the City Council prior to such expenditure being made or contract being executed. The Tax Increment Fund and any subaccount shall be maintained at the depository bank of the City and shall be secured in the manner prescribed by law for funds of Texas cities. The annual Tax Increment shall equal eighty percent of the property taxes levied and collected by the City within the Zone and all or a portion of the property taxes levied and collected by any other taxing unit participating in the Zone (as set forth in an agreement to participate) for that year on the captured appraised value, as defined by the Act, of real property located in the Zone that is taxable by the City or any other taxing unit participating in the Zone, less any amounts that are to be allocated from the Tax Increment pursuant to the Act. All revenues from the sale of any tax increment bonds, notes or other obligations hereafter issued for the benefit of the Zone by the City, if any; revenues from the sale of property acquired as part of the project plan and reinvestment zone financing plan, if any; and other revenues to be used in the Zone shall be deposited into the Tax Increment Fund. Prior to the termination of the Zone, money shall be disbursed from the Tax Increment Fund only to pay project costs, as defined by the Texas Tax Code, for the Zone, to satisfy the claims of holders of tax increments bonds or notes issued for the Zone, or to pay obligations

incurred pursuant to agreements entered into to implement the project plan and reinvestment zone financing plan and achieve their purpose pursuant to Section 311.010(b) of the Texas Tax Code.

Section 7. Economic Development. That the City Council hereby finds that the creation of the Zone and the expenditure of moneys on deposit in the Tax Increment Fund necessary or convenient to the creation of the Zone or to the implementation of the project plan for the Zone constitutes a program to promote local economic development and to stimulate business and commercial activity in the City.

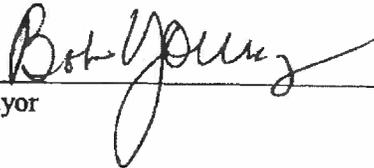
Section 8. Severability. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person to set circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining provisions of this Ordinance or their application to other persons or set of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or regulations connected herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

Section 9. Open Meetings. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding its meeting, as required by the Open Meetings Law, Texas Government Code, Ch. 551, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 13th day of December, 2001, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

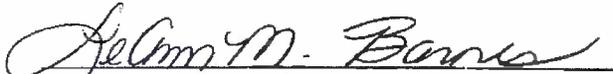
READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 20th day of December, 2001, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this 20th day of December, 2001.



Mayor

ATTEST:



City Secretary



Exhibit "A"
Page 1 of 3

STATE OF TEXAS:
COUNTY OF WILLIAMSON:

FIELD NOTES for a 470.09 acre tract of land out of the S. J. Dover Survey, Abstract No. 168, in Williamson County, Texas, and being a portion of that certain 479.720 acre tract of land conveyed to V-S Cedar Park, LTD, by deed recorded in Volume 2638, Page 477 (Document No. 9455963) of the Official Records of Williamson County, Texas, being all of that certain 1.72 acre tract of land conveyed to Bing Yu and Phoenix F. Pai, d/b/a China Cafe, by deed recorded in Doc. No. 9744129 of the Official Records of Williamson County, Texas, being all of Lot No. 3, Windsor Crossing, Section One, recorded in Plat Cabinet "O", Slides 76 & 77 (Document No. 9703646), Plat Records of Williamson County, Texas. The Basis of Bearings for this survey is True North as established with the Global Positioning System (GPS). Said 470.09 acre tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found in the east right-of way line of the City of Austin Railroad described in Volume 1434, Pg. 453 of the Official Records of Williamson County, Texas for a Westerly corner hereof from which a brass disc highway right-of-way monument found at centerline highway station 102+27.19 at the intersection of the north right-of-way line of R. M. Highway No. 1431, also known as Whitestone Boulevard and the east right-of-way line of said City of Austin Railroad, for the southwest corner of that certain Lot No. 1 of City of Cedar Park R.R. Subdivision recorded in Cabinet "O", Slide 277 (Document No. 9728108) of the Plat Records of Williamson County, Texas bears S17°17'41"E (called S18°33'00"E), a distance of 1232.25 feet (called 1232.60 feet);

THENCE N17°14'36"W (called N18°31'41"W) with the west line hereof, being the west line of said 479.720 acre tract and east right-of-way line of said City of Austin Railroad, a distance of 2972.74 feet to a 1/2" iron rod found at the southwest corner of that certain 2.197 acre tract of land conveyed to The City of Cedar Park, by deed recorded in Document No. 9747346 of the Official Records of Williamson County, Texas, for the northwest corner of said 479.720 acre tract and the northwest corner hereof;

THENCE with the north line hereof with the following 5 calls:

- 1) N72°43'02"E with the south line of said 2.197 acre tract, a distance of 294.66 feet to a 1/2" iron rod found for the southeast corner of said 2.197 acre tract and an angle point hereof
- 2) N17°17'44"W with the east line of said 2.197 acre tract, a distance of 312.39 feet to a 1/2" iron rod found in the north line of said 479.720 acre tract, the south right-of-way line of Williamson County Road No. 181 and the south line of that certain 6.266 acre tract of land conveyed to the public by deed recorded in Volume 2168, Page 424 of the Official Records of Williamson County, Texas, for the northeast corner of said 2.197 acre tract and a northerly corner hereof, said 1/2" iron rod found also being in a 1653.00 foot radius curve to the left, from which a 1/2" iron rod found in the north line of said 2.197 acre tract bears S80°05'36"W, a distance of 17.94 feet;
- 3) With the north line of said 479.720 acre tract, the south right-of-way line of Williamson County Road No. 181, the south line of said 6.266 acre tract and the arc of said 1653.00 foot radius curve to the left, an arc distance of 274.56 feet and a chord bearing and distance of N75°01'26"E, 274.25 feet to a 1/2" iron rod found for the point of tangency of said curve;
- 4) N70°15'04"E (called N68°57'51"E) a distance of 5122.27 feet to a 1/2" iron rod found for the point of curvature of a 25.00 foot radius curve to the right;
- 5) With the arc of said 25.00 foot radius curve to the right, an arc distance of 40.01 feet (called 40.04 feet) and chord bearing and distance of S63°54'27"E (called S65°09'07"E), 35.87 feet (called 35.90 feet) to a 1/2" iron rod found at the point of tangency, being the east line of said 479.720 acre tract, the southeast corner of said 6.266 acre tract and a west right-of-way line of Williamson County Road No. 180, and being the northwest corner of a 0.412 acre tract of land conveyed to the public by deed recorded in Volume 2168, Page 416 of the Official Records of Williamson County, Texas, for the northeast corner hereof;

MARBLE FALLS SURVEYING & MAPPING

110 AVE. H, SUITE 212
MARBLE FALLS, TEXAS 78654
(830) 693-8815 FAX (830) 693-8915

Exhibit "A"

Page 2 of 3

THENCE with the east line hereof and of said 479.720 acre tract, the following 5 calls:

- 1) S17°56'19"E (called S19°13'59"E) with a west line of said 0.412 acre tract, a distance of 1183.99 feet (called 1183.78') to a 1/2" iron rod found at the southwest corner of said 0.412 acre tract, for an angle corner hereof, from which a 1/2" iron rod found bears N26°20'14"E, a distance of 21.38 feet;
- 2) N70°59'30"E (called N69°56'58"E) with the south line of said 0.412 acre tract, a distance of 30.06 feet (called 30.18 feet) to a 1/2" iron rod found at the southeast corner of said 0.412 acre tract and the northwest corner of that certain 37.24 acre tract of land conveyed to Marvin A. Priem, by deed recorded in Volume 2654, Page 761 (Document No. 9460887) of the Official Public Records of Williamson County, Texas, for an angle corner hereof, from which a 1/2" iron rod found bears N18°32'33"W, a distance of 15.05 feet;
- 3) S18°34'18"E (called S19°52'03"E) with or near an old fence and west of a newer fence, with the west line of said 37.24 acre tract, a distance of 1344.27 feet (called 1344.23 feet) to a 1/2" iron rod found at the southwest corner of said 37.24 acre tract and in the north line of that certain 201.79 acre tract of land conveyed to Carssow Family Partnership, LTD., by deed recorded in Document No. 9738896 of the Official Records of Williamson County, Texas, for an outside ell corner hereof;
- 4) S71°03'44"W (called S69°46'40"W) with or near a fence, with the north line of said 201.79 acre tract, a distance of 2093.32 feet (called 2093.61 feet) to a 1/2" iron rod found at the northwest corner of said 201.79 acre tract, for an inside ell corner hereof;
- 5) S18°47'31"E (called S20°04'38"E) with or near a fence, with the east line of said 201.79 acre tract, a distance of 1914.58 feet (called 1914.22 feet) to a 1/2" iron rod found at the southwest corner of said 201.79 acre tract and lying in the north right-of-way line of said R. M. Highway No. 1431 (Whitestone Boulevard), for the southeast corner hereof;

THENCE S71°01'37"W (called S69°44'00"W) with or near a fence, the south line hereof, the north right-of-way line of said R.M. Highway No. 1431 and the south line of said 479.720 acre tract, at a distance of 918.35 feet pass a 1/2" iron rod found 0.08 feet left of line at the southeast corner of said 1.72 acre tract, at a distance of 1168.35 feet pass a 1/2" iron rod found at the southwest corner of said 1.72 acre tract, at a distance of 1443.36 feet pass the southeast corner of Discover Boulevard and of said Windsor Crossing Section One, at a distance of 1583.36 feet pass a 1/2" iron rod found 0.07 feet left of line at the southwest corner of said Discover Boulevard, being the southeast corner of Lot No. 3 of said Windsor Crossing Section One, in all a total distance of 2284.62 feet to a 1/2" iron rod found at the southwest corner of said Lot No. 3 for the southeast corner of Lot No. 2 of "The Railyard" recorded in Cabinet "O", Slide 147 & 148 (Document No. 9712730) of the Plat Records of Williamson County, Texas, from which a 1/2" iron rod found in the south line of that certain Lot No. 2 of "The Railyard, Section Two", recorded in Cabinet "O", Slide 211 & 212 (Document No. 9721899) of the Plat Records of Williamson County, Texas bears S71°01'37"W, a distance of 635.52 feet;

THENCE with a Westerly line hereof with the following 3 calls:

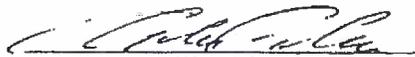
- 1) N17°20'20"W (called N18°36'42"W) with the east line of said Lot No. 2 of the "The Railyard" and the west line of said Lot No. 3 of "Windsor Crossing, Section One", a distance of 387.13 feet (called 387.27 feet) to a 1/2" iron rod found in a southerly line of said 479.720 acre tract and the southerly line of that certain Lot No. 1 of said "City of Cedar Park R.R. Subdivision" for the northeast corner of said Lot No. 2, the northwest corner of said Lot No. 3 and an angle point hereof;
- 2) N72°43'43"E (called N71°27'02"E) with said southerly line of Lot No. 1, the Southerly line of said 479.720 acre tract and a northerly line of said Lot No. 3, a distance of 278.96 feet (called 278.81 feet) to a 1/2" iron rod found for an easterly corner of said Lot No. 1, a northwesterly corner of said Lot No. 3 and an angle point of said 479.720 acre tract and an angle point hereof;

Exhibit "A"
Page 3 of 3

- 3) N17°19'06"W (called N18°36'42"W) with the east line of said Lot No. 1 and a westerly line of said Lot No. 3, a distance of 200.32 feet (called 200.31 feet) to a 1/2" iron rod found for the northeast corner of said Lot No. 1, the most northwesterly corner of said Lot No. 3 and an angle point hereof;

Thence with the north line of said Lot No. 1, a southerly line of said 479.720 acre tract and a southerly line hereof with the following 2 calls:

- 1) S72°44'14"W (called S71°27'00"W), a distance of 1160.01 feet (called 1160.00 feet) to a 1/2" iron rod found for the point of curvature of a 618.82 foot radius curve to the right;
- 2) With the arc of said 618.82 foot radius curve to the right, an arc distance of 835.78 feet (called 835.99 feet) and chord bearing and distance of N65°56'38"W (called N67°13'58"W), 773.69 feet (called 773.86 feet) to the Point of Beginning. Containing 470.09 Acres.

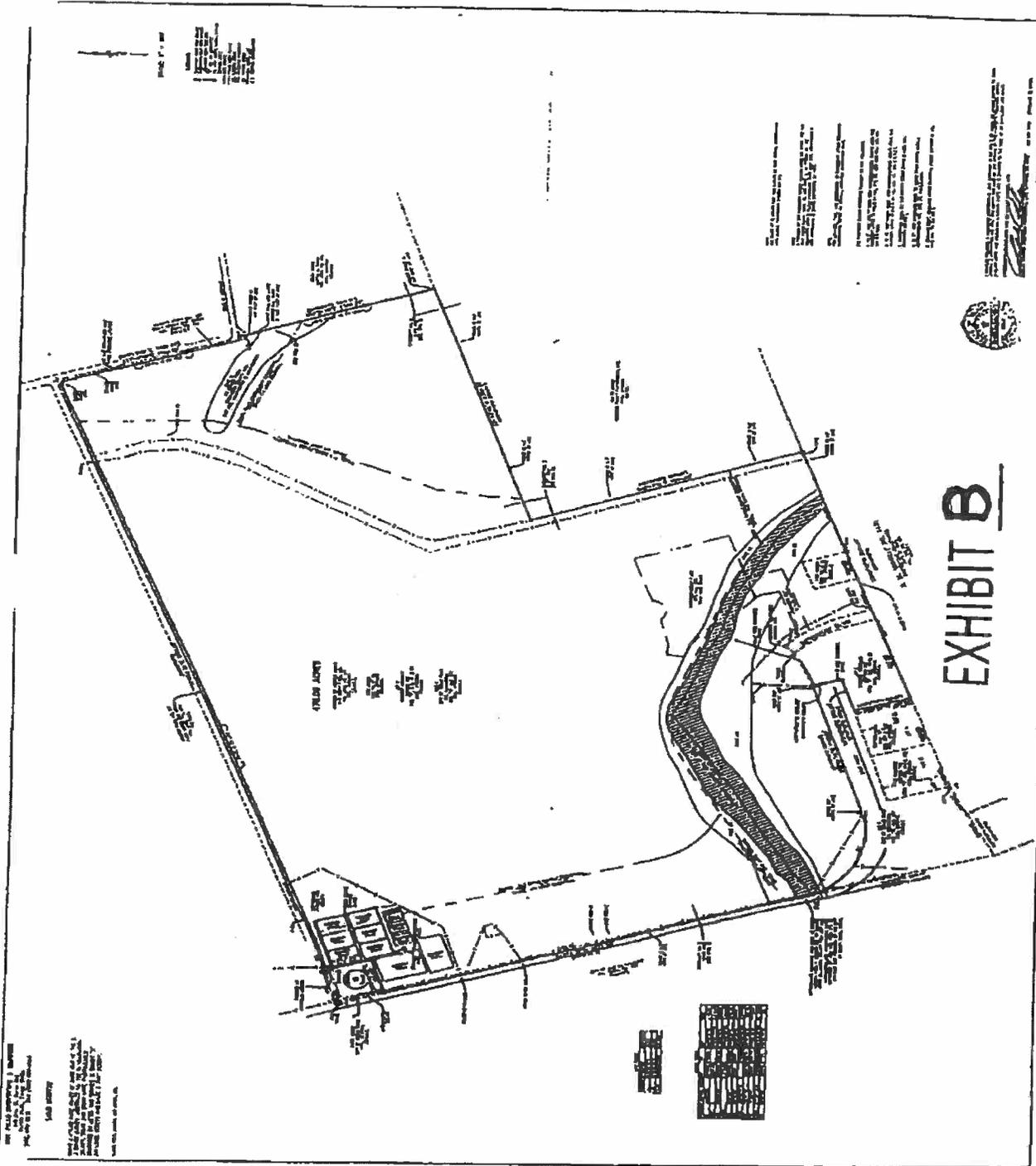


Charles Calhoun
Registered Professional Land Surveyor No. 4452
October 3, 2001

Job No: 1091

Office: CH Calhoun





THE PLAN HEREBY SUBMITTED IS THE PROPERTY OF THE ENGINEER AND ARCHITECT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ENGINEER AND ARCHITECT.

DATE: 10/15/2010

BY: [Signature]

SCALE: 1" = 100'

DATE: 10/15/2010

THIS PLAN IS SUBJECT TO THE ZONING ORDINANCES OF THE CITY OF [City Name], AND THE APPLICABLE ZONING MAP. THE APPLICABLE ZONING MAP IS FILED IN THE OFFICE OF THE CITY CLERK, [City Name], AND IS AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE CITY CLERK, [City Name].

EXHIBIT B



EXHIBIT B ZONING BOUNDARY MAP



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. C.2
(Z-12-003) Second Reading And Approval Of An Ordinance To Rezone Approximately 4.04 Acres From Single Family Large Lot (SF) To Transitional Office-Conditional Overlay (TO-CO) For Property Located At The Southeast Corner Of West Park Street And Lakeline Boulevard. The Conditional Overlay Prohibits Vehicular And Pedestrian Access To Amelia Drive. The Planning And Zoning Commission Voted 6-0 To Approve The Request.

Commentary:

Applicant/Owner: Doug Devine, Premas Commercial Realty Group, LLC

Request: Rezone 4.04 acres located at the southeast corner of West Park Street and Lakeline Boulevard

Current Zoning: Single Family Large Lot (SF)

Requested Zoning: Transitional Office-Conditional Overlay (TO-CO)

Existing Future Land Use Plan: Neighborhood Office/Retail/Commercial

Overlay Applicability: Corridor Overlay is applicable; Conditional Overlay to prohibit vehicular and pedestrian access to Amelia Drive

Staff Recommendation:

- Approval

Reason for Staff Recommendation:

- Compatible with Future Land Use Plan
- Supports economic development goals of the Comprehensive Plan
- Conditional overlay provides additional buffering from adjacent Oakmont Forest neighborhood

P&Z Recommendation:

- Approval

Stated Reasons for P&Z Recommendation:

- Agree with staff's reasoning

Planning & Zoning Commission Recommendation to the City Council:
The Planning and Zoning Commission voted 6-0 to approve the request.

In favor: Nicholas Kauffman, Thomas Balestiere, Stephen Thomas, Holly Hogue, Lorena Echeverria de Misi and Jon Lux
Opposed: None

Planning & Zoning Commission Public Hearing:
The Planning and Zoning Commission held a public hearing on March 20, 2012. One person spoke in opposition to the request. If the rezoning is approved, the citizen supported the conditional overlay prohibiting access to Amelia Drive.

City Council Public Hearing:
The City Council held a public hearing on April 26, 2012. Two citizens spoke in support of the request.

Background:

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

<i>March 7, 2012:</i>	Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen
<i>March 9, 2012:</i>	46 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract
<i>March 20, 2012:</i>	Planning and Zoning Commission public hearing
<i>April 11, 2012:</i>	Public notice of the City Council public hearing published in the Cedar Park Citizen
<i>April 26, 2012:</i>	City Council 1 st reading and public hearing
<i>May 10, 2012:</i>	City Council 2 nd reading of ordinance

City Manager's Remarks

Fiscal Impact
Account No.:

Budget
Budget/Expended:

Legal Certifications

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO REZONE APPROXIMATELY 4.04 ACRES LOCATED AT THE SOUTHEAST CORNER OF WEST PARK STREET AND LAKELINE BOULEVARD FROM SINGLE FAMILY LARGE LOT (SF) TO TRANSITIONAL OFFICE-CONDITIONAL OVERLAY (TO-CO), IN WILLIAMSON COUNTY, TEXAS. (Z-12-003); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That the zoning district map of the City of Cedar Park adopted in Ordinance No. 75-2 be and the same is hereby amended to rezone approximately 4.04 acres to Transitional Office-Conditional Overlay (TO-CO) with a condition to prohibit vehicular and pedestrian access to Amelia Drive, as set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 26th day of April, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 10th day of May, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Robert S. Lemon, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

EXHIBIT 2 PAGE 1

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE R. G. ANDERSON SURVEY, ABSTRACT 28, SITUATED IN WILLIAMSON COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO BERTHA L. WILCOX IN DOCUMENT NO. 9748196 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID TRACT BEING 0.261 ACRE OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron rod set in the east right-of-way line of Lakeline Boulevard, a 100-foot wide right-of-way dedicated to the public by Document No. 2000014687 of the Official Records of Williamson County, Texas, said iron rod also being in the most southerly line of said Wilcox tract, said iron rod also being located in a north line of that certain tract of land described in a deed to Lumberman's Investment Corporation, recorded in Volume 1911, Page 298 of the Official Records of Williamson County, Texas, said iron rod also being the most southerly point of the herein described tract and POINT OF BEGINNING of said 0.261 acre,

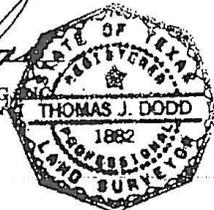
THENCE, departing the east right-of-way line of said Lakeline Boulevard, with the most southerly line of said Wilcox tract, N72°32'47"E, a distance of 56.52 feet to an iron rod found at the most southern point of that certain tract of land described in a deed to Frank Barron, recorded in Document No. 9823886 of the Official Records of Williamson County, Texas, said iron rod also being in the north line of said Lumberman's tract, said iron rod also being located at the most easterly corner of the herein described tract,

THENCE, departing the north line of said Lumberman's tract, with the east line of said Wilcox tract, N17°57'13"W, a distance of 314.56 feet to an iron rod set in the eastern right-of-way line of said Lakeline Boulevard, said iron rod also being located at the most northerly corner of the herein described tract,

THENCE, with the right-of-way of said Lakeline Boulevard, S00°26'51"W, a distance of 2.87 feet to an iron rod set at a point of curvature to the left,

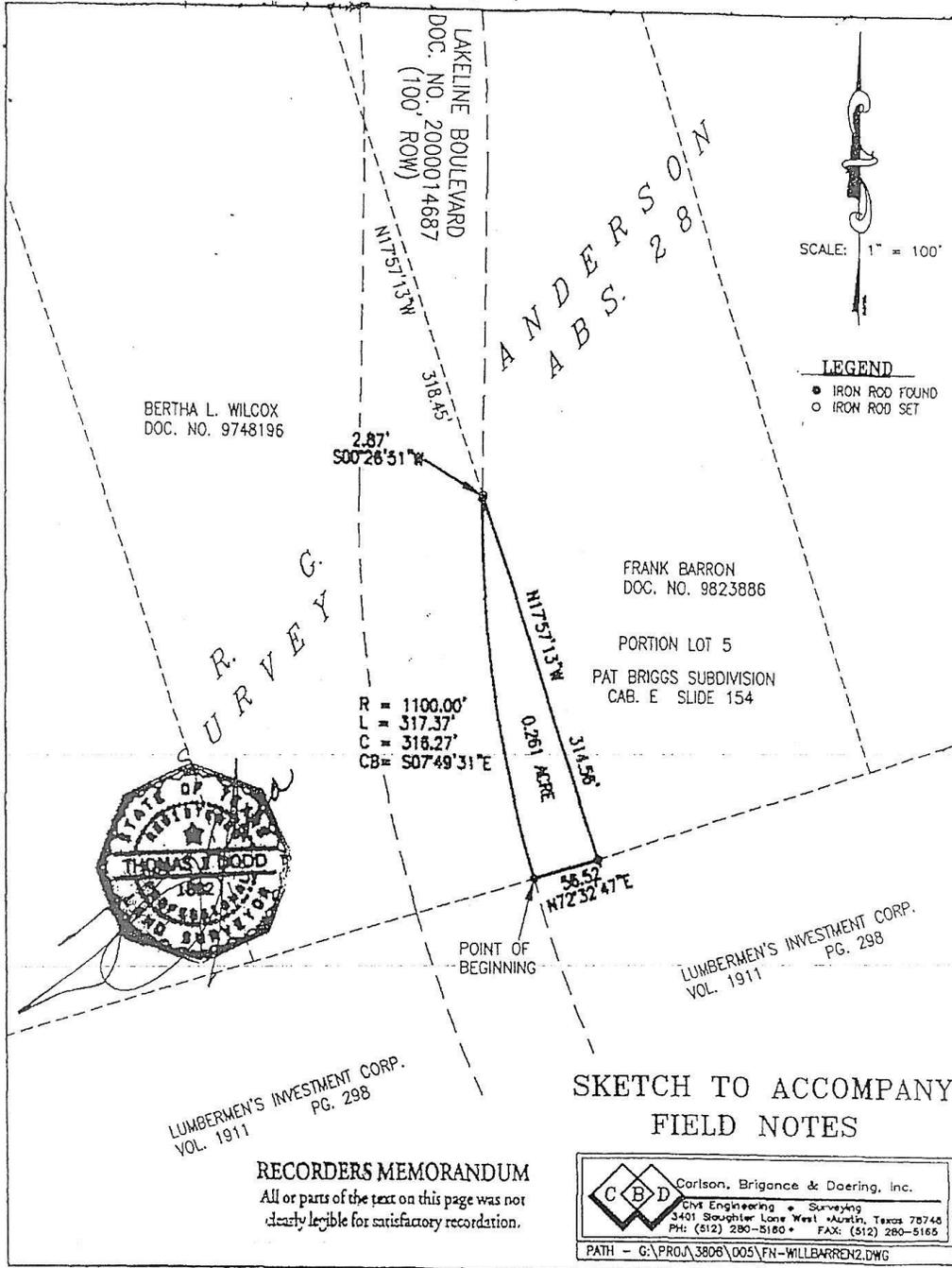
THENCE, continuing along the right-of-way of said Lakeline Boulevard with said curve to the left, having a radius of 1100.00 feet, an arc length of 317.37 feet, and whose chord bears, S07°49'31"E, a distance of 316.27 feet to the POINT OF BEGINNING, and containing 0.261 acre of land.

Thomas J. Dodd - R.P.L.S. No. 1882
CARLSON, BRIGANCE & DOERING
3401 Slaughter Lane West
Austin, Texas 78748
(512) 280-5160 Fax: (512) 280-5165



Filename: G:\DOCS\38060056-willbarron2.doc

EXHIBIT 'C' PAGE 2



March 20, 2012 Zoning	<i>Planning and Zoning Commission</i> West Park at Lakeline	Item: 7A & 8A
Case Number: # Z-12-003		

Owner/Agent: Doug DeVine, Premas Realty Group LLC

STAFF: Amy Link, 401-5056, amy.link@cedarparktx.us

LOCATION: Southeast corner of West Park Street and Lakeline Boulevard

COUNTY: Williamson

AREA: 4.04 acres

EXISTING ZONING: Single Family-Large Lot (SF)

PROPOSED ZONING: Transitional Office (TO)

STAFF RECOMMENDATION: Transitional Office-Conditional Overlay (TO-CO) with a condition to prohibit vehicular and pedestrian access to Amelia Drive

EXISTING FUTURE LAND USE DESIGNATION: Neighborhood Office/Retail/Commercial

SUMMARY OF REQUEST:

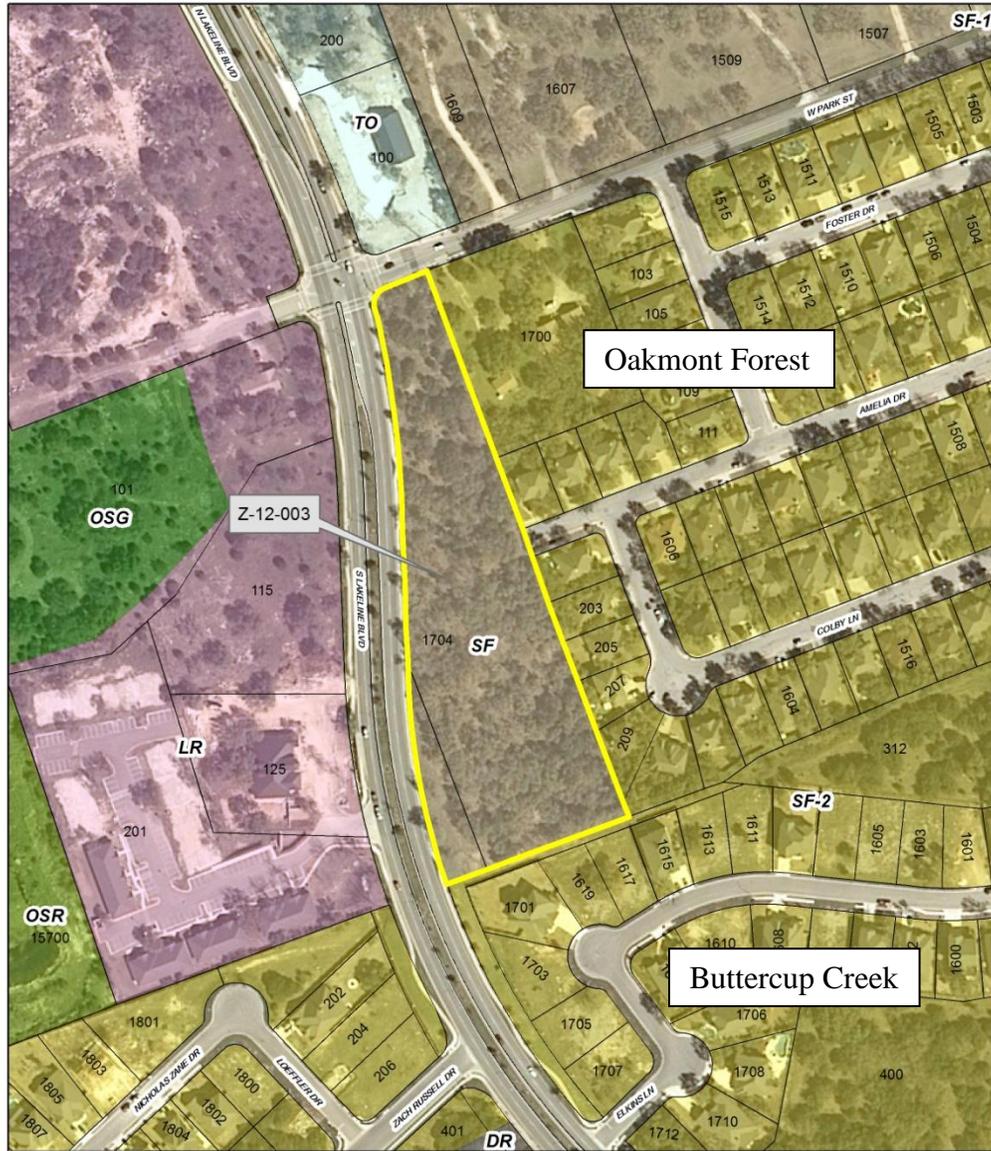
The applicant is requesting to rezone approximately 4.04 acres from Single Family-Large Lot (SF) to Transitional Office (TO) for property located at the southeast corner of West Park Street and Lakeline Boulevard.

EXISTING SITE:



SURROUNDING USES:

The site is currently undeveloped and is surrounded by single family residential properties to the east and south. West Park Street forms the northern boundary of the tract and Lakeline Boulevard lies to the west of the tract.



Z-12-003



PURPOSE OF REQUESTED ZONING DISTRICT:

The Transitional Office District, TO, is established to provide for low intensity office and professional uses to be located adjacent to residential areas with a positive impact. Permitted uses in this district are more compatible with adjacent residential areas by having limited hours of operation, small building scale, and architectural and landscape features that are consistent with residential style. This district is intended to allow for limited, nonresidential land uses that provide for a smooth transition to and from the area to preserve the integrity of adjacent residential neighborhoods. The TO District provides for support services near to the residents of the neighborhood, allowing access to services by pedestrians and bicycles.

The purpose of a Conditional Overlay Combining District (CO) is to modify use and site development regulations to address the specific circumstances presented by a site. The Conditional Overlay Combining District may be used to promote compatibility between competing and potentially incompatible land uses (ex. prohibit a permitted use in the base district); ease the transition from one base district to another (ex. requiring additional buffers); address land uses or sites with special requirements (ex. prohibit access to a specific roadway from a site); and guide development in unique circumstances (ex. increase the minimum lot size).

PERMITTED USES IN TO:

- Accessory structures
- Administrative offices
- Art gallery
- Day care center, incidental
- Medical offices
- Places of worship
- Private schools
- Professional offices
- Public buildings, uses
- Software development
- Temporary buildings
- Utility services, general
- Wireless telecommunication facilities

COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for Neighborhood Office/Retail/Commercial uses, with compatible zoning districts such as Transitional Office (TO), Transitional Commercial (TC), General Office (GO), Local Retail (LR) and Mixed Use (MU).

The applicant’s request complies with the Future Land Use Plan (FLUP).

The request is also consistent with the following goals set forth in the Comprehensive Plan:

4.1.6 Economic Development Goals:

- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Diversify and broaden Cedar Park’s economic base to keep up with anticipated growth while both keeping taxes competitive and maintaining a high level of City services.

SITE INFORMATION:

Corridor Overlay:

This tract is located within the Corridor Overlay.

Transportation:

North Lakeline Boulevard is classified as a 4 lane divided major arterial adjacent to the tract. In 2011, the traffic count north of Buttercup Creek Boulevard was 22,927 vehicles trips per day.

West Park Street is classified as a 2 lane minor arterial and creates the northern boundary of the tract.

Amelia Drive is classified as a local street and currently dead ends at the eastern property line of the tract.

Water and Wastewater Utilities:

Water and wastewater lines are sized adequately for the existing and requested zoning on the site.

Subdivision:

The property is not subdivided.

Setback Requirements:

	Transitional Office (TO)
Front Setback	25'
Side Setback	12'
Side Setback at street	25'
Rear Setback adjacent to single family	20'

Architectural Requirements:

The site is located entirely within the Corridor Overlay, which requires 75% masonry construction.

CASE HISTORY:

Case Number	Request	P&Z Recommendation	CC Action
Z-02-003	SF to LR	Application was withdrawn	No action taken
Z-11-033	SF to LR-CO	Recommended applicant's request	Denied request

STAFF COMMENTARY:

The applicant is requesting TO zoning for the subject tract. This request exemplifies the purpose statement of the TO district, as it will provide low intensity uses serving the adjacent residential neighborhood. The limited hours of operation and architectural scale and style of buildings found in this district provide a compatible transition between commercial and residential uses.

To further buffer the commercial uses from the adjacent neighborhood, staff is recommending that vehicular and pedestrian access to Amelia Drive be prohibited.

STAFF RECOMMENDATION:

Staff supports the applicant's request for TO zoning; however, we recommend to further condition the request to TO-CO with a conditional overlay prohibiting vehicular and pedestrian access to Amelia Drive.

PUBLIC INPUT: To date, two written responses have been received, one in opposition and one in favor of the request. Please see attached.

PUBLIC NOTIFICATION: Cedar Park-Leander Statesman March 8, 2012
46 letter notices were sent to property owners within the 300' buffer

PROPOSED CITY COUNCIL HEARINGS: (April 26, 2012) 1ST Reading
(May 10, 2012) 2ND Reading

You may send your written comments to the Planning Department, 600 N. Bell Blvd., Cedar Park, Texas 78613 or e-mail: amy.link@cedarparktx.us (attention: Zoning File #: Z-12-003)

Name: Bryan Thompson Address: 111 Derek Drive

I am in favor, this is why _____ • I am not in favor, and this is why _____

_____ • I would prefer that you leave
_____ • the green belt area alone.

600 N. Bell Boulevard | Cedar Park, Texas 78613 Office (512) 401.5000 | Fax (512) 258-6083 | www.cedarparktx.us

No. 1367 P. 1

Mar. 13, 2012 9:11AM

You may send your written comments to the Planning Department, 600 N. Bell Blvd., Cedar Park, Texas 78613 or e-mail: amy.link@cedarparktx.us (attention: Zoning File #: Z-12-003)

Name: Joe Reed Address: 201 S. Lakeline Blvd, Ste. 902

I am in favor, this is why it only makes • I am not in favor, and this is why _____

sense to have commercial • _____
properties along Lakeline Blvd. • _____

600 N. Bell Boulevard | Cedar Park, Texas 78613 Office (512) 401.5000 | Fax (512) 258-6083 | www.cedarparktx.us



Applicant's Summary of Neighborhood Communications

Did you contact the surrounding neighborhood(s)? Y or N (circle one) If yes, please answer the following questions (additional pages may be attached as necessary to respond to each question).

1. How and when were the surrounding neighborhood and property owners notified, how was information shared, and who was directly involved in the communication process?

By letter dated 3/19/12 & mailed on 3/10/12 - letter from Property owner, Irenas Commercial Realty Group, LLC

2a. Who was notified? Specifically, provide the number of property owners notified, and of those notified, how many are within 300 feet of the subject tract.

46

2b. Who responded to the notification? Specifically, provide the number of property owners who responded, and of those, how many are within 300 feet of the subject tract.

1 phone call

3. What concerns were raised during these communications?

No concerns regarding the zoning requested

4. What modifications to the conditions were made or considered in response to the concerns raised at the meeting?

none

5. Please provide copies of all materials distributed as part of this process and all comments received in response to the distributed materials.

The above information is deemed to be true to the best of my knowledge.

Signed: *[Signature]*

Date *3/19/12*

PREMAS
COMMERCIAL REALTY
GROUP, LLC

2614 SALERNO PLACE CEDAR PARK, TX 78613 • 512-335-8333 • DOUG@PREMASGROUP.COM

March 10, 2012

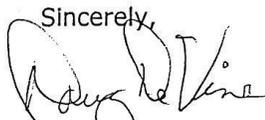
This letter is to let you, as an area property owner, know that we have filed an application with the City of Cedar Park to rezone approximately 4 acres located at the southeast corner of West Park Street and North Lakeline Boulevard from Single Family Large Lot (SF) to Transitional Office (TO). The application has been assigned Z-12-003.

As you may know, during the latter part of 2011 an application was filed proposing rezoning of this property from SF to Light Retail (LR). After taking into consideration the concerns expressed to the previous LR zoning, we feel that a TO zoning would be better for the community and the City of Cedar Park, while allowing the best use of our land.

The TO zoning we have applied for would allow low intensity office and professional uses to be located adjacent to a residential area with a positive impact. Some of the uses permitted would be administrative offices, medical and professional offices.

If you have any questions, either of us would be glad to talk with you.

Sincerely,



Doug DeVine
(512) 657-0831



Pat DeVine
(512) 917-7909



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. C.3
(Z-12-004) Second Reading And Approval Of An Ordinance To Rezone Approximately 34.23 Acres Located Near The Northeast Corner Of West Whitestone Boulevard And West New Hope Drive From Development Reserve (DR) And Business District (BD) To Approximately 4.12 Acres Of Local Retail (LR), Approximately 6.29 Acres Of General Retail (GR), Approximately 12.43 Acres Of Light Industrial (LI) And Approximately 11.39 Acres Of Commercial Services-Conditional Overlay (CS-CO). The Planning And Zoning Commission Voted 5-1 To Approve The Request.

Commentary:

Owner: Marion and Peggy Shipman and 1431 Inc.

Agent: David Singleton

Request: Rezone 34.23 acres located near the northeast corner of West Whitestone Boulevard and West New Hope Drive

Current Zoning: Development Reserve (DR) and Business District (BD)

Requested Zoning:

- Approx. 4.12 acres of Local Retail (LR)
- Approx. 6.29 acres of General Retail (GR)
- Approx. 12.43 acres of Light Industrial (LI)
- Approx. 11.39 acres of Commercial Services-Conditional Overlay (CS-CO)

Existing Future Land Use Plan: Neighborhood Office/Retail/Commercial and Employment Center

Proposed Future Land Use Plan: Neighborhood Office/Retail/Commercial, Regional Office/Retail/Commercial, Employment Center, and Industrial

Overlay Applicability: Corridor Overlay is applicable; The applicant is proposing a Conditional Overlay for the CS request that includes the following conditions:

- Prohibit automobile repair shop, automotive tire stores, automotive paint and body shop, automotive parts and accessory sales, boarding kennels, crematorium, gasoline service

- station general, indoor shooting range, pawn shop, permanent makeup, tattooing, body piercing, truck stop, wrecker impoundment and recreational vehicle parks
- Limits building height to a maximum of 45 feet

Staff Recommendation:

- Approval of the applicant's request for LR, GR, LI and CS-CO including all conditions, plus adding self-storage as a prohibited use.

Reason for Staff Recommendation:

- Partially compatible with Future Land Use Plan; amendment pending
- Supports economic development goals of the Comprehensive Plan
- Requested zoning districts conform to the respective zoning district purpose statements
- Conditional overlay associated with the CS request limits uses to those compatible with the adjacent residential neighborhood and incorporates a height limitation similar in scale to the residential neighborhood

P&Z Recommendation:

- Approval

Stated Reasons for P&Z Recommendation:

- Agree with staff's reasoning

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 5-1 to approve the request.

In favor: Nicholas Kauffman, Stephen Thomas, Holly Hogue, Lorena Echeverria, Jon Lux

Opposed: Thomas Balestiere

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on March 20, 2012. No public testimony was received.

City Council Public Hearing:

The City Council held a public hearing on April 26, 2012. No public testimony was received.

Background:

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

March 7, 2012: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen

March 9, 2012: 31 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract

March 20, 2012: Planning and Zoning Commission public hearing

April 11, 2012: Public notice of the City Council public hearing published in the Cedar Park Citizen
April 26, 2012: City Council 1st reading and public hearing
May 10, 2012: City Council 2nd reading of ordinance

City Manager's Remarks

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Legal Certifications

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO REZONE APPROXIMATELY 34.23 ACRES LOCATED NEAR THE NORTHEAST CORNER OF WEST WHITESTONE BOULEVARD AND WEST NEW HOPE DRIVE FROM DEVELOPMENT RESERVE (DR) AND BUSINESS DISTRICT (BD) TO APPROXIMATELY 4.12 ACRES OF LOCAL RETAIL (LR), APPROXIMATELY 6.29 ACRES OF GENERAL RETAIL (GR), APPROXIMATELY 12.43 ACRES OF LIGHT INDUSTRIAL (LI) AND APPROXIMATELY 11.39 ACRES OF COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO), IN WILLIAMSON AND TRAVIS COUNTIES, TEXAS. (Z-12-004); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That the zoning district map of the City of Cedar Park adopted in Ordinance No. 75-2 be and the same is hereby amended to rezone approximately 34.23 acres to 4.12 acres of Local Retail (LR), 6.29 acres of General Retail (GR), 12.43 acres of Light Industrial (LI), and 11.39 acres of Commercial Services-Conditional Overlay (CS-CO) with the following conditions: 1) prohibit automobile repair shop, automotive tire stores, automotive paint and body shop, automotive parts and accessory sales, boarding kennels, crematorium, gasoline service station general, indoor shooting range, pawn shop, permanent makeup, tattooing, body piercing, truck stop, wrecker impoundment, self-storage and recreational vehicle parks; 2) limit building height to a maximum of 45 feet; as set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 26th day of April, 2012, at which a quorum was

present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 10th day of May, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Robert S. Lemon, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

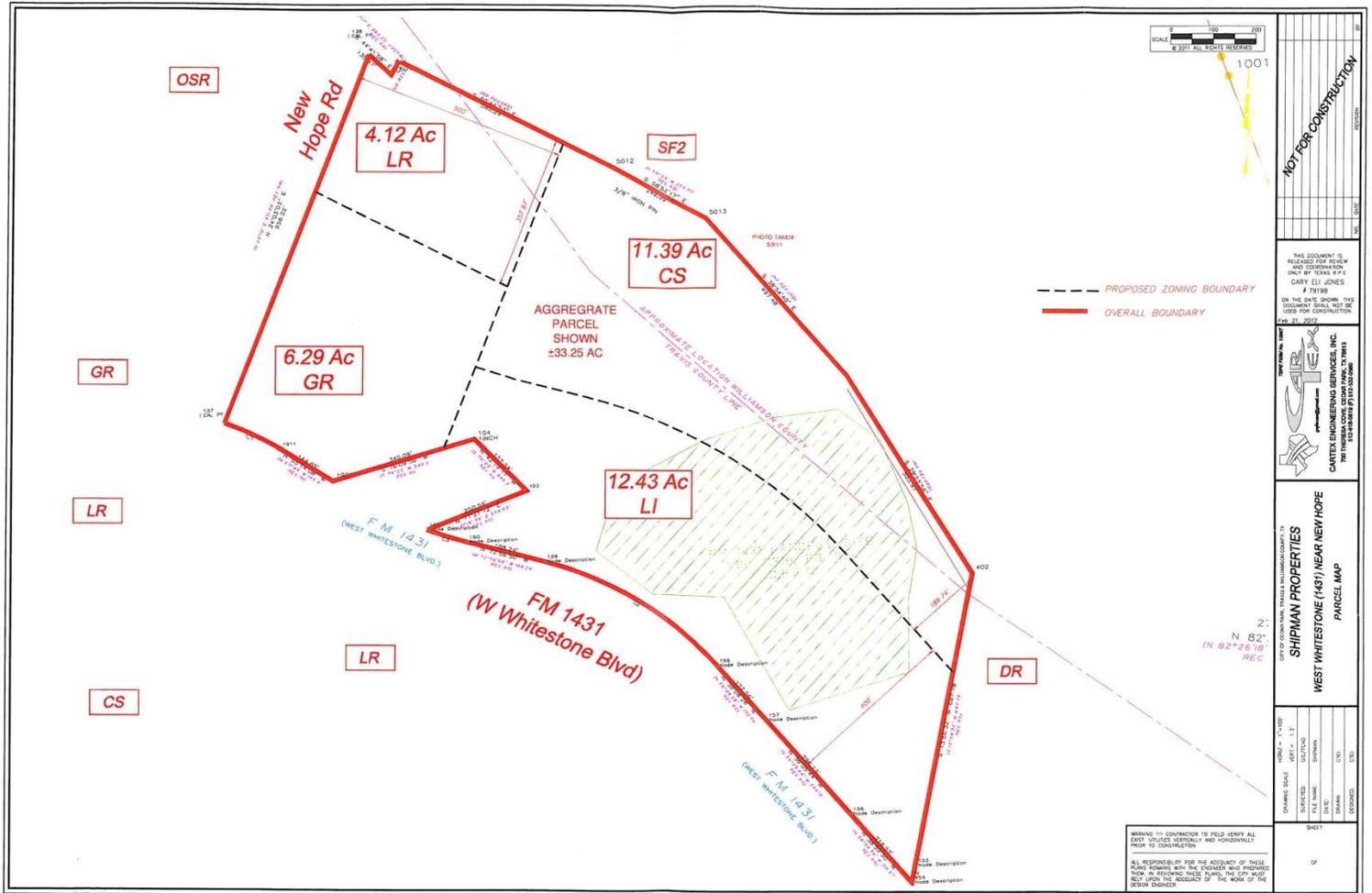
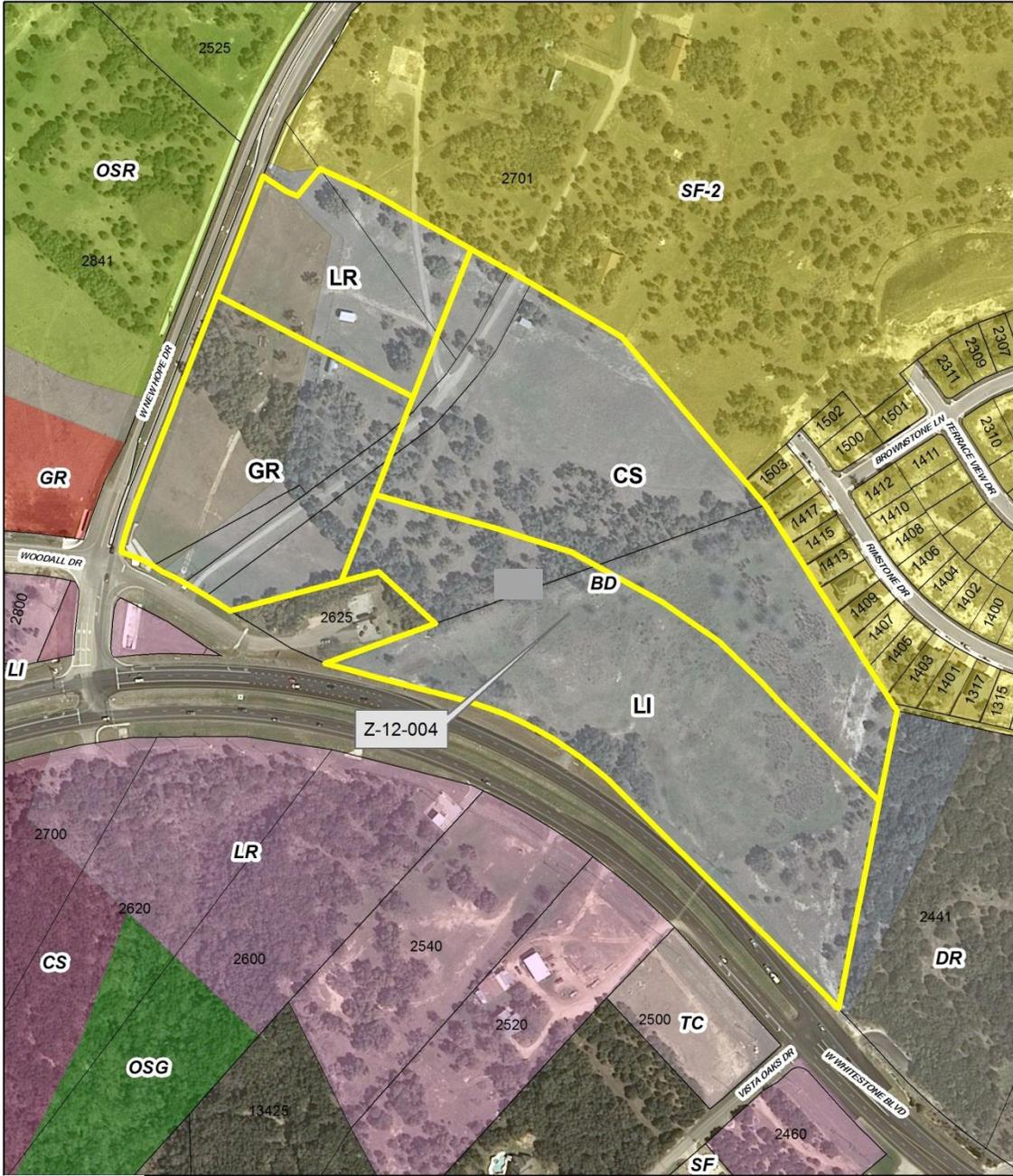


EXHIBIT A



Z-12-004



EXHIBIT B

March 20, 2012 Zoning	<i>Planning and Zoning Commission</i> 1431 Inc.	Item: 7B & 8B
Case Number: # Z-12-004		

OWNER: Marion and Peggy Shipman; 1431 Inc.

AGENT: David Singleton

STAFF: Amy Link, 401-5056, amy.link@cedarparktx.us

LOCATION: Near the northeast corner of West Whitestone Blvd and West New Hope Dr

COUNTY: Williamson and Travis Counties

AREA: 34.23acres

EXISTING ZONING: Development Reserve (DR) and Business District (BD)

PROPOSED ZONING: Local Retail (LR), General Retail (GR), Light Industrial (LI) and Commercial Services-Conditional Overlay (CS-CO) with the following conditions: prohibit automobile repair shop, automotive tire stores, automotive paint and body shop, automotive parts and accessory sales, boarding kennels, crematorium, gasoline service station general, indoor shooting range, pawn shop, permanent makeup, tattooing, body piercing, truck stop, and wrecker impoundment.

STAFF RECOMMENDATION: LR, GR, LI and CS-CO with all applicant's conditions plus prohibition of self-storage and recreational vehicle parks and limitation of building height to 45 feet

EXISTING FUTURE LAND USE DESIGNATION: Neighborhood Office/Retail/Commercial and Employment Center

PROPOSED FUTURE LAND USE DESIGNATION: Neighborhood Office/Retail/Commercial, Employment Center, Regional Office/Retail/Commercial and Industrial

SUMMARY OF REQUEST:

The applicant is requesting to rezone approximately 34.23 acres located near the northeast corner of West Whitestone Boulevard and West New Hope Drive from DR and BD to:

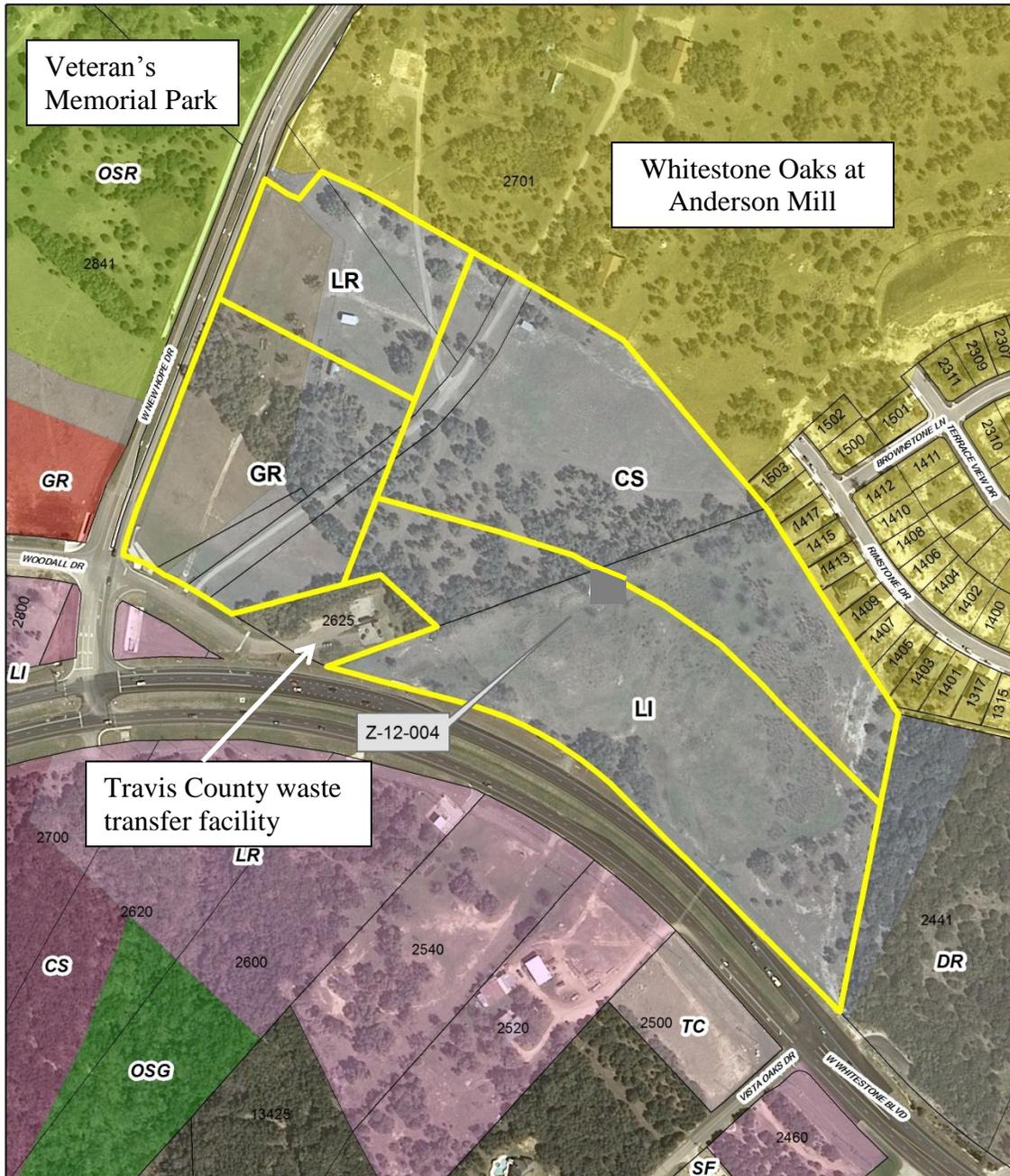
- Approximately 4.12 acres of LR;
- Approximately 6.29 acres of GR;
- Approximately 12.43 acres of LI; and
- Approximately 11.39 acres of CS-CO with the following conditions: prohibit automobile repair shop, automotive tire stores, automotive paint and body shop, automotive parts and accessory sales, boarding kennels, crematorium, gasoline service station general,

indoor shooting range, pawn shop, permanent makeup, tattooing, body piercing, truck stop, and wrecker impoundment.

See map below for location of proposed zoning designations within the site.

EXISTING SITE and SURROUNDING LAND USES:

The site is currently undeveloped and is surrounded by the Whitestone Oaks at Anderson Mill residential subdivision to the north and undeveloped property the east. West New Hope Drive creates the western boundary of the tract and West Whitestone Boulevard creates the southern boundary of the tract, with the exception of a Travis County waste transfer facility (labeled below).



PURPOSE OF REQUESTED ZONING DISTRICT:

The Local Retail District, LR, is established to provide for office and retail businesses that are intended to serve the overall community, with a larger market than the immediate neighborhoods in the area. In order to accommodate the traffic generated from these businesses without negatively impacting the residential neighborhoods, these uses should be located primarily at pulse points or activity nodes where collector streets and arterial roadways intersect or at arterial roadway intersections. These uses generally serve a larger market than businesses found in a TC District; yet generally serve a local market opposed to the regional market served by uses in a GR District.

The General Retail District, GR, is established to provide for business activities that are typically large in scale and are designed to serve the community and the region without negatively impacting the residents of the single-family neighborhoods. This is accomplished by locating these uses at pulse points or activity nodes located at the intersection of arterial roadways, or at pulse points with direct access to major arterial roadways. The GR District allows for more intensive retail, office, and limited commercial land uses under architectural standards that result in consumer-oriented, quality development that promotes economic development and regional enterprise in a positive and sustainable manner for the City.

The Commercial Services District, CS, is established to provide for business and commercial activities that are typically more intensive than consumer retail enterprises, often larger in scale, and often are designed to serve the region. Since generally they are not fully compatible with office or consumer retail uses, the permitted uses found in this district are combined in order to promote economic development and regional enterprise in a positive and sustainable manner for the City.

The Light Industrial District, LI, is intended to accommodate a variety of commercial services and limited manufacturing operations contained principally within an enclosed structure, while implementing measures to ensure the sustainability of both the industries and the neighborhoods and to maintain the quality of life in the City.

The purpose of a Conditional Overlay Combining District (CO) is to modify use and site development regulations to address the specific circumstances presented by a site. The Conditional Overlay Combining District may be used to promote compatibility between competing and potentially incompatible land uses (ex. prohibit a permitted use in the base district); ease the transition from one base district to another (ex. requiring additional buffers); address land uses or sites with special requirements (ex. prohibit access to a specific roadway from a site); and guide development in unique circumstances (ex. increase the minimum lot size).

PERMITTED USES:

A list of permitted uses for all requested districts is provided as an attachment to this report.

COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for Neighborhood Office/Retail/Commercial and Employment Center uses. A list of compatible zoning districts for each designation is provided below.

Neighborhood Office/Retail/Commercial	Transitional Office (TO), Transitional Commercial (TC), General Office (GO), Local Retail (LR) and Mixed Use (MU)
Employment Center	Business District (BD), General Office (GO), Light Industrial (LI), Hospital (H) and Mixed Use (MU)

The applicant’s requests for LR and LI zoning partially comply with the Future Land Use Plan (FLUP). The proposed GR district would be compatible with a Regional Office/Retail/Commercial designation and the CS district would be compatible with an Industrial designation. A list of compatible zoning districts for each additional designation is provided below.

Regional Office/Retail/Commercial	General Retail (GR), General Office (GO), and Mixed Use (MU)
Industrial	Commercial Services (CS), Heavy Commercial (HC), Light Industrial (LI), General Industrial (GI), and Heavy Industrial (HI)

A Future Land Use amendment is being processed concurrently with the zoning application (See agenda item 9B).

The request supports the following economic development goals set forth in the Comprehensive Plan:

4.1.6 Economic Development Goals:

- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Diversify and broaden Cedar Park’s economic base to keep up with anticipated growth while both keeping taxes competitive and maintaining a high level of City services.
- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment, which supports existing businesses.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.

SITE INFORMATION:

Corridor Overlay:

This tract is partially located within the Corridor Overlay.

Transportation:

West Whitestone Boulevard is classified as a major divided arterial adjacent to the site. In 2008 the daily traffic count west of Lakeline Boulevard was 24,048 vehicles per day.

West New Hope Drive is classified as a major arterial and forms the western boundary of the site. In 2010, the daily traffic count north of West Whitestone Boulevard was 2,692 vehicles per day.

Water and Wastewater Utilities:

Water and wastewater lines are sized adequately for the existing and requested zoning on the site.

Subdivision:

The property is not subdivided.

Setback Requirements:

	Local Retail (LR)	General Retail (GR)	Commercial Services (CS)	Light Industrial (LI)
Front setback	25'	25'	25'	25'
Side setback	12'	12'	12'	25'
Side setback adjacent to single family	20'	n/a	n/a	n/a
Side setback adjacent to street	n/a	25'	n/a	n/a
Rear setback	5'	5'	n/a	25'
Rear setback adjacent to single family	n/a	n/a	20'	n/a

Architectural Requirements:

The tracts proposed for LR, GR and LI zoning are subject to the Corridor Overlay masonry requirements, which are 75% for each exterior wall. The tract proposed for CS zoning would be subject to the current 25% masonry requirement on each exterior wall.

CASE HISTORY:

Case Number	Request	P&Z Recommendation	CC Action
Z-03-015	134 acres from DR to SF-2, SF-3 and BD	Recommended SF-2, BD and DR	Approved SF-2, BD and DR

STAFF COMMENTARY:

The subject site was originally zoned in 2003. At that time, a majority of the tract was zoned BD, with a small parcel along the western boundary of the tract remaining DR. A large portion of the eastern half of the site is encumbered by a former landfill that was operational from 1969 to 1980. An exhibit of the former landfill location is attached at the end of this report.

The applicant is proposing approximately 6.29 acres of GR at the southwest corner of the tract. Although not compliant with the FLUP, GR zoning at this location meets the intent of the GR district. The parcel is located near the pulse point of two major arterials, with direct access to West New Hope Drive. This tract could serve the local community as well as the surrounding region. In addition, the request is consistent and compatible with other existing zoning designations in the area.

Directly north of the proposed GR tract, the applicant is proposing approximately 4.12 acres of LR. Current land use designations for the tract include Neighborhood Office/Retail/Commercial uses as well as Employment Center uses. The LR proposal is partially compliant with the FLUP. The request would provide a transition from more intense retail/commercial uses near the intersection of West New Hope Drive and West Whitestone Boulevard to lesser intense land uses that will ultimately abut single family residences to the north. The request is supported by the purpose statement of the LR district, as this tract is located on a major arterial and will serve the local area.

Approximately 12.43 acres located along the West Whitestone frontage is proposed for LI zoning. This request is consistent with the FLUP and the purpose statement of the LI district. This tract has direct access to West Whitestone and could provide a variety of commercial services and employment opportunities to the region.

Finally, directly north of the proposed LI tract, the applicant is proposing approximately 11.39 acres of CS-CO zoning. This tract's northern boundary would border the Whitestone Oaks at Anderson Mill residential subdivision, which is partially constructed. The conditional overlay proposed by the applicant would prohibit many uses considered to be too intense or noxious when located adjacent to single family residences, such as automotive repair services, indoor shooting ranges and crematoriums. The CS district does not comply with the FLUP, as this area is currently designated for employment center uses. However, the CS district does meet many goals of the Comprehensive Plan and would provide economic development opportunities in the area. In addition, the requested district is compatible with the proposed LI designation to the south and has conditioned down uses to be less intensive than a straight zoning district.

In order to provide greater compatibility with the residential subdivision to the north, staff is proposing to add a condition limiting the height of structures within this CS parcel to a maximum of 45 feet. Staff is also recommending that the uses be further restricted by prohibiting self-storage and recreational vehicle parks. These uses do not emulate the City's goals regarding highest and best use of property.

Coupling the applicant's requested CS-CO designation with the additional height and use conditions noted above, staff is in support of the CS-CO request.

STAFF RECOMMENDATION:

In summary, staff supports rezoning approximately 34.23 acres from DR and BD to:

- Approximately 4.12 acres of LR;
- Approximately 6.29 acres of GR;
- Approximately 12.43 acres of LI; and
- Approximately 11.39 acres of CS-CO with the following conditions:
 - 1) Prohibit automobile repair shop, automotive tire stores, automotive paint and body shop, automotive parts and accessory sales, boarding kennels, crematorium, gasoline service station general, indoor shooting range, pawn shop, permanent makeup, tattooing, body piercing, truck stop, wrecker impoundment, self-storage and recreational vehicle parks,
 - 2) Limit the height to a maximum of 45 feet.

PUBLIC INPUT: To date, two written responses have been received, one in opposition to the request and one in favor. Please see attached.

PUBLIC NOTIFICATION: Cedar Park-Leander Statesman March 8, 2012
31 letter notices were sent to property owners within the 300' buffer

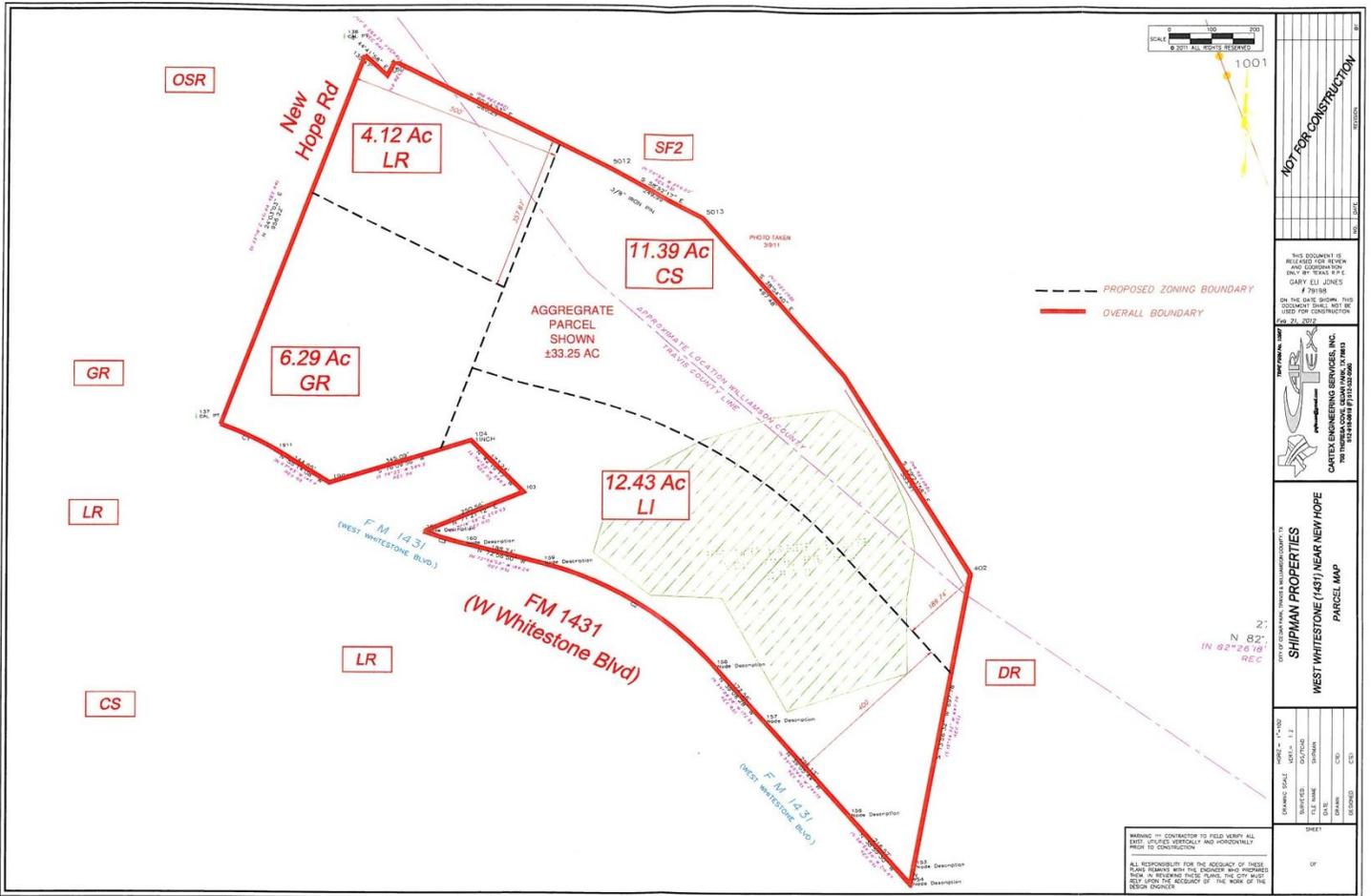
PROPOSED CITY COUNCIL HEARINGS: (April 26, 2012) 1ST Reading
(May 10, 2012) 2ND Reading

Permitted Land Uses

<u>LR USES</u>	<u>GR USES</u>	<u>CS USES</u>	<u>LI USES</u>
All uses in TO and TC, plus:	All uses in LR, TC, and TO, plus:	Accessory structures	Accessory structures
Automated Teller Machines	Automobile sales, new	Automobile repair shop	Art studio, industrial
Automobile parts and accessories sales	Automotive sales, used	Automotive paint and body shop	Manufacturing, custom
Bakery, retail	Automobile repair shop	Automotive parts and accessories sales	Manufacturing, processing and assembly facilities, light
Banks (with or without drive-through facilities)	Automotive tire stores	Automotive tire stores	Office/warehouse
Consumer repair shop (including bicycles)	Bar, cocktail lounge	Automotive upholstery shop	Seasonal businesses
Convenience store	Car washes	Boarding kennels	Secondary uses specific to this district
Drugstores	Civic clubs and fraternal organizations	Communication services	Telecommunications towers
Dry cleaning and/or laundry, on-site	Commercial parking lots	Construction sales and services	Temporary buildings
Food sales, general (grocery store)	Equipment rental, sales, service and/or repair	Crematorium	Temporary uses specific to this district
Gasoline service stations, limited	Funeral home	Dry cleaning and/or laundry facility, on-site	Transit station
Golf, amusement	Furniture store	Equipment rental	Utility services, general
Hardware stores	Gasoline service stations, general	Food preparation	Warehousing and distribution, limited
Landscape nursery and supply store, retail	Home improvement center	Gasoline service stations, general	Wholesale sales
Laundromat	Hotel	Greenhouses, commercial	Wireless telecommunications facilities
Liquor store	Hotel, extended stay	Indoor shooting range	
Nonprofit seasonal fundraisers	Indoor sports and recreation	Indoor sports and recreation	
Pet grooming	Motel	Office/showroom	
Restaurant, general	Office/showrooms	Office/warehouse	
Restaurant, limited	Office/warehouse	Pawn shop	
Rental libraries for sound and video recordings	Reception hall	Permanent makeup, tattooing, body piercing	
Retail stores	Special events	Pest control, exterminating services	
Veterinary Services	Theatres, indppr	Pool and spa sales and service	
	Theatres, outdoor	Print shop	
	Transit station	Recreational vehicle park	
		Seasonal businesses	
		Self storage	
		Temporary buildings	
		Trade shop	
		Truck stop	
		Upholstery shops, not involving manufacture	
		Utility services, general	
		Veterinary services	
		Wireless telecommunications facilities	
		Wrecker, impoundment	

Landfill Exhibit

(landfill depicted by green hashed area)



NOT FOR CONSTRUCTION

THIS DOCUMENT IS RELEASED FOR REVIEW AND COMMENT ONLY BY TEXAS P.E. GARY ELL JONES # 79198 ON THE DATE SHOWN. THE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR ANY CHANGES TO THIS DOCUMENT AFTER THE DATE SHOWN.

CITY OF CLARK COUNTY, TEXAS
 SHIPMAN PROPERTIES
 WEST WHITESTONE (1431) NEAR NEW HOPE
 PARCEL MAP

DRAWN BY: []
 CHECKED BY: []
 DATE: []
 SCALE: []
 SHEET: [] OF []

WARNING - CONTRACTOR TO FIELD VERIFY ALL DATA, SURVEY VERTICAL AND HORIZONTAL, PRIOR TO CONSTRUCTION.
 ALL RESPONSIBILITY FOR THE ACCURACY OF THESE PLANS REMAINS WITH THE ENGINEER AND REQUESTOR. IN NO EVENT SHALL THE CITY BE HELD RESPONSIBLE FOR THE ACCURACY OF THESE PLANS.

Response Letters

From: Gail [REDACTED]
Sent: Wednesday, April 04, 2012 3:45 PM
To: Amy Link
Subject: Zoning File #: Z-12-004

In confirmation of our telephone conversation Friday, 3/30/12, included are written comments as to why I am not in favor of proposed zoning change.

We own 1411 Rimstone Drive and lost the Sales Contract last Thursday after our Buyer had a conversation with your office as to what Light Industrial, Commercial Services-Conditional Overlay might include which I understand to be Cell Phone Towers, Assembly of Pre-Manufactured Parts, Exterminating Services (toxic chemical storage), Wholesale Sales and Distribution Centers to name a few examples. Also, the fact that there was a landfill operating on a portion of the property by the Travis County Transfer Station from 1968 - early 1980's. The use of the adjacent property for a landfill was not disclosed to us at purchase.

I asked Highland Homes if this fact was "materially omitted" from them when they purchased the adjacent sites for home building. I do not know if the land was originally purchased from Marion Shipman.

Also, I would like to know why livestock, such as, cows, horses, goats & mules were allowed to graze over a landfill site or in near proximity?

As a sidebar to our conversation, we discussed parking lots & lighting (overnight) all of which would be perceived as a negative for Whitestone Oaks development.

Since, this zoning change is known to the real estate community, my showings have dropped to "ZERO" except one relocation from out-of state who is, most likely, unaware of the situation facing Whitestone Oaks. How is this rezoning a WIN/WIN situation for me, a homeowner, or Highland Homes or Centerra Homes or Brohn Homes and the City of Cedar Park?

Gail Bourdo

From: Jeff Vise [REDACTED]
Sent: Thursday, March 15, 2012 11:01 AM
To: Amy Link
Subject: Zoning File#: Z12-004

Jeff Vise, Frank Oller, and David Smyth,

Are in favor of the proposed zoning change.

JVOS Partnership
2707 Crystal Falls Pkwy
Leander, Texas 78641



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. D.1
A Resolution Authorizing A Special Permit To Hold A 5K Run And Bake Sale At Brushy Creek Lake Park.

Commentary:

Stephanie Jagen is requesting a special permit to allow a 5K run and bake sale at Brushy Creek Lake Park on Sunday, June 3, 2012. The 5K run and bake sale fundraiser will utilize the park's perimeter trail, pavilions and adjacent open space. The event will take place from 8:00 am to noon on that date and will include approximately 150 - 250 participants. Stephanie has rented the pavilions for their use during that time.

Article 8.03 of the City regulations pertaining to conduct in parks and playgrounds requires a special permit for this type of activity. Staff respectfully requests Council approval of a special permit for this event.

The permit application is attached.

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Associated Information:



**CEDAR
PARK**

Application for Special Use in Parks
City of Cedar Park - Parks & Recreation Department
1435 Main Street ♦ Cedar Park, TX 78613
(512) 401-5500 ♦ Fax (512)260-1661

APPLICANT INFORMATION

Applicant's Name STEPHANIE JAGEN
Address 100 SETTLERS HOME DR. City & Zip CEDAR PARK 78613
Home Phone 512 260 6961 Work Phone 512 922 6624 E-mail Address STEPHANIEJAGEN@YAHOO.COM
Organization's Name (if applicable) N/A Phone Number _____
Organization's Address _____ City & Zip _____

EVENT INFORMATION

Type of Event BENEFIT FUNDRAISER / FUN RUN Date of Event 6/3/12
Name of Park BRUSHY CREEK LAKE PARK Location in Park PAVILIONS / TRAILS / OPEN SPACES
Time Event Begins 8 AM Time Event Ends 12 PM Number of Participants 150-250
Will participants be charged? Yes No If so, how much? \$10

Describe in detail all activities planned (please attach another sheet of paper, if necessary). FUN RUN AROUND BRUSHY CREEK LAKE PARK TRAILS; BAKE SALE; CARNIVAL BOOTHS FOR SCHOOL AGE CHILDREN. 100% OF PROCEEDS TO BENEFIT CHRISTINE CAMACHO (LISD REGISTRAR) + HER MEDICAL BILLS AS SHE BATTLES CANCER

Will any type of sound amplifying equipment be used at the event (other than personal radios, tape players, etc.)? Yes No
If so, please explain what type of equipment will be used. MEGAPHONE TO ANNOUNCE THE START OF THE RUN

Will the event include live musical entertainment? Yes No If yes, please explain what type of live music. _____

List any variances required from Park Rules & Regulations that have not been addressed on this application. NONE

Will the event interfere with or detract from the general public's enjoyment? Yes No
Will the event interfere with or detract from the promotion of public health, welfare, safety and recreation? Yes No
Is violence, crime or disorderly conduct anticipated as part of the event? Yes No
Will the event entail extraordinary or burdensome expense or police operation by the City? Yes No

* If you replied "Yes" to any of the above questions, please explain. _____

Applicant's Signature Stephanie W. Jagen Date 4/23/12

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING THE APPROVAL OF A SPECIAL PERMIT FOR A 5K RUN AND BAKE SALE AT BRUSHY CREEK LAKE PARK; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS THAT:

SECTION 1. That the special permit for the 5K Run and Bake Sale at Brushy Creek Lake Park on June 3rd, 2012 at Brushy Creek Lake Park is hereby approved.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the 10th day of May, 2012.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Robert S. Lemon, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. D.2
A Resolution Authorizing A Special Permit To Hold A 5K Run At Brushy Creek Lake Park.

Commentary:

John Tuggle from Reach Church is requesting a special permit to allow a 5K Fun Run at Brushy Creek Lake Park on Saturday, June 2, 2012. The 5K fundraiser will utilize the park's perimeter trail and the church will rent two pavilions for the event. The run will take place from 8:00 am to 10:00 am on that date and will include approximately 100 - 300 participants.

Article 8.03 of the City regulations pertaining to conduct in parks and playgrounds requires a special permit for this type of activity. Staff respectfully requests Council approval of a special permit for this event.

The permit application is attached.

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Associated Information:



Application for Special Use in Parks
City of Cedar Park – Parks & Recreation Department
1435 Main Street ♦ Cedar Park, TX 78613
(512) 401-5500 ♦ Fax (512)260-1661

APPLICANT INFORMATION

Applicant's Name John Tuggle
Address 930 South Bell Blvd #103 City & Zip Cedar Park TX 78613
Home Phone 7482225 Work Phone 2572225 E-mail Address chtugsk@yahoo.com
Organization's Name (if applicable) Reach Church Phone Number 502 281119
Organization's Address 10700 Anderson mill rd City & Zip Austin TX 78750

EVENT INFORMATION

Type of Event 5K Run Date of Event 6/2/12
Name of Park Brushy Creek Lake Park Location in Park Brush Creek Rd 300m E of Parners
Time Event Begins 8am Time Event Ends 10am Number of Participants 300
Will participants be charged? Yes No If so, how much? \$20

Describe in detail all activities planned (please attach another sheet of paper, if necessary).
5K Run/Walk Event.

Will any type of sound amplifying equipment be used at the event (other than personal radios, tape players, etc.)? Yes No
If so, please explain what type of equipment will be used.
Small amp/speaker to announce winners

Will the event include live musical entertainment? Yes No If yes, please explain what type of live music.

List any variances required from Park Rules & Regulations that have not been addressed on this application.
None

Will the event interfere with or detract from the general public's enjoyment? Yes No
Will the event interfere with or detract from the promotion of public health, welfare, safety and recreation? Yes No
Is violence, crime or disorderly conduct anticipated as part of the event? Yes No
Will the event entail extraordinary or burdensome expense or police operation by the City? Yes No
Is there a conflict with another scheduled activity? Yes No
* If you replied "Yes" to any of the above questions, please explain.

Applicant's Signature [Signature] Date 4/12/12

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING THE APPROVAL OF A SPECIAL PERMIT FOR A 5K RUN AT BRUSHY CREEK LAKE PARK; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS THAT:

SECTION 1. That the special permit for the 5K Run on June 2nd, 2012 at Brushy Creek Lake Park is hereby approved.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the 10th day of May, 2012.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Robert S. Lemon, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. D.3
A Resolution Authorizing And Directing The City Manager To Execute A Contract For Public Affairs Consulting Services With Hillco Partners.

Commentary:

This agreement carries through the 2013 legislative session, but may be terminated at any time upon written notice.

Fiscal Impact

Account No.:

General Fund: 101-01-25-5560 \$31,197.60

4A Corporation: 101-12-25-5560 \$9,604.00

Utility Fund: 202-30-25-5560 \$31,197.60

Budget

Budget/Expended:

Associated Information:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A CONTRACT FOR PUBLIC AFFAIRS CONSULTING SERVICES WITH HILCO PARTNERS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That the City Manager is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Contract for Public Affairs Consulting Services with Hillco Partners, LLC. of Austin, Texas.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the 10th day of May, 2012.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Robert S. Lemon, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

**CONTRACT FOR PUBLIC AFFAIRS CONSULTING SERVICES
(City of Cedar Park, Texas)**

This contract is made between the City of Cedar Park, Texas, having its principal place of business at 450 Cypress Creek Road, Building One, Cedar Park, Texas 78613 (hereinafter "Client" or "City") and HillCo Partners having its principal place of business at 823 Congress Avenue, Suite 900, Austin, Texas 78701 (hereinafter "Consultant") for the provision of public affairs consulting services related to the Client.

1. **Services.** Consultant will provide the services described below.
 - a. At the direction of the City, represent the City in dealings with elected and appointed officials, legislative staff, and interested stakeholders at the state and federal level on matters identified by the City that relate to various aspects of municipal governance with a particular emphasis on issues affecting local revenues, transportation, water issues, land use matters, and home rule authority.
 - b. Provide analysis and tracking of government actions and decisions which could have an effect on the governmental affairs strategy of the City.
 - c. Advise the City on legislative actions contemplated and taken with respect to identified issues and goals. Assist in the development of a strategy to accomplish the City's government affairs goals and objectives.
 - d. Advise the City of upcoming meetings, hearings, briefings and other formal or informal sessions in a timely manner as to allow the City the opportunity to participate in advocacy efforts in furtherance of its legislative agenda.
 - e. Recognizing that time is of the essence in legislative and administrative proceedings, Consultant will respond to the City's inquiries and requests in a timely manner.
 - f. Actively represent the City by identifying legislative opportunities to address identified goals and objectives. As part of this service the Consultant will provide the following:
 1. Assist with all legislative and regulatory matters included in the City's overall legislative agenda or identified as a priority by the City;
 2. Attend stakeholder meetings dealing with identified matters;
 3. Work with members of the Texas Legislature to gain support for City positions and to educate them as to the basis of such positions;
 4. Work with the regional officials (including, but not limited to, the City of Austin, LCRA, City of Round Rock, and City of Leander) to notify them of the City's goals and positions;
 5. Brief and seek support of state executive branch officials for City positions;
 6. Work with all appropriate state agencies and the Texas Municipal League;
 7. Seek amendment or defeat of legislation (if necessary);
 8. Seek passage of a limited number of legislative proposals brought forth by the City prior to the 83rd, Texas Legislature;

9. Work to achieve positive recommendations from all interim committee reports on issues of importance to the City;
 10. Assist the City in dealing with public relations aspects of all legislative and regulatory matters; and
 11. Promote the City's goals in their overall legislative efforts.
- g. Assist the City in defeat of legislation or other initiatives that arise throughout the term of the contract that the City determines could have a negative impact on the City's ability to carry out its governmental and proprietary functions.
 - h. Consult with the City regarding the effectiveness of its relationships with elected officials, processes and the political environment in Texas. Identify and implement strategies to enhance the City profile with targeted individuals and entities including the arrangement of periodic visits and/or functions with key legislators and staff.
 - i. Use best efforts to provide information to and educate decision makers with regard to the City's interests and government affairs objectives. The City will work to ensure Consultant has appropriate information and data to assist efforts in this regard. It is understood and agreed Consultant will not make representations or statements on the City's behalf without prior authorization to do so.
 - j. Monitor, by attendance at meetings and otherwise, state legislative and regulatory bodies considering legislation and/or rulemaking which could impact the City's government affairs objectives and interests.
 - k. Monitor and track legislation that impacts the City's interest during the regular session and any called special sessions of the Texas Legislature during the term of the Agreement. Such legislation will be identified by the City or Consultant as having a potential material impact on the City's interests.
 - l. Consultant will assist in preparing city officials who testify before the Texas Legislature or state agencies. As part of this preparation, the Consultant will assist in formulating written and verbal testimony for city officials who provide testimony to legislative and administrative bodies.
 - m. Work with City on anticipated economic development projects that may include a legislative component.
 - n. Assist in the coordination, development, and drafting of Client's legislative agenda.
2. **Client Support and Communication.** Consultant will provide Client both written and verbal status reports on all matters affecting their stated interests. Consultant will attend Client meetings, as requested and schedule permitting, to assure timely and effective communications. Buddy Jones, Bill Miller, Vilma Luna, Frank Sturzl and Clint Smith will serve as the primary contacts on behalf of the Consultant.
 3. **Legal Services.** It is understood and agreed that Consultant is being retained hereunder to provide governmental consulting services and not to provide legal advice or services to Client. In the event that legal opinions or financial analysis are needed at any time with respect to Client's interests, the decision to seek additional professional advice and services, and from whom, shall rest exclusively with Client.

4. **Expansion of Scope of Work.** Should representation expand significantly beyond the contemplated scope outlined in the Agreement, both parties will mutually agree to discuss the role of the expanded services and agree, if necessary, to discuss the payment of additional compensation during this unlikely event.
5. **Term.** This Agreement is effective from April 1, 2012 until March 31, 2014.
6. **Compensation.** In consideration for the performance of services outlined above, the Client agrees to pay the Consultant as follows:
 - a. \$6,000 (six thousand dollars) per month for the length of this agreement or pro-rate the \$6,000 monthly fee to the last day of service if terminated early. The fee will be billed on or about the first of each month.
 - b. Payment shall be made to HillCo Partners, 823 Congress Avenue, Suite 900, Austin, Texas 78701.
7. **Independent Contractor Relationship.** It is understood by the parties that Consultant is an independent contractor for the purposes of any federal and/or state laws including tax laws, and that Consultant is not in any way an employee, full or part-time of Client.
8. **Expenses.** Consultant agrees to cover routine business expenses out of the compensation provided to them under this contract. However, Client agrees to pay for travel expenses of the Consultant if the Client requests their presence at a meeting that is at least 50 (fifty) miles outside of Austin, Texas. Prior approval by the Client shall be necessary before any out-of-town travel is undertaken by the Consultant. Consultant will provide invoices for all related travel expenses. Client agrees to pay these invoices within thirty (30) days of receipt. Any individual expense in excess of \$50 (fifty dollars) will be accompanied with an individual receipt or invoice. When Consultant is incurring expenses, such as but not limited to hotel, meals or transportation, while performing services for two or more clients such expenses shall be prorated between the two clients.
9. **State Law.** Under Texas and federal law there are various requirements imposed on persons and organizations that interact with state officials, especially where an attempt is made to influence legislation or contracts. In this regard, Consultant will promptly inform Client when any such filings are necessary and shall seek registration with respect to the services to be performed on Client's behalf. Consultant agrees to perform its obligations under this contract in compliance with all applicable laws.
10. **Lobby Activities and Reporting.** The Texas ethics law and rules adopted by the Texas Ethics Commission require the Consultant to report compensation or reimbursement paid to Consultant for the purpose of directly communicating with members of the legislative or executive branch. Texas Ethics Commission Rules provide that a registrant receiving compensation or reimbursement for purposes other than lobby activities may reasonably determine the amount of compensation attributable to lobby activities and report only that amount. The rules define "*lobby activity*" as "Direct communication with one or more members of Texas legislative or executive branch to influence legislation or administrative action and activities in preparing for such direct

communication." The statutory term "*lobby activity*" does not include, for example, the following activities performed on the Client's behalf:

- Any effort to influence purchasing decisions by a state agency
- Daily monitoring of legislation and/or executive actions
- Communication with the Client on many strategic subjects
- Preparation and delivery of status reports, newsletters, and other items of interest
- Giving sworn testimony before executive or legislative bodies
- Legal consultation, briefings and documentation
- Analysis of political races and fundraising efforts on behalf of PACs and/or individual candidates
- Attending and preparing for board meetings
- Negotiation sessions
- Arranging meetings with various state officials to brief them on areas of interest to the Client
- Any other action taken which is not designed specifically to influence legislative or executive action.

Consultant will allocate on a reasonable basis, as allowed by the rules, the amount of the retainer paid to the Consultant that is being paid for "*lobby activities*". Based upon Consultant's experience representing other clients, the Consultant believes 45 (forty-five) percent will be a reasonable estimate of the monthly retainer attributable to "*lobby activities*." It is understood and agreed that the Consultant's activities will be monitored from time to time so that any change in the amount of time spent on lobby activities as defined by the rules of the Texas Ethics Commission will be detected and updated, if necessary.

11. **Confidentiality.** If the Client provides information or materials indicated to be confidential, or the Consultant comes into possession of information or materials that the Consultant knows or should know is confidential pertaining to Client, especially when dealing with counties or other cities, the Consultant shall maintain the confidentiality of such matters and not disclose any such information except when required to do so by law or upon receipt of written authority by the Mayor or City Manager of Client
12. **Conflicts of Interest.** Consultant agrees to fully comply with the Texas Ethics laws concerning legislative advocacy conflicts of interest, including but not limited to, Chapter 305 of the Texas Government Code. Consultant agrees to exercise extreme care and to undertake preemptive measures to avoid conflicts, unintended and otherwise, which may arise in the future. If any such conflict should develop, Consultant agrees to bring that fact immediately to the attention of both Clients for resolution.

By signing this Agreement, the Client is affirming that they have received a complete listing of the Consultant's legislative consulting clients and that as of the execution date of this Agreement no direct conflicts of interests currently exist.

13. **Termination.** Either party may terminate this agreement at any time with written notice to the other.

14. **Entire Agreement and Modifications.** This Agreement contains the entire agreement and understandings of the parties with respect to the subject matter hereof and supersedes all prior or contemporaneous agreements or understandings, whether oral or written, negotiations and discussions. This Agreement may not be modified, rescinded or terminated orally, and no modification, rescission, termination or attempted waiver of any provision hereof (including this section) shall be valid unless in writing and signed by the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement through their duly authorized officers, as of the date set forth above.

City of Cedar Park, Texas

HillCo Partners, LLC

By: _____

By: _____
Neal T. "Buddy" Jones, Jr. Partner

Date: _____

Date: _____

By: _____
R. Clint Smith

Date: _____



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. D.4
A Resolution Amending The Future Land Use Plan For Property Located At The Northeast Corner Of West Whitestone Boulevard and West New Hope Drive From Neighborhood Office/Retail/Commercial And Employment Center To Neighborhood Office/Retail/Commercial, Regional Office/Retail/Commercial And Industrial. The Planning And Zoning Commission Voted 6-0 To Approve This Amendment.

Commentary:

Applicant/Owner: Marion Shipman and 1431 Inc.

Request: For the Northeast corner of West Whitestone Boulevard and West New Hope Drive, amend the Future Land Use Plan as follows:

- Amend the Future Land Use Map for approximately 6 acres located at the northeast corner of West Whitestone Boulevard and West New Hope Drive from Neighborhood Office/Retail/Commercial and Employment Center to Regional Office/Retail/Commercial
- Amend the Future Land Use Map for approximately 2 acres located on the east side of West New Hope Drive from Employment Center to Neighborhood Office/Retail/Commercial
- Amend the Future Land Use Map for approximately 12 acres from Employment Center to Industrial

Current Zoning: Development Reserve (DR) and Business District (BD)

Requested Zoning: (Z-12-004)

- **Approximately 4.12 acres of LR;**
- **Approximately 6.29 acres of GR;**
- **Approximately 12.43 acres of LI; and**
- **Approximately 11.39 acres of CS-CO with the following conditions:**
 - **Prohibit automobile repair shop, automotive tire stores, automotive paint and body shop, automotive parts and accessory sales, boarding kennels, crematorium, gasoline service station general, indoor shooting range, pawn shop, permanent makeup, tattooing, body piercing, truck stop, wrecker impoundment, self-storage and recreational vehicle parks,**
 - **Limit the height to a maximum of 45 feet.**

Existing Future Land Use Plan: Neighborhood Office/Retail/Commercial and Employment Center

Proposed Future Land Use Plan: Neighborhood Office/Retail/Commercial, Regional Office/Retail/Commercial, Industrial and Employment Center

Staff Recommendation: Recommended

Reasons for Staff Recommendation:

A Regional designation near the corner of two major arterials is consistent with existing land uses in the area and will serve not only the surrounding neighborhoods but also the entire region.

The Neighborhood Office/Retail/Commercial designation is an expansion of the designation currently in place along West New Hope Drive. The designation is appropriate adjacent to a major arterial and allows for zoning districts that will serve the surrounding neighborhoods, while maintaining compatibility with the adjacent residential neighborhood.

The Industrial designation promotes commercial services and economic development in the area and is compatible with the Employment Center designation to the south. When rezoning requests for this area are received, special consideration should be given to the tract's proximity to the residential neighborhood to the north.

Applicable Goals from the Comprehensive Plan:

4.1.6 Economic Development Goals:

- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment, which supports existing businesses.
- Encourage retail growth within the City that will meet the needs of its citizen and provide increased sales tax revenues
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.

Planning and Zoning Commission Recommendation: Approve as requested

Stated Reasons for P&Z Recommendation:

To support the Commission's recommendation on the rezoning request for case Z-12-004.

Below is a summary of how the proposed amendment will affect the land use percentages currently established on the FLUP.

Land Use	Current Area/Percentage		Proposed Amendment/ Percentage		% Change
Employment Center	1465.6 ac	7.57%	1447.73 ac	7.47%	-0.10%
High Density Residential	391.52 ac	2.02%	391.52 ac	2.02%	0%
Industrial	329.78 ac	1.7%	341.48 ac	1.76%	+0.06%
Institutional/Public/Utility	953.33 ac	4.84%	955.38 ac	4.84%	0%
Low Density Residential	9438.24 ac	48.75%	9438.24 ac	48.75%	0%
Medium Density Residential	200.48 ac	1.03%	200.48 ac	1.03%	0%
Neighborhood Office/Retail/Commercial	2162.45 ac	11.16%	2160.75 ac	11.15%	-0.01%
Parks and Open Space	2324.93 ac	12.00%	2324.93 ac	12.00%	0%
Regional Office/Retail/Commercial	2106.89 ac	10.88%	2112.82 ac	10.91%	+0.03%

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Associated Information:

RESOLUTION NO. _____

A RESOLUTION AMENDING THE CITY OF CEDAR PARK FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION ON APPROXIMATELY 6 ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF WEST WHITESTONE BOULEVARD AND WEST NEW HOPE DRIVE FROM NEIGHBORHOOD OFFICE/RETAIL/COMMERCIAL TO REGIONAL OFFICE/RETAIL/COMMERCIAL; AND TO CHANGE THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 2 ACRES LOCATED ON THE EAST SIDE OF WEST NEW HOPE DRIVE FROM EMPLOYMENT CENTER TO NEIGHBORHOOD OFFICE/RETAIL/COMMERCIAL ; AND TO CHANGE THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 12 ACRES LOCATED NEAR THE NORTHEAST CORNER OF WEST WHITESTONE BOULEVARD AND WEST NEW HOPE DRIVE FROM EMPLOYMENT CENTER TO INDUSTRIAL; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Cedar Park, Texas, may from time to time amend, update or revise the officially adopted Cedar Park Future Land Use Map; and

WHEREAS, the revisions to the Future Land Use Map as adopted are determined to be necessary and appropriate to more accurately address certain land uses;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS THAT:

SECTION 1. That the Future Land Use Map is hereby revised and adopted as shown in Exhibit A attached hereto and dated May 10, 2012; and

SECTION 2. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required by law.

PASSED AND APPROVED this the 10th day of May, 2012.

CITY OF CEDAR PARK, TEXAS

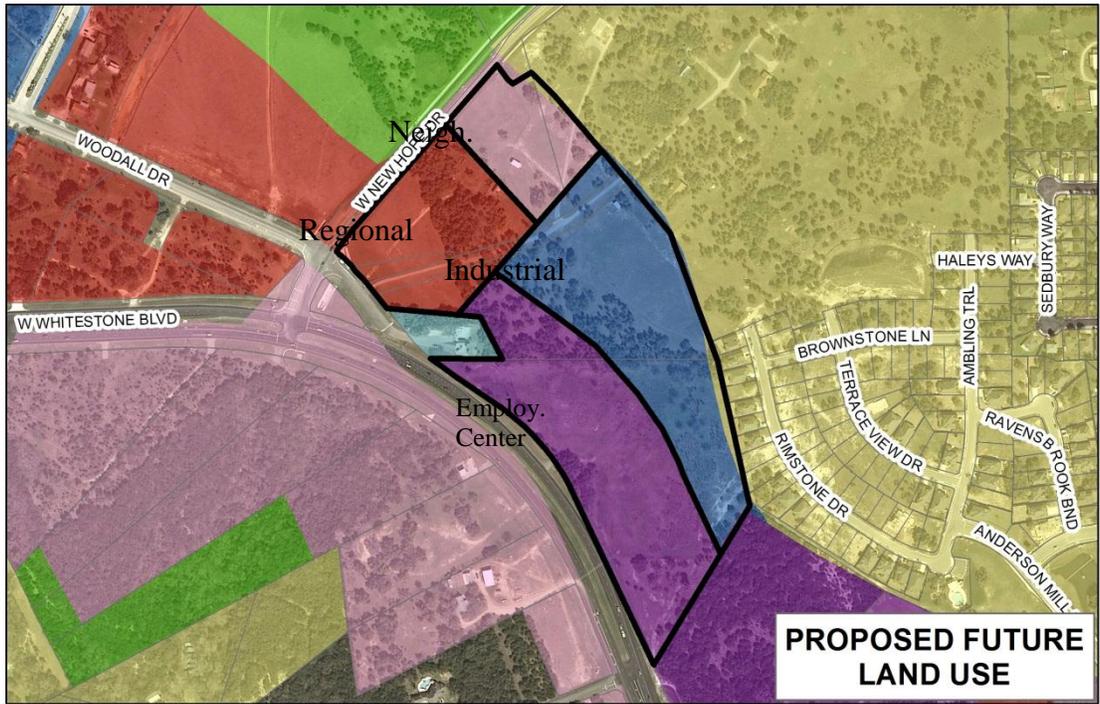
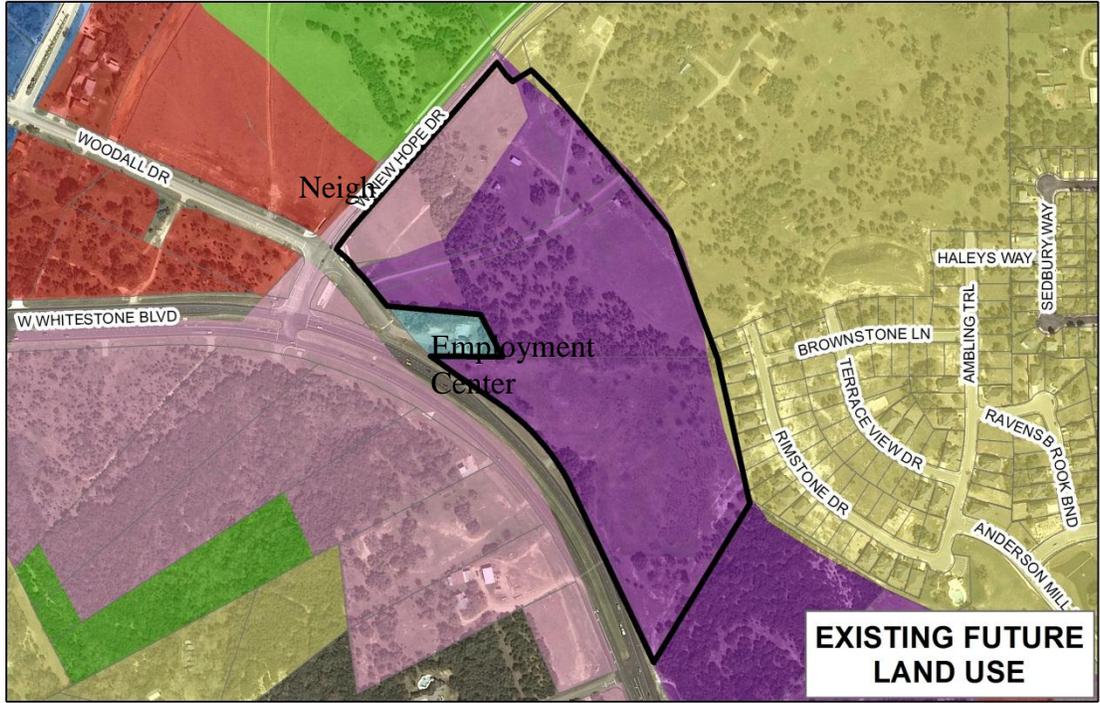
Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney





CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. D.5
A Resolution Authorizing and Directing The City Manager To Apply For The State Farm Safety Grant Program for 2013.

Commentary:

The Fire Department is seeking to apply for a State Farm Safety Grant for disaster preparedness to purchase specialized wildland fire equipment. Wildland fires require special equipment not typically found on large fire apparatus. Grant funding will provide specialized equipment for one-third of the firefighters at the Fire Department. Protective equipment will be customized for proper fit to each individual in order to maximize safety and preparedness for wildland urban interface fires. The grant is for \$23,055 and match is not required.

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPLY FOR THE STATE FARM SAFETY GRANT PROGRAM FOR 2013; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Cedar Park City Council finds it in the best interest of the citizens of Cedar Park, that the Wildland Fire Preparedness grant be operated for 2013; and

WHEREAS, the Cedar Park City Council hereby designates the City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS THAT:

SECTION 1. The Cedar Park City Council approves submission of the grant application for the Cedar Park Wildland Fire Preparedness Grant.

SECTION 2. That the City Grant Coordinator, or designee, is hereby designated and authorized to act as Project Director of this grant, if awarded.

SECTION 3. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the 10th day of May, 2012
CITY OF CEDAR PARK, TEXAS

ATTEST:

Robert S. Lemon, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. D.6

A Resolution Authorizing And Directing The City Manager To Execute Agreements With The Texas State Library And Archives Commission And Sirsi-Dynix, Inc. For The Purchase, Installation And Maintenance Of National Information Standards Organization Circulation Interchange Protocol Software To Implement A Interlibrary Loan Service.

Commentary:

The Cedar Park Public Library received \$6,420.00 from the Texas State Library and Archives Commission to purchase National Information Standards Organization Circulation Interchange Protocol ("NCIP") software and installation from SIRSI DYNIX, Inc. for a new Interlibrary Loan Interface which is the external customer interface software. The interface currently used by the Library will be phased out and become obsolete. The Library recommends utilizing the opportunity to purchase software under the State Program. The Library will be responsible for ongoing maintenance costs, which are expected to be \$510.00 for the first year.

Fiscal Impact

Account No.:

The Library receives funding for the software and is only responsible for the maintenance fee next year, which is expected to be \$510.00.

Budget

Budget/Expended:

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE TEXAS STATE LIBRARY AND SIRSI-DYNIX, INC. FOR THE PURCHASE, INSTALLATION AND MAINTENANCE OF NATIONAL INFORMATION STANDARDS ORGANIZATION CIRCULATION INTERCHANGE PROTOCOL SOFTWARE TO IMPLEMENT INTERLIBRARY LOAN SERVICE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Texas State Library and Archives Commission has provided \$6,420.00 to the Cedar Park Public Library for the purchase and installation of National Information Standards Organization Circulation Interchange Protocol (“NCIP”) Interlibrary Loan Software from SIRSI-DYNIX, Inc.; and

WHEREAS, Staff recommends executing an agreement with Sirsi-Dynix, Inc. to purchase and install the NCIP software for Interlibrary Loan Service.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS THAT:

SECTION 1. The City Council hereby authorizes and directs the City Manager to execute agreements with the Texas State Library and Archives Commission and Sirsi-Dynix, Inc. for the purchase, installation and maintenance of NCIP software to implement interlibrary loan service, pending final approval by the City Attorney.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the 10th day of May, 2012.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Robert S. Lemon, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. D.7
A Resolution Authorizing And Directing The City Manager To Execute An Agreement With Sirsi-Dynix, Inc For A 7-year Maintenance Plan For The Library's Integrated Library System Software.

Commentary:

Since 1999, the Cedar Park Public Library has been using the Sirsi-Dynix, Inc. ("SIRSI") Integrated Library System software for its internal operations. During the past several years, the Library has seen a steady increase in maintenance costs. SIRSI offers a 7-year maintenance plan to its customers by providing a cap of 3% increase each year to encourage them to stay with the company.

Annual Unicorn Software Maintenance \$13,361.51
M-0542 Datastream Subscription 30000 3/1/2012 – 2/28/2013 \$4,592.36
Annual Third-Party Subscription \$4,592.36

The Unicorn Software is internal used by the staff to perform many duties and functions such as checking in and out of materials, inventory, reporting, cataloguing of items, and administration (such as processing fines and fees, sending out notices, registration of patrons, etc.)

The Datestream subscription is for external use. The subscription allows the library to download book covers, reviews, notable and award book lists, and internet links to interface with out catalog so patrons can find the materials with all these enhanced descriptions and features.

Library staff has evaluated other software products but recommends staying with SIRSI. Migration to a different software involves cost of purchasing, installation and training. In addition, SIRSI is one of the biggest Library Software Companies with ongoing research and development for up-to-date technology, and performance improvement. Staff is satisfied with SIRSI's functionality and does not support migrating to a new software due to costs, training of staff and patrons as well as efforts in customizing the features.

Fiscal Impact

Account No.:

Currently, the IT department is paying for the maintenance cost of the software. The impact will be a saving in future years.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN AN AGREEMENT WITH SIRSI-DYNIX, INC. FOR A 7-YEAR MAINTENANCE PLAN FOR THE CEDAR PARK PUBLIC LIBRARY'S INTEGRATED LIBRARY SYSTEM SOFTWARE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the maintenance costs for the Sirsi-Dynix, Inc. ("SIRSI") Integrated Library System Software have steadily increased over the past several years;

WHEREAS, SIRSI's 7-year maintenance plan provides a 3% maximum annual increase in maintenance costs; and

WHEREAS, Staff recommends executing an agreement with SIRSI to purchase a 7-year maintenance plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS THAT:

SECTION 1. The City Council hereby authorizes and directs the City Manager to execute an agreement with Sirsi-Dynix, Inc. for a 7-year maintenance plan for the Cedar Park Public Library's Integrated Library System Software, pending final approval by the City Attorney.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the 10th day of May, 2012.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Robert S. Lemon, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. D.8
**Authorization To Excuse The Absence Of Mayor Lemon And Councilmember Fuller From
The April 26, 2012 Regular Scheduled Meeting.**

Commentary:



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. E.1
First Reading And Public Hearing Of An Ordinance Allowing Implementation Of The February 10, 2012 Interim Rate Adjustment Filing Pursuant To The Texas Utilities Code Section 104.301 Of Texas Gas Service Company, A Division Of Oneok, Inc.

Commentary:

On February 10, 2012, Texas Gas Service (TGS), a division of ONEOK, Inc., filed its Gas Reliability Infrastructure Program (GRIP) filing in Cedar Park and in other Central Texas services area cities that it serves requesting interim rate adjustments. This filing was made in compliance with Texas Utilities Code Chapter 104. Section 104.301 allows a gas utility to recover additional invested capital costs through the customer surcharge or first block of its volumetric charge without filing a full rate case. GRIP rates must be based on reasonable increases in invested capital costs.

The filing notified cities of TGS' intent to increase its revenues by \$3,775,205 to recover increased net plant investment at the rate of return authorized by the City during the last full rate case in 2008, as well as increases in plant related costs such as depreciation expense and property tax expense. The City Council adopted an ordinance suspending the effective date of the proposed increase to not later than May 25, 2012, to provide staff an opportunity to properly review the filing with the assistance of a third party rate consultant. The City coordinated its efforts with other cities, including Austin, Buda, Rollingwood, Sunset Valley and Westlake Hills.

After a complete and thorough review of this GRIP filing, the City's third party rate consultant has indicated that TGS' proposal is reasonable with respect to the costs and rate of return proposed by TGS through this GRIP filing. The proposal complies with the Texas Utilities Code. The GRIP schedules are mathematically accurate and properly compute TGS' central Texas GRIP revenue requirement and associated rate design to customer classes using the rate design methodology approved by the City in the last full rate case in 2008.

The primary reason for the increase in TGS' GRIP revenue requirement from that approved by the City in TGS' prior GRIP filing relates to the significant increase in net plant investment occurring during the period January 1, 2011 through December 31, 2011. TGS incurred over \$23.9 million of net plant additions during the calendar year.

Below is a chart that reflects the customer rate impact since 2008:

Rate Schedule - Customer Class	COCP Approved Customer Charge		TGS Proposed 2011	TGS Proposed 2011	FSA Proposed 2011
	2008	2010	Interim Rate Adjustment	Customer Charge	Customer Charge
	(a)	(b)	(c)	(d)	(e)
Gas Sales					
Residential	\$ 9.75	\$ 10.21	\$ 1.12	\$ 11.33	\$ 11.33
Commercial	\$ 12.75	\$ 14.36	\$ 4.05	\$ 18.41	\$ 18.41
Large Commercial	\$ 80.00	\$ 97.84	\$ 60.84	\$ 158.68	\$ 158.68
Industrial	\$ 40.00	\$ 46.26	\$ 18.08	\$ 64.34	\$ 64.34
Large Industrial	\$ 80.00	\$ 105.10	\$ 61.52	\$ 166.62	\$ 166.62
Public Authority	\$ 20.00	\$ 22.22	\$ 5.71	\$ 27.93	\$ 27.93
Large Public Authority	\$ 80.00	\$ 111.13	\$ 74.95	\$ 186.08	\$ 186.08
Public Schools/Space Heating	\$ 40.00	\$ 46.86	\$ 17.31	\$ 64.17	\$ 64.17
CNG - 1 - Compressed Nat. Gas	\$ 25.00	\$ 29.27	\$ 9.67	\$ 38.94	\$ 38.94
T-1 Standard Transportation					
Commercial	\$ 75.00	\$ 86.38	\$ 27.04	\$ 113.42	\$ 113.42
Large Commercial	\$ 150.00	\$ 187.03	\$ 91.51	\$ 278.54	\$ 278.54
Industrial	\$ 80.00	\$ 97.61	\$ 42.72	\$ 140.33	\$ 140.33
Large Industrial	\$ 150.00	\$ 224.19	\$ 181.83	\$ 406.02	\$ 406.02
Public Authority	\$ 25.00	\$ 28.16	\$ 6.48	\$ 34.64	\$ 34.64
Large Public Authority	\$ 100.00	\$ 141.64	\$ 108.05	\$ 249.69	\$ 249.69
Public Schools/Space Heating	\$ 60.00	\$ 67.03	\$ 17.41	\$ 84.44	\$ 84.44
CNG - 1 - Compressed Nat. Gas	\$ 40.00	\$ 41.57	\$ 3.85	\$ 45.42	\$ 45.42

It is recommended that the City Council approve an ordinance that finds it is in the public interest to allow the proposed rate increase to take place without actually approving the rate increase.

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, ALLOWING IMPLEMENTATION OF THE FEBRUARY 10, 2012 INTERIM RATE ADJUSTMENT FILING PURSUANT TO THE TEXAS UTILITIES CODE SECTION 104.301 OF TEXAS GAS SERVICE COMPANY, A DIVISION OF ONEOK, INC., WITHIN THE CITY OF CEDAR PARK; ESTABLISHING AN EFFECTIVE DATE, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED, WAS NOTICED, AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, on February 10, 2012, Texas Gas Service Company (“TGS”), a division of ONEOK, Inc., filed its Gas Reliability Infrastructure Program (GRIP) for an interim rate adjustment filing pursuant to the Texas Utilities Code § 104.301 with the City; and,

WHEREAS, in accordance with the Texas Utilities Code § 104.301, the proposed interim rate adjustment for incurred expenses for improvement to its system will go into effect on meters read on and after May 25, 2012 with no action by the City; and

WHEREAS, in accordance with the Texas Utilities Code § 104.301, the proposed interim rate adjustment is subject to full review and, if appropriate, refund at the time of the next general rate case; and

WHEREAS, the City has reviewed a third party independent rate consultant’s finding which has determined that the rate requested is accurate, proper and meets all legal requirements;

WHEREAS, allowing the proposed interim rate adjustment to go into effect is in the public interest; and

WHEREAS, the City Council finds that it is reasonable to allow TGS to defer recovery of expenses incurred in connection with this proceeding until the next general rate case,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That the findings set forth in this Ordinance are hereby in all things approved.

SECTION 2. That the City Council finds that it is in the public interest to allow the interim rate adjustment as reflected in the attached Rate Schedule, which is attached hereto and incorporated herein as Exhibit “A,” and to allow the Rate Schedule to take effect on the proposed effective date of May 25, 2012.

SECTION 3. That Texas Gas Service is authorized to recover reasonable and necessary rate case expenses in the next general rate case.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 6. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 12th day of May, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the _____ day of _____, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Robert S. Lemon, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

Exhibit A

TEXAS GAS SERVICE COMPANY
Central Texas Service Area

RATE SCHEDULE IRA
Page 1 of 3

INTERIM RATE ADJUSTMENT

A. APPLICABILITY

This Interim Rate Adjustment (IRA) applies to all general service rate schedules of Texas Gas Service Company (Company) currently in force in the incorporated areas of Austin, Cedar Park, Kyle, Rollingwood, Sunset Valley, and West Lake Hills, Texas. Applicable rate schedules include 10, 20, 22, 30, 32, 40, 42, 48, CNG-1, and T-1.

B. PURPOSE

Section 104.301, Subchapter G of the Texas Utility Code, effective on September 1, 2003, provides for an interim adjustment in a gas utility's monthly customer charge or initial block usage rate to recover the cost of changes in the utility's infrastructure investment and related expenses and revenues for providing gas utility service. The filing date of the utility's most recent rate case establishing rates for the area in which the interim rate adjustment will apply shall be no more than two years prior to the date the utility files its initial interim rate adjustment application for that area. The interim adjustment shall be recalculated on an annual basis, unless the utility files a written request and obtains approval from the regulatory authority to suspend the operation of the interim adjustment rate schedule for any year. This rate schedule establishes the interim adjustment provisions consistent with Section 104.301, Subchapter G of the Texas Utility Code.

C. BILLING

The following Interim Rate Adjustments (IRA-2010 and IRA-2011) will be added to the applicable Rate Schedule Customer Charge for each monthly billing period:

Rate Schedule	Customer Class	Current Customer Charge	2010 Interim Rate Adjustment	2011 Interim Rate Adjustment	Total Customer Charge
10	Residential	\$9.75	\$0.46	\$1.12	\$11.33
20	Commercial	\$12.75	\$1.61	\$4.05	\$18.41
22	Lg. Commercial	\$80.00	\$17.84	\$60.84	\$158.68
30	Industrial	\$40.00	\$6.26	\$18.08	\$64.34
32	Lg. Industrial	\$80.00	\$25.10	\$61.52	\$166.62
40	Public Authority	\$20.00	\$2.22	\$5.71	\$27.93
42	Lg. Public Authority	\$80.00	\$31.13	\$74.95	\$186.08
48	Public Schools Space Heating	\$40.00	\$6.86	\$17.31	\$64.17
CNG-1	Compressed Natural Gas	\$25.00	\$4.27	\$9.67	\$38.94

All applicable fees and taxes will be added to the above rate.

Supersedes Same Sheet Dated
 May 27, 2011

Meters Read On and After
 May 25, 2012

INTERIM RATE ADJUSTMENT
(Continued)

Rate Schedule	Customer Class	Current Customer Charge	2010 Interim Rate Adjustment	2011 Interim Rate Adjustment	Total Customer Charge
T-1	Commercial	\$75.00	\$11.38	\$27.04	\$113.42
T-1	Lg. Commercial	\$150.00	\$37.03	\$91.51	\$278.54
T-1	Industrial	\$80.00	\$17.61	\$42.72	\$140.33
T-1	Lg. Industrial	\$150.00	\$74.19	\$181.83	\$406.02
T-1	Public Authority	\$25.00	\$3.16	\$6.48	\$34.64
T-1	Lg. Pub Auth	\$100.00	\$41.64	\$108.05	\$249.69
T-1	Public Schools Space Heating	\$60.00	\$7.03	\$17.41	\$84.44
T-1	CNG	\$40.00	\$1.57	\$3.85	\$45.42

All applicable fees and taxes will be added to the above rate.

D. COMPUTATION OF IRA RATE

The amount the Company shall adjust its utility rates upward or downward under this rate schedule each calendar year is based on the difference between the value of the invested capital for the preceding calendar year and the value of the invested capital for the calendar year preceding that calendar year. The value of the invested capital is equal to the original cost of the investment at the time the investment was first dedicated to public use minus the accumulated depreciation related to that investment.

Based on the difference between the values of the invested capital amounts as determined above, the Company may adjust only the following related components of its revenue requirement: return on investment, depreciation expense, ad valorem taxes, revenue related taxes and incremental federal income taxes. The factors for these components shall be the same as those established in the Company's most recent rate case for the service area in which this interim rate adjustment is to be implemented.

The revenue requirement calculated pursuant to this rate schedule shall be allocated among the Company's customer classes for this service area in the same manner as the cost of service was allocated among customer classes in the Company's latest effective rates for this area.

E. FILING WITH THE REGULATORY AUTHORITY

1. The Company shall file either the initial interim adjustment or the annual interim adjustment with the regulatory authority at least 60 days before the proposed implementation date. During the 60-day period, the regulatory authority may act to suspend implementation of the adjustment.
2. The Company shall provide notice to customers by bill insert or direct mail not later than the 45th day after the date of filing the interim adjustment.

Supersedes Same Sheet Dated
May 27, 2011

Meters Read On and After
May 25, 2012

INTERIM RATE ADJUSTMENT
(Continued)

E. FILING WITH THE REGULATORY AUTHORITY (cont.)

3. The Company shall file with the regulatory authority an annual report describing the investment projects completed and placed in service during the preceding calendar year and the investments retired or abandoned during the preceding calendar year. The annual report shall also state the cost, need, and customers benefited by the change in investment.
4. In addition, the Company shall file with the regulatory authority an annual earnings monitoring report demonstrating the Company's earnings during the preceding calendar year. Should the Company earn a return of more than 75 basis points above the return established in the latest effective rates implemented under this rate schedule, the Company shall file a statement stating the reasons why the rates are not unreasonable or in violation of the law.
5. After the issuance of a final order or decision by a regulatory authority in a rate case that is filed after the implementation of a tariff or rate schedule under this section, any change in investment that has been included in an approved interim adjustment shall no longer be subject to subsequent review for reasonableness or prudence. All amounts collected under this rate schedule are subject to refund until the issuance of a final decision in the next rate case filing for this service area.
6. The Company shall file a rate case no later than the 180th day after the fifth anniversary date its initial interim rate adjustment for this service area became effective.
7. The provisions under Section 104.301, Subchapter G of the Texas Utility Code for this interim adjustment do not limit the power of the regulatory authority under Section 104.151.

Supersedes Same Sheet Dated
May 27, 2011

Meters Read On and After
May 25, 2012



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. E.2
First Reading And Public Hearing Of An Ordinance Authorizing The Sale Of An Approximately 0.338 Acre Tract Of Land To Williamson-Travis Counties Municipal Utility District No. 1.

Commentary:

The City owns a 0.338 acre tract that was used as a standpipe site. The site is no longer needed by the City for that purpose and is too small for any anticipated future needs. Williamson-Travis Counties MUD No. 1 expressed an interest to acquire this property.

Pursuant to this interest, the City hired an appraiser to evaluate the property. The appraised value was established at \$2,500.00 and the appraisal cost was \$750.00.

Williamson-Travis Counties MUD No. 1 passed a resolution on March 21, 2012 to purchase the property for \$3,250.00 which is the appraised value and the appraisal cost. The City will be conveying the property without warranty.

It is recommended that the ordinance approving this sale be approved.

Fiscal Impact

The City will receive \$3,250.00 which includes the full purchase price and appraisal cost.

Budget

The City will be fully reimbursed for its appraisal cost.

Associated Information:

Copy of survey.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE SALE OF AN APPROXIMATELY 0.338 ACRE TRACT OF LAND TO WILLIAMSON-TRAVIS COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1.; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Cedar Park desires to sell its former Standpipe Site consisting of approximately 0.338 acre tract of land at its appraised value of \$2,500.00, together with costs and expenses of \$750.00;

WHEREAS, Williamson-Travis Counties MUD No. 1 desires to purchase the 0.338 acre tract former Standpipe Site as evidenced by its resolution approving the purchase dated March 21, 2012.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. The City of Cedar Park hereby authorizes and directs the City Manager to sell approximately 0.338 acre tract of land, more specifically described in the attached Exhibit A, to the Williamson-Travis Counties MUD No. 1 at the appraised fair market value of \$2,500.00, together with \$750.00 in costs and expenses for a total sale price of \$3,250.00, subject to approval of all necessary documents by the City Attorney.

SECTION 2. The City Manager is authorized and directed to sign all documents necessary to complete this transaction on behalf of the City and subject to the approval of the City Attorney.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 10th day of May, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the _____ day of _____, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Robert S. Lemon, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

EXHIBIT A

Cedar Park Water Tank Site out of
the 200.50 acre Pringle Tract

EXHIBIT "A"

1-33-1729

A DESCRIPTION of a 0.338 acre tract of land out of the Rachel Soul Survey in Travis and Williamson Counties, Texas, being also out of and a part of that certain 200.50 acre tract of land conveyed in a deed by Walter Yates to Pringle Real Estate, Inc., which deed being of record in Volume 4533, Page 768, Deed Records of Travis County, Texas, said 0.338 acre tract being more particularly described as follows:

BEGINNING at a 1/2" steel pin found at the base of a fence corner, said steel pin is described as "the southeast corner of that tract of land as recorded in Volume 1975, Page 389 of the Deed Records of Travis County, Texas", in the aforementioned 200.50 acre tract description, same being the most easterly southeast corner of said 200.50 acre tract, the southeast corner herein;

THENCE with the fence line along the south line of said 200.50 acre tract S 71° 00' W a distance of 120.00 feet to a steel pin set, the southwest corner herein;

THENCE N 19° 27' W a distance of 122.77 feet to a steel pin set, the northwest corner herein;

THENCE N 71° 00' E a distance of 119.99 feet to a steel pin set in the east line of the aforementioned 200.50 acre tract, the northeast corner herein;

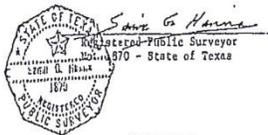
THENCE with the said east line of the 200.50 acre tract the following two (2) calls:

- (1) S 19° 27' E a distance of 120.00 feet to a 1/2" steel pin found at the base of a corner fence post;
- (2) S 19° 40' E a distance of 2.77 feet to the POINT OF BEGINNING and containing 0.338 acres.

THE STATE OF TEXAS |
 | KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS |

That I, Samir G. Hanna, a Registered Public Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground and under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the
7th day of April, 1976, A.D.



CECOH INC.
8900 Shoal Creek Blvd., #420
Austin, Texas 78758

EXHIBIT "A"

5479 383



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. F.0
Discussion And Possible Action:

Commentary:



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. F.1
Consideration Of The Williamson County Task Force On Salamanders/Endangered Species. (Dale)

Commentary:



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. F.2
**Consideration Of Providing Former Cedar Park City Councilmembers A Membership To
The Texas Association Of Former Municipal Officials (Moore)**

Commentary:

Within the Texas Municipal League (TML), there is an organization for former elected officials: The Texas Association of Former Municipal Officials (TAFMO). TAFMO provides an opportunity for former municipal officials to stay connected to TML and local government issues. The annual membership fee is \$50 and includes a subscription to *Texas Town & City* magazine, member rates to selected events, an e-mail subscription to Connect News, and networking opportunities.

There has been a request to offer this membership to City Councilmembers that leave the Council.

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Associated Information:



CITY COUNCIL AGENDA
Date:5-10-2012

Subject: Agenda Item No. G.0
Executive Session



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. G.1

Section 551.071(2) Of The Texas Local Government Code Consultation With City Attorney Concerning Legal Matters For Which He Has A Duty to Discuss As Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.

a. Legal Issues Concerning Contract Negotiations For A Property Management Company.



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. H.0
Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session



CITY COUNCIL AGENDA

Date:5-10-2012

Subject: Agenda Item No. H.1
Mayor And Council Closing Comments.



CITY COUNCIL AGENDA
Date:5-10-2012

Subject: Agenda Item No. H.2
Adjournment.