

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

**THURSDAY, JANUARY 12, 2012 AT 6:30 P.M.**

Mayor Bob Lemon  
Matt Powell Councilmember Place One  
Mitch Fuller, Councilmember Place Two  
Scott Mitchell, Councilmember Place Three

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

**MINUTES**

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.  
**Mayor Lemon called the meeting to order at 6:36 p.m.**  
**Councilmember Dale absent, all others present.**
- A.2 Invocation. (6)  
**Invocation given by Councilmember Tracy.**
- A.3 Pledges of Allegiance. (U.S. and Texas)  
**Council led the audience in the Pledges of Allegiance.**
- A.4 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)  
**Lisa Morris and Don Schliesser presented to the Mayor and City a commemorative picture of the Veterans Memorial, the challenge coin and original letters read at the dedication from George H. Bush and George W. Bush**
- A.5 Mayor and Council Opening Comments.  
**Mayor Lemon commented on visiting a Quest Class at Blockhouse Creek Elementary.**  
  
**Councilmember Powell inquired about the following: egress from the Cedar Park Center specifically the light at 183A/New Hope, consideration of appointments to the Board of Adjustments, and setting up email addresses for boards and commissions**  
  
**Councilmember Fuller requested a future agenda item for an update on the recent Williamson County Transportation Summit.**  
  
**Councilmember Mitchell commented on CAPCOG and the 911 system.**
- A.6 City Manager Report: Employee Recognition For Service With The City Of Cedar Park.
  - a. Larry Nance, Community Service Restitution Supervisor - Field Operations, Twenty-Five Years Of Service.

Eric Rauschuber, Utilities Director, presented a plaque to Larry Nance in recognizing of twenty five years of service with the City of Cedar Park.

**CONSENT AGENDA**

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

**Councilmember Fuller removed Agenda Item D.2 from the Consent Agenda.**

**Councilmember Tracy removed Agenda Item C.8 from the Consent Agenda.**

*Motion to approve*

**Movant: Councilmember Fuller**

**Second: Councilmember Mitchell**

**Vote: 6:0 with Councilmember Dale absent from meeting.**

- B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of December 8, 2011.  
**Approved under the Consent Agenda.**
- B.2 Receipt Of Minutes From The Tourism Advisory Board Meeting Of November 7, 2011.  
**Received under the Consent Agenda.**
- B.3 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of November 15, 2011.  
**Received under the Consent Agenda.**
- C.1 (Z-11-040) Second Reading And Denial Of An Ordinance To Rezone Approximately 0.268 Acres From Single Family Large Suburban Lot (SF-1) To Manufactured Home Residential (MH) For Property Located At 2500 Bois D'Arc Lane. **The Planning And Zoning Commission Voted 6-0 To Deny.**

**Denial of Zoning approved under the Consent Agenda.**

**No Ordinance Number assigned.**

- C.2 (Z-11-021) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 2.0 Acres And Open Space Greenbelt (OSG) To Approximately 2.9 Acres For Property Located On The Southside Of East Whitestone Boulevard Just East Of Arrow Point Drive. **The Planning And Zoning Commission Voted 6-0 To Approve.**

**Approved under the Consent Agenda.**

**Ordinance Number Z22.12.01.12.C2**

- C.3 (Z-11-035A) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 33.5 Acres For Property Located On The East Side Of 183A Just North Of The Intersection Of New Hope Drive And 183A. **The Planning And Zoning Commission Voted 6-0 To Approve.**

**Approved under the Consent Agenda.**

**Ordinance Number Z23.12.01.12.C3**

- C.4 (Z-11-035B) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 7.2 Acres For Property Located Near The Northeast Corner Of CR 180 And New Hope Drive. **The Planning And Zoning Commission Voted 6-0 To Approve.**

**Approved under the Consent Agenda.**

**Ordinance Number Z24.12.01.12.C4**

- C.5 (Z-11-035C) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 2.34 Acres For Property Located On The North Side Of New Hope Drive Northwest Of The Intersection Of Cottonwood Creek Trail And New Hope Drive. **The Planning And Zoning Commission Voted 6-0 To Approve.**

**Approved under the Consent Agenda.**

**Ordinance Number Z25.12.01.12.C5**

- C.6 (Z-11-035D) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Local Retail With A Conditional Overlay (LR-CO) For Approximately 5.12 Acres For Property Located On The North Side Of New Hope Drive Northeast Of The Intersection Of Cottonwood Creek Trail And New Hope Drive. **The Planning And Zoning Commission Voted 6-0 To Approve.**

**Approved under the Consent Agenda.**

**Ordinance Number Z26.12.01.12.C6**

- C.7 (Z-11-036) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 9.50 Acres For Property Located At 14100 And 14050 Ronald Reagan Boulevard. **The Planning And Zoning Commission Voted 5-1 To Approve.**

**Approved under the Consent Agenda.**

**Ordinance Number Z27.12.01.12.C7**

- C.8 (Z-11-037) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 26.313 Acres For Property Located At The Northeast Corner Of Avenue Of The Stars And E. New Hope Drive. **The Planning And Zoning Commission Voted 6-0 To Approve.**

**Agenda Item C.8 removed from the Consent Agenda by Councilmember Tracy.**

**Rawls Howard, Director of Planning and Development Services, addressed Council regarding a future ordinance for an entertainment center overlay. An ordinance has been drafted and will be presented to the Planning and Zoning Commission for future consideration.**

*Motion to table Agenda Item C.8 until the next available meeting after the P&Z meeting of February 7<sup>th</sup>.*

**Movant: Councilmember Tracy**

**Second: Councilmember Powell**

**General discussion followed regarding an entertainment district overlay, process for adopting, existing areas and impact to property.**

**Vote: 6:0 with Councilmember Dale absent from meeting.**

- C.9 Second Reading And Approval Of Revisions To Chapter 12 Subdivision Ordinance And To Chapter 14 Site Development Regulations To Address New Public Or Private At-Grade Rail Crossings.

**Approved under the Consent Agenda.**

**Ordinance Number CO29.12.01.12.C9**

- D.1 Approval To Authorize And Direct The City Manager to Implement A Moratorium On The Requirement For A Dry Chemical Canopy Fire Suppression System For Gasoline Stations Until Corrective Modifications Are Made By Manufacturers' Of These Systems Or The City Adopts A New Fire Code.

**Approved under the Consent Agenda.**

**No Resolution Number Assigned.**

- D.2 A Resolution Authorizing And Directing The Fire Chief To Execute The Williamson County Emergency Service Organizations Agreement For Providing Emergency Medical Services ("EMS") First Responder Services Within The City Limits Of Cedar Park And Participation In One Or More Special Operations Functions For FY 2011-12.

**Agenda Item D.2 removed from the Consent Agenda by Councilmember Fuller.**

Councilmember Fuller commented on Williamson County's award for best use of social media for emergency management, and Blackboard Connect. He inquired how the amount of \$38,000 was derived and if the City would be participating in future training drills.

Councilmember Powell inquired about reimbursement for the EMS Bay located at Fire Station #4.

*Motion to approve Agenda Item D.2 as presented.*

**Movant: Councilmember Fuller**

**Second: Councilmember Tracy**

**Vote 6:0 with Councilmember Dale absent from meeting.**

**Resolution Number R47.12.01.12.D2**

- D.3 A Resolution Awarding Construction Bid For The Sidewalk Gap Closure Project To Myers Concrete Construction, LP For \$68,744.  
**Approved under the Consent Agenda.**

**Resolution Number R48.12.01.12.D3**

- D.4 A Resolution Authorizing And Directing The City Manager To Execute Contracts Related To Internet, High Speed Data, And Cable Television Services With Time Warner Cable.  
**Approved under the Consent Agenda.**

**Resolution Number R49.12.01.12.D4**

#### PUBLIC HEARINGS

- E.1 First Reading And Public Hearing Of An Ordinance Amending Chapter 11 Zoning Ordinance, Section 11.12, Chapter 12 Subdivision Ordinance, Section 12.23.001 And Chapter 12 Sign Ordinance Section 13.01.004 Regarding The Definitions Or References To Building Official. (OA-11-008)

**Agenda Item E.1 called after Agenda Item E.3**

**Rawls Howard, Director of Planning and Development Services, stated the proposed amendments to the zoning ordinance are to provide consistency in the designation for the Planning Director as the Building Official. The proposed changes are minor in nature and provide for more consistency throughout the Zoning and Subdivision Chapters. The Planning and Zoning Commission held a public hearing on December 20, 2011. No public testimony was received.**

**Mayor Lemon opened the Public Hearing.**

**No public comment.**

**Mayor Lemon closed the Public Hearing**

- E.2 First Reading And Public Hearing Of An Ordinance Amending Chapter 12, Subdivision Ordinance, Section 12.12.010 Lot Arrangements Regarding Flag Lot Regulations

**Rawls Howard, Director of Planning and Development Services, stated at the request of the City Council and the Planning and Zoning Commission the following amendment is proposed to Chapter 12, Subdivision Ordinance, Section 12.12.010, Lot Arrangements regarding flag lots. This amendment makes available the general variance procedure outlined in Section 12.12.019 of the Subdivision Ordinance where the stated flag lot requirements are not met, but it further preserves the fundamental policy objectives of (a) providing for public and emergency access, and (b) preserving future development opportunities.**

**Mayor Lemon opened the Public Hearing.**

**No public comment.**

**Mayor Lemon closed the Public Hearing**

- E.3 (Z-11-039) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 42.861 Acres From Downtown District (DD) To Planned Development-Mixed Use (PD-M) For Property Located Near The Southwest Corner Of 183A Toll Road And East New Hope Drive. **The Planning And Zoning Commission Voted 4-2 To Deny The Request.**

**Agenda Item E.3 called after the Consent Agenda.**

**Rawls Howard, Director of Planning and Development Services, said staff is in receipt of a postponement request from the applicant in order to further work on items.**

**Mayor Lemon stated due to the large number in attendance he would hold the Public Hearing.**

**Rawls Howard, Director of Planning and Development Services, stated this item is to consider a request by Continental Homes of Texas, LP to rezone approximately 42.86 acres from Downtown District (DD) to Planned Development-Mixed Use (PD-M) for property located near the southwest corner of 183A Toll Road and East New Hope Drive. The Planning and Zoning Commission voted 4-2 to recommended denial of the applicant's request at its December 20, 2011 meeting. Therefore, an affirmative vote of at least three-fourths (6 out of 7) of all Council members is required to overrule the Planning and Zoning Commission recommendation of denial.**

**Richard Maier, applicant, addressed Council regarding the request. He stated a few items still need to be worked on and he is seeking a postponement of the zoning request.**

**Mayor Lemon opened the Public Hearing.**

**Public Comment: the following citizens spoke in opposition to the zoning request.**

**Evelyn Athas stated more information is needed on the subject due to the very intense change to the area. She commented on the original concept, traffic, and accessibility for fire trucks. She supports the postponement.**

Jean Dase commented on the impact to the quality of life and road safety. She requested a representative from their community work with those who want to change the master plan. She also commented on traffic and the narrow street design.

Molly Francis commented on the original concept starting when a master plan was needed to develop Cedar Park in order to compete with surrounding areas. She inquired if any public money was used to develop the area.

Tom Ivey commented on the alleyway next to the development and stated a 6ft foot fence will impede the already limited access. He supports bike access to the trails, and commented on the limited emergency vehicle access.

Laura Ivey addressed the alleyway and the limited access. She is concerned about the four parcels being developed behind the residential. She is not in support of any multi-family.

Mary Mealy stated she is a realtor responsible for bringing families to the Town Center. She sold these homes on a dream. She stated the Town Center is breaking off piece by piece, and is destroying the town center. She wants a Town Hall meeting with Council, Planning and Zoning and the Applicant. She does support townhomes and condos.

Gail Greer addressed the problem with parking on streets from the event center. The City is missing an opportunity to develop the property. She inquired about the bike trails.

Howard Greer addressed traffic issues and stated there is not enough room on the streets if there are vehicles are both sides. He addressed vehicle traffic on Discovery Boulevard on it is completed to New Hope Road.

Nancy Gates stated she has concerns with big box stores and it will present problems with crimes, light pollution, and is not a friendly walking environment.

Kelly Dunn commented on the traffic thru the neighborhoods. There is a close knit feeling with neighbors, and the narrow streets are not large enough to handle higher amounts of traffic.

Richard Maeir, Applicant, addressed Council again with closing comments. He stated under the current zoning on the tract it does allows 300,000 sq ft of commercial and 230 apartment units to be developed with no approval by Council. His request is for a different configuration.

General Discussion followed:

Mayor Lemon inquired if the Applicant would meet with the neighborhood. He inquired why they were using four parcels as opposed to the one parcel.

Mr. Maier responded the four parcels were to delineate of the location of each type of use. The original zoning was for one large parcel and the uses could go anywhere on the entire tract.

Councilmember Fuller stated he is willing to meet with the citizens and listen to their concerns.

Councilmember Mitchell commented on the failed City Hall proposition being voted down. The City does not own the property and the owners make the decisions. He stated the developer needs to be at the meeting to hear citizens' concerns.

Councilmember Powell addressed comments made during the Public hearing. He stated the City did build the Recreation Center in the Town Center. The hike and bike trails connectivity involves the CTRMA project which the City is not involved with. The subject of narrow roads and alleyways is not a zoning issue but rather a separate item that might need to be considered with no parking on one side of the street. The City does have an ordinance for light pollution with the dark sky rules currently in place. He commented on the sending the zoning back to the P&Z for consideration and stated it may be better to start with a clean slate. He encouraged everyone to restart the process and urged re-notification and moving forward as quickly as possible in order to not impact the applicant.

Mayor Lemon commented on the issue of Council receiving additional information that is not given to the P&Z when they consider zoning. Mayor wants to have a town hall meeting.

Mayor Pro Tem Moore stated he does not want to slow the process down but have it done right.

Councilmember Fuller stated it is important enough to consider sending it back to the P&Z. He is interested in the community input. This zoning is a major decision and the original vision and intent did change. The City does not own the land, and the developer must work in concert with the market. He commented on the traffic and stated it was going to be intense thru neighborhood with the original intent for the area and its uses.

Councilmember Powell stated the City needs to balance sales tax and property taxes so it is important to have primary employment to enhance the financial stability of the City. There also needs to be a balance with property rights of the owners and also the residents.

*Motion to remand this item back to the Planning and Zoning Commission for reconsideration for additional development being considered by the Applicant.*

**Movant: Councilmember Powell**

**Second: Councilmember Mitchell**

**Vote: 6:0 with Councilmember Dale absent from meeting.**

Mayor Lemon closed the Public Hearing.

**REGULAR AGENDA (NON-CONSENT)**

- F.0 Discussion And Possible Action:
- F.1 Update And Possible Approval Of The City Of Cedar Park Web Redesign.

**Jennie Huerta, Media Relations Manager, and Larry Holt, Economic Development Specialist, provided an update for Council on the design process. A draft mockup of the proposed website was presented to Council.**

**General discussion followed regarding possible modifications or improvements.**

**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 551.087 Deliberation Regarding Economic Development Negotiations
- a. Legal Issues Regarding An Economic Development Infrastructure Reimbursement Agreement For A Major Retail Development.
  - b. Legal Issues Regarding An Economic Development Agreement Between The City Of Cedar Park And DR Horton.

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 9:07 p.m.**

**No action taken on any item discussed in Executive Session.**

- H.1 Mayor And Council Closing Comments.  
**None.**

- H.2 Adjournment.

Mayor Lemon adjourned the meeting at 9:08 p.m.

PASSED AND APPROVED THIS 2<sup>ND</sup> DAY OF FEBRUARY, 2012.

  
Robert S. Lemon, Mayor

ATTEST:

  
LeAnn M. Quinn, TRMC  
City Secretary

