

**City of Cedar Park**  
**Regular Called Meeting Agenda**  
**City Council Chambers, Cedar Park Public Library**  
**550 Discovery Boulevard**  
**Cedar Park, Texas**  
**Thursday, April 14, 2011**  
**6:30 P.M.**

- A.1 [CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.](#)
- A.2 [Invocation.](#)
- A.3 [Pledges of Allegiance. \(U.S. and Texas\)](#)
- A.4 [Citizens Communications \(Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information\)](#)
- A.5 [Mayor and Council Opening Comments.](#)
- A.6 [City Manager Report: Update On The Twin Creeks Historic Park Master Plan - Curt Randa, Parks And Recreation Director](#)
- A.7 [City Manager Report: Update On Veterans Memorial Park Phase Two Construction - James Hemenes, Parks And Recreation Assistant Director.](#)
- A.8 [City Manager Report: Review of Quarterly Capital Improvement Program Progress Report - Katherine Woerner, Utility Program Manager.](#)
- A.9 [City Manager Report: Monthly Financial Update Through February 2011 - Josh Selleck, Finance Director.](#)
- B.1 [Approval Of City Council Minutes From The Regular Scheduled Meeting Of March 10, 2011.](#)
- C.1 [Second Reading And Approval Of An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Section 11.12.002 Terms For Bed And Breakfast; And Article 11.02 Addition Of Regulations For Bed And Breakfasts As A Conditional Use In The Estate Lot \(ES\), Single Family \(SF\), Single Family Large Suburban \(SF-1\), And Bed And Breakfast Regulations For Transitional Commercial \(TC\), Local Retail \(LR\) And General Retail \(GR\) Zoning Districts. The Planning And Zoning Commission Voted 5-0 To Recommended Approval Of The Amendments.](#)
- C.2 [Second Reading And Approval Of An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Section 11.12.002 Terms For Bars And Cocktail Lounges. The Planning And Zoning Commission Voted 5-0 To Recommended Approval Of The Amendment.](#)

- C.3 [Second Reading And Approval Of An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Section 11.02.211 Addition Of Food Preparation As A Permitted Use In The Light Industrial \(LI\) District. The Planning And Zoning Commission Voted 5-0 To Recommended Approval Of The Amendments.](#)
- D.1 [A Resolution Affirming The Certification Of Unopposed Candidates For Council Places One, Three And Five In The May 14, 2011 General Election; Declaring Candidates Elected To Office Upon The Close Of The Official Canvassing Period As Set Forth By State Statute; Authorizing The Cancellation Of Election.](#)
- D.2 [A Resolution Authorizing And Directing The City Manager To Execute An Amendment To The Texas Department Of Transportation \(TXDOT\) For The FY 2009 Comprehensive Selective Traffic Enforcement Program \(STEP\) Grant For The Cedar Park Police Department.](#)
- D.3 [A Resolution Authorizing The Execution Of An Interlocal Agreement Between The City Of Cedar Park And The Central Texas Regional Mobility Authority \(CTRMA\) For The Purpose Of Participating In Cooperative Purchasing.](#)
- D.4 [A Resolution Authorizing The Rejection Of All Construction Bids For The Brushy Creek Sports Park Irrigation Project.](#)
- E.1 [First Reading And Public Hearing On An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Division 2: Customary Home Occupations, Section 11.04.006 Regulations And Restrictions By Providing Definitions For Direct Selling And Direct Marketing And Authorizing Direct Marketing.](#)
- E.2 [ANX-11-001 First Reading And Public Hearing On An Ordinance For The Purpose Of Extending The Boundary Limits Of The City Of Cedar Park, Texas, Providing For The Voluntary Annexation Of Approximately 41.059 Acres Of Land Located At The Northwest Corner Of Brushy Creek Road And Breakaway Road, And Otherwise Described By Metes And Bounds In Williamson County, Texas. \(ANX-11-001\)](#)
- E.3 [Z-11-002 First Reading And Public Hearing On An Ordinance To Rezone Approximately 2.688 Acres Of Land From General Retail \(GR\) To General Office \(GO\), LADA One, Ltd., Located At The Southeast Corner Of East Whitestone Boulevard And Discovery Boulevard, In Williamson County, Texas. The Planning And Zoning Commission Voted 5-0 To Recommend Approval Of General Office \(GO\) For This Tract.](#)
- E.4 [Z-11-003 First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of General Retail \(GR\) To Approximately 10 Acres Of Land Located At 1775 East Whitestone Boulevard, In Williamson County, Texas. The Planning And Zoning Commission Voted 5-0 To Recommend Approval Of General Retail \(GR\) For This Tract.](#)
- F.0 [Discussion And Possible Action:](#)

- F.1 [Update On The 2010 Census And Texas Department Of Transportation Notification Of City's Intention To Challenge Census.](#)
- F.2 [Consideration To Approve A Resolution Authorizing Up To \\$105,000 Of Park Ordinance Funds For Neighborhood Park Improvements.](#)
- F.3 [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. \(Powell\)](#)
- F.4 [Consideration To Approve A Resolution Designating The Cedar Park Citizen As The Official Newspaper Of The City Of Cedar Park.](#)
- F.5 [Update On The State Emergency Communications And Regional Impact From Legislative Session. \(Fuller\)](#)
- F.6 [Update On The Brushy Creek Regional Utility Authority \(" BCRUA"\) Project And Activities. \(Fuller\)](#)
- G.0 [Executive Session](#)
- G.1 [Section 551.071 \(1\) Consultation With City Attorney Concerning Contemplated Litigation.](#)
  - a. Cause No. D-1-GN-11-000418; Marj Hunziker and Stephen Kerr v. Capital Metropolitan Transportation Authority and Linda Watson; In the 201st Judicial District, Travis County, Texas.
- G.2 [Section 551.071 \(1\)\(A\) And \(2\) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.](#)
  - a Legal Issues Concerning Terms And Conditions Regulating Commercial Leases For The City Hall Complex.
- 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:4-14-2011

Subject: Agenda Item No. A.1

**CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.**



**CITY COUNCIL AGENDA**

Date:4-14-2011

Subject: Agenda Item No. A.2  
**Invocation.**



**CITY COUNCIL AGENDA**

Date:4-14-2011

Subject:           Agenda Item No. A.3  
**Pledges of Allegiance. (U.S. and Texas)**



**CITY COUNCIL AGENDA**

Date:4-14-2011

Subject: Agenda Item No. A.4

**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:4-14-2011

Subject:       Agenda Item No. A.5  
**Mayor and Council Opening Comments.**



**CITY COUNCIL AGENDA**

Date:4-14-2011

Subject: Agenda Item No. A.6

**City Manager Report: Update On The Twin Creeks Historic Park Master Plan -  
Curt Randa, Parks And Recreation Director**

**Commentary:**



**CITY COUNCIL AGENDA**

Date:4-14-2011

Subject: Agenda Item No. A.7

**City Manager Report: Update On Veterans Memorial Park Phase Two  
Construction - James Hemenes, Parks And Recreation Assistant Director.**

**Commentary:**



## CITY COUNCIL AGENDA

Date:4-14-2011

Subject: Agenda Item No. A.8

**City Manager Report: Review of Quarterly Capital Improvement Program Progress Report - Katherine Woerner, Utility Program Manager.**

### **Commentary:**

The quarterly Capital Improvement Plan Progress report has been updated and will be presented at the second Council meeting following the end of each quarter.

# FACILITIES CIP UPDATE

*April 14, 2011*

Bond/Funding Program	Project	Engineer	Design		Bid Advertisement	Bid Award	Estimated Const. Schedule		Environmental Clearance	Progress - Action Item - Comments
			Start Date	Finish Date			Start Date	Finish Date		
PAYGO	Field Operations	PGAL Architects	Feb 2011	Fall 2011	June 2011	September 2011	Sept 2011	Summer 2012	N/A	This building will provide additional space for the Utility Fund departments at Field Operations. Currently space is tight and there is limited space for future growth. Selected PGAL Architects in Dec 2010. Selected SpawGlass as CM at Risk in March 2011
PAYGO	City Hall	PGAL Architects	March 2011	Fall 2011	Fall 2011	Fall 2011	Fall 2011	Early 2012	N/A	The City purchased a 7-building development at 450 Cypress Creek Road. This is a remodel project to finish-out 3 building as City Hall offices and 1 building as Council Chambers. The City advertised for CMR proposals in March 2012. Selection of CMR firm will be in April 2012.

**PROJECTS UNDER CONSTRUCTION**

Bond/Funding Program	Project	Engineer	Contractor	Observer	Bid Award	Notice to Proceed	Construction		Progress - Action Item - Comments
							Start Date	Finish Date	

**COMPLETED PROJECTS**

Bond/Funding Program	Project	Engineer/Contractor	Construction			Progress - Action Item - Comments
			Start Date	Substantial Completion	Final Completion	
GO Bond	Cedar Park Center	Sink Combs Dethles/Hunt Construction	6/1/2008	9/1/2009	TBD	
GO Bond	CPYL Additional Fields	PBS&J/Westar	6/1/2008	9/11/2008	9/18/2008	
GO Bond	CPYL Maintenance Bldg	Gary Shaw/CL Carson	11/1/2009	4/1/2010	5/1/2010	
GO Bond	CPYL Lightning	Musco/Musco	6/1/2008	11/1/2008	11/1/2008	
GO Bond	CPYL Ex Field Irr Replacement	Steve Rokovich/Proscape Landscaping	11/1/2008	2/1/2009	2/9/2009	
GO Bond	Fire Station #1	PBS&J/SpawGlass	3/1/2010	8/13/2010	9/30/2010	

# PARKS CIP UPDATE

*April 14, 2011*

PROJECTS IN DESIGN										
Bond/Funding Program	Project	Engineer	Design		Bid Advertisement	Bid Letting	Estimated Const. Schedule		Environmental Clearance	Progress - Action Item - Comments
			Start Date	Finish Date			Start Date	Finish Date		
Bond	PARD Maintenance Facility	Moman Architects/Waeltz & Pretz	03/02/10	TBD	TBD	TBD	TBD	TBD	TBD	Design 90% Complete - Construction Documents will be finalized ASAP after project direction is received - No Construction Funding Authorized
Bond	Land Acquisition	N/A	01/01/10	12/31/10	N/A	N/A	N/A	N/A	N/A	Potential Parkland Identified
4B	Brushy Creek Sports Park - Irrigation Pump	Sweeney Associates	01/04/10	12/31/10	1/31/11	2/11/11	TBD	TBD	N/A	This irrigation pump will use non-potable creek water to irrigate the sports park and conserve treated water. Bids were significantly over the project budget. Will request all Bids to be rejected at 4/14/11 Council meeting. Will await direction after that time.
PROJECTS UNDER CONSTRUCTION										
Bond/Funding Program	Project	Engineer	Contractor	Observer	Bid Award	Notice to Proceed	Construction		Progress - Action Item - Comments	
							Start Date	Finish Date		
Bond	Veterans Memorial Park Phase II	BWM Group	The Barr Co	CoCP	5/13/10	6/7/10	6/7/10	3/3/11	Project approx 85% Complete. Working on Fencing, Decorative Stonework & Landscape. Project is on schedule to open in May 2011.	
COMPLETED PROJECTS										
Bond/Funding Program	Project	Engineer/Contractor		Construction			Progress - Action Item - Comments			
				Start Date	Substantial Completion	Final Completion				
Bond	Rosemary Denny Park Redevelopment	Land Design Partners		11/13/09	11/13/09	7/30/10	This project and flood repairs are complete.			
Park Ord	Trails Master Plan Update	Half Associates		02/19/09	N/A	07/08/10	Approved by City Council July 8, 2010.			
Bond & 4B	Brushy Creek Sports Park Phase I & II	Land Design Partners/Journeyman Construction		10/1/07	11/25/08	3/10/09	New Community Park w/ Sports Fields (2-Baseball/Softball & 2-Soccer/Football), Restroom/Concession Stands, Trails, Disc Golf & Parking			
Bond & 4B	Brushy Creek Sports Park Phase III	Land Design Partners/Smith Contracting		8/1/09	1/25/10	3/23/10	Additional Soccer/Football Field, Basketball Court & Additional Parking			
Bond	Veterans Memorial Park Phase I	Kimley Horn/R Hassell Builders		8/29/07	5/29/10	11/14/08	Leisure Pool			
Bond	Community & Recreation Center	PBS&J/Flintco		4/30/08	5/4/09	7/29/09	47,500 sq ft facility			
Park Ord	Various Park Improvements	CoCP/CoCP		N/A	N/A	N/A	Site Amenities - picnic tables, benches, drinking fountains, etc.			
Park Ord	Play Structures	CoCP/Playwell Group		N/A	N/A	N/A	Peggy Garner, Park Place & Rachel Ridge Parks			
Park Ord	Park Signage	CoCP/Southwest Monument		N/A	N/A	N/A	Veterans Memorial & Brushy Creek Sports Park			
Park Ord	Pavilion Shade Structure	CoCP/Playwell Group		N/A	N/A	N/A	Wildrose, Forest Oaks & Oakwood Glen Parks			
Park Ord	Twin Creeks Master Plan	Land Design Partners		1/21/08	N/A	N/A	Historic Log Cabin & Surrounding Park			
Park Ord	PARD Maintenance Facility Master Plan	Moman Architects		4/15/08	N/A	11/1/08	Master Plan Complete			
4B	Brushy Creek Lake Park Phase III	CoCP/Fazzone Construction		9/25/08	11/15/08	12/19/08	Additional Birthday Pavilion w/ Sand Box & 2 - Bocce Courts			
4B & Wilco	Brushy Creek Sports Park - Skatepark Phase I	Newline/SPA		11/12/09	3/8/10	3/8/10	Complete			
4B & Wilco	Brushy Creek Sports Park - Skatepark Phase II	Newline/CoCP/Parthenon		2/4/10	6/25/10	6/25/10	Complete			

# STREETS & TRANSPORTATION UPDATE

*April 14, 2011*

PROJECTS IN DESIGN										
Bond/Funding Program	Project	Engineer	Design		Bid Advertisement	Bid Letting	Estimated Const. Schedule		Environmental Clearance	Progress - Action Item - Comments
			Start Date	Finish Date			Start Date	Finish Date		
GO Bond	Bagdad Road (RM 1431-Kettering)	K Freise	08/15/08	09/01/10	TBD	TBD	TBD	TBD	12/30/08	Bagdad Road will be reconstructed to a similar cross section as exists today with the exception of the addition of wider outside lanes to accommodate bicycles and sidewalk improvements. Construction plans are complete. Construction is not funded.
GO Bond / Wilco	Brushy Creek Road (Parmer-Arrowhead Trail)	LAN	02/01/09	09/01/10	02/11/11	03/09/11	04/15/11	04/15/12	04/20/09	Brushy Creek Road is being widened from a 2-lane roadway to a 4-lane divided roadway with raised median, wide outside lanes for bicycles, curb and gutter, sidewalks and illumination. The contract was awarded to Chaso Constructors on March 24, 2011. The construction contracts are currently being executed prior to the start of construction.
GO Bond / Wilco	Cottonwood Creek Trail/New Hope Drive	Klotz/K Friese	11/01/08	10/01/09	TBD	TBD	TBD	TBD	06/01/09	Cottonwood Creek Trail, including New Hope Drive between 183A and Cottonwood Creek Trail, is being widened from a 2-lane roadway to a 4-lane divided roadway with raised median, wide outside lanes to accommodate bicycles, curb and gutter, sidewalks and illumination. Construction plans are complete. Construction is not funded.
4B	RM 1431/Vista Ridge Blvd. Right Turn Lane	Half Associates	03/12/10	01/15/11	02/01/11	03/01/11	04/15/11	06/15/11	05/12/10	A right turn lane is being added on east bound RM 1431 to south bound Vista Ridge Blvd. The bid has been awarded and the construction contracts are currently being executed.
GO Bond	New Hope Drive (Lakeline-Bagdad)	URS	11/01/10	06/21/11	07/01/11	08/01/11	08/01/11	08/01/12	04/01/11	New Hope Drive is being widened from a 2-lane roadway to a 4-lane divided roadway with raised median, wide outside lanes to accommodate bicycles, curb and gutter, sidewalks and illumination. Design is underway on this project. The construction start date is dependent on the completion of the segment of the BCRUA water line within the limits of this project.

PROJECTS UNDER CONSTRUCTION										
Bond/Funding Program	Project	Engineer	Contractor	Observer	Bid Award	Notice to Proceed	Construction		Progress - Action Item - Comments	
							Start Date	Finish Date		
GO Bond / Wilco / Fed	RM 1431 (183A-CR185)	CPY	Hunter Industries	TxDOT	12/01/09	02/08/10	03/08/10	06/11/11	RM 1431 is being expanded to a 4-lane divided roadway with a raised median, curb and gutter, and sidewalks with a wide outside shoulder to accommodate a future expansion to a 6-lane roadway once environmental clearance is obtained. Phase 3 is currently underway.	
GO Bond	Park Street (183A-Lakeline Blvd.)	Cobb Fendley	FT Woods	David Dial	04/01/10	06/01/10	06/07/10	01/01/12	Park St. is being reconstructed to a similar cross section as exists today with wider lanes, ribbon curb, sidewalk and new 12" water line. Phase II of W. Park Street is anticipated to be complete in early April 2011.	
GO Bond / 4B / Fed	Brushy Creek Road (183A-Parmer)	Kimley-Horn	RGM Constructors	David Dial	08/12/10	09/20/10	09/20/10	04/20/12	Brushy Creek Road is being widened from a 2-lane roadway to a 4-lane divided roadway with raised median, wide outside lanes to accommodate bicycles, curb and gutter, sidewalks and illumination. Phase IA, consisting of the construction of the north half of the roadway between Gupton Way and Parmer Lane, is underway.	

COMPLETED PROJECTS (Last 2 years)										
Bond/Funding Program	Project	Engineer/Contractor	Construction			Progress - Action Item - Comments				
			Start Date	Substantial Completion	Final Completion					
GO Bond	New Hope Drive (Lakeline-RM1431)	MacTec/JC Evans	07/27/07	12/12/08	03/24/09					
GO Bond	Intersections (Lakeline/1431 & US183/Cypress Creek)	URS/Aaron Concrete	11/28/08	05/06/09	05/29/09					
GO Bond	Intersections (Sunchase/Cypress & Lakeline/New Hope)	S&B Infrastructure/Aaron Concrete	02/01/09		09/01/09					
GO Bond	Avenue of the Stars Left Turn Lane	Engineering Dept/Aaron Concrete	09/01/08		09/28/08					
GO Bond	Cedar Park Center Deceleration Lane	Kimley Horn/EBC	03/25/09	08/01/09	TBD	Contractor has not received final retainage payment because he can not produce an All Bills Paid Affidavit				
GO Bond	Lakeline Blvd/Cypress Creek Rd. Left Turn Lanes	MacTec/Aaron Concrete	07/16/09		08/27/09					
GO Bond	Avenue of the Stars Traffic Signal	Kimley Horn/G. Carter	12/01/08		04/01/09					
Go Bond	Brushy Creek Rd./Cougar Ave.	PBS&J / Cash Construction	04/01/10	08/24/10	08/31/10					

# UTILITIES CIP UPDATE

*April 14, 2011*

PROJECTS IN DESIGN										
Bond/Funding Program	Project	Water or WW	Engineer	Design		Bid Advertise.	Bid Letting	Estimated Const. Schedule		Progress - Action Item - Comments
				Start Date	Finish Date			Start Date	Finish Date	
PAYGO	Cottonwood WW Interceptor	WW		5/11	5/12			10/11	12/13	Following Council approval in February, staff began developing a scope of work and negotiating an agreement with LAN, Inc. Design is anticipated to begin this spring.
	Lakeline/Old Mill Waterline	W		5/11	2/12			10/11	5/12	Following Council approval in February, staff began developing a scope of work and negotiating an agreement with K. Friese, Inc. Design is anticipated to begin this spring.
PAYGO	Spanish Oak WW Interceptor	WW								On Hold
	2011 Wastewater Improvements	WW		5/11	2/12			10/11	12/12	Following Council approval in February, staff began developing a scope of work and negotiating an agreement with Bury + Partners. Design is anticipated to begin this spring.
	Buttercup WW Interceptor Replacement	WW		5/11	5/12			10/11	12/13	Following Council approval in February, staff began developing a scope of work and negotiating an agreement with Freese and Nichols, Inc. Design is anticipated to begin this spring.
	BCRUA Phase II	W						TBD	TBD	Finalizing Due Diligence work.
PAYGO	SCADA Upgrades	W						9/11	12/11	Evaluating options to upgrade outdated equipment.
PROJECTS UNDER CONSTRUCTION										
Bond/Funding Program	Project	Water or WW	Engineer	Contractor	Observer	Bid Award	Notice to Proceed	Construction		Progress - Action Item - Comments
								Start Date	Finish Date	
	New Hope Drive 183A to CR 185 Waterline	W	Klotz/K Friese					TBD	TBD	Roadway project has been delayed
PAYGO	Water Meter Program Update	W						01/05	12/11	This project is the ongoing installation of remote meter readers. Remote meter readers increase efficiency and accuracy.
PAYGO	DIES EST- Shenandoah Tank Replacement	W	HDR	Landmark	Jim Tolles		01/10	02/10	03/11	The Dies 0.5 MG EST is complete. Removal of the Shenandoah Standpipe is scheduled to begin in late April with an approximate completion of late May.
	Brushy Creek Transmission Main	W	Kimley Horn	RGM Constructors	David Dial	08/12/10	09/20/10	09/20/10	02/20/12	Funding for utility adjustments for the Brushy Creek Road Project
TWDB Bonds	Regional Water Phase I	W						01/07	05/12	All projects are currently under construction
PAYGO	W/E Park Street Waterline	W	Cobb Fendley	FT Woods	David Dial	04/01/10	06/01/10	06/07/10	01/01/12	Installation of waterline in conjunction with Park Street project.
PAYGO	Floating Raw Water Intake Contingency	W	HDR					01/09	TBD	Continuing the acquisition of easements.
PAYGO	Field Ops Misc Improvements	W						01/11	12/11	Misc improvements to the existing building

PAYGO	Garner Influent Line Replacement	WW	LAN					10/11	5/12	This project was designed in 2004. It will be incorporated into the construction plans for the Lakeline/Old Mill waterline bore this year.
PAYGO	Long Range Plan Update & CIF Study	W	HDR					01/08	9/11	Waiting on Due Diligence work to finalize.
PAYGO	New Hope Drive 183A to CR 185 WW Line	WW	Klotz/K Friese					TBD	TBD	To be constructed with roadway project. Roadway project has been delayed
PAYGO	Water System Rehab	W								This line item includes a variety of smaller rehabilitation projects within the water system throughout the community.
PAYGO	Water Conservation Program	W								The fourth year of the campaign is currently under development and is scheduled to launch in early May. The focus of this year's campaign will be to encourage adherence to the City's watering schedule.
PAYGO	Flushing Valve Program	W								Continued installation, repair, and monitoring of automatic flush valve to increase water system operation efficiency and reduce water loss.
PAYGO	Sampling Stations/ Leak Detection	W								This is the continued monitoring and repair of leaks to reduce the City's water loss and aid in water conservation. Sampling per TCEQ criteria.
PAYGO	Water Treatment Plant Misc Rehab	W								Ongoing projects to upgrade, repair, or replace out of date equipment and processes.
PAYGO	Water Utility Relocation	W								This line item is the misc. water projects to resolve unforeseen utility conflicts discovered during design of other City projects.
PAYGO	WW System Rehab	WW								Ongoing projects that includes a variety of smaller rehabilitation projects around the community.
PAYGO	Water Reclamation Facility Rehab	WW								Ongoing projects to upgrade, repair, or replace out of date equipment and processes.
PAYGO	WW Utility Relocation	WW								This line item is the misc. water projects to resolve unforeseen utility conflicts discovered during design of other City projects.
	BCRWWS Legal Fees	WW								Ongoing legal fees associated with the BCRWWS
<b>COMPLETED PROJECTS</b>										
Bond/Funding Program	Project	Water or WW	Engineer/Contractor	Construction			Progress - Action Item - Comments			
				Start Date	Substantial Completion	Final Completion				
PAYGO	Waterline Rehab 2010	W	URS	11/10	11/10	3/11	This line item includes a variety of smaller rehabilitation projects around the community. Waterline rehab for the Ranchettes Unit 2 (along Lone Star Drive) was completed in late March.			
TWDB Bonds	Regional Water Phase I- Land Esmt/ Acquisition	W	LAN		01/07	12/10	Complete.			
	WRF Odor Control Improvements		CDM/Pepper-Lawson	01/08		04/10				
	Water Tank Rehab 2010	W	Davis Eng./Arndt	1/10		5/10				
	EPA Stage 2 Water Sys Modeling			01/08		3/10				



**CITY COUNCIL AGENDA**

Date:4-14-2011

Subject: Agenda Item No. A.9

**City Manager Report: Monthly Financial Update Through February 2011 - Josh Selleck, Finance Director.**

**Commentary:**



**CITY COUNCIL AGENDA**

Date:4-14-2011

Subject:           Agenda Item No. B.1  
**Approval Of City Council Minutes From The Regular Scheduled Meeting Of March  
10, 2011.**

**Commentary:**



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

**THURSDAY, MARCH 10, 2011 AT 6:30 P.M.**

Mayor Bob Lemon  
Matt Powell Councilmember Place One  
Scott Mitchell, Councilmember Place Three  
Lowell Moore, Councilmember Place Four

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

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*MINUTES*

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.  
**Mayor Lemon called the meeting to order at 6:33 p.m.**  
**All Council present.**
- A.2 Invocation.  
**Councilmember Powell gave the Invocation.**
- 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)  
**Mayor John Cowman, City of Leander, addressed Council regarding the Leander Senior Center and the need for additional funding to complete the interior finish out for the fire damaged building. Upgrades to the cooking facilities were needed and costs exceeded the insurance reimbursements.**
- A.5 Mayor and Council Opening Comments.  
**Mayor Lemon commented on a recent meeting with Representative Charles Schwertner.**  
**Councilmember Moore commented on the growth of Cedar Park.**

**Councilmember Dale commented on Military Appreciation Night at the Texas Stars Game and fundraising efforts for the Veterans Memorial.**

**Councilmember Tracy commented on the recent grand opening of a new surgical center on Cypress Creek Road and also fundraising efforts for the Leukemia Lymphoma Society at the Toros and Stars games.**

**Councilmember Powell also addressed the Veteran Memorial fundraising efforts, meeting with Representative Schwertner, and the first meeting of the transportation sub-committee.**

**Mayor Pro Tem Fuller commented on the recent passing of Hutto's Mayor, recent meetings with LCRA, Representative Schwertner and Leadership Cedar Park.**

**Councilmember Mitchell commented on CAPCOG and the decrease of \$5M from their operating budget.**

A.6 City Manager Report: Introduction Of Jessica Jackson, Emergency Management Coordinator.

**Jose Madrigal, Assistant City Manager, introduced Jessica Jackson. Ms. Jackson is the new Emergency Management Coordinator for the City.**

A.7 City Manager Report: Update On The Parks And Recreation Department Spring Events - Curt Randa, Parks And Recreation Director.

Including: March 25th, April 8th and April 22nd - Movies In The Park, April 9th - Heritage Festival And Parade, April 17th - Spring Egg-Stravaganza and May 6th - Concert In The Park.

**Curt Randa, Parks Director, provided updates on the many upcoming activities hosted by the Park and Recreation Department.**

#### *CONSENT AGENDA*

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

**Agenda Item D.7 removed from the Consent Agenda by Mayor Pro Tem Fuller**

***Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D., excluding Agenda Item D.7.***

**Movant: Councilmember Mitchell**

**Second: Councilmember Moore**

**Vote: 7:0**

B.1 Approval Of Council Minutes From The Special Called Meeting Of January 29, 2011.  
**Approved under the Consent Agenda.**

- B.2 Approval Of Council Minutes From The Regular Called Meeting Of February 10, 2011.  
**Approved under the Consent Agenda.**
- B.3 Approval Of Council Minutes From The Special Called Joint Meeting With The Planning And Zoning Commission On February 17, 2011.  
**Approved under the Consent Agenda.**
- B.4 Receipt Of Minutes From The Arts Advisory Meeting Of January 5, 2011.  
**Received under the Consent Agenda.**
- B.5 Receipt Of Minutes From The Arts Advisory Meeting Of November 3, 2010.  
**Received under the Consent Agenda.**
- B.6 Receipt Of Minutes From The Historic And Cultural Preservation Commission Meeting Of December 15, 2010.  
**Received under the Consent Agenda.**
- B.7 Receipt Of Minutes From The Economic Development Sales Tax Corporation (4A) Meeting Of January 24, 2011.  
**Received under the Consent Agenda.**
- C.1 Z-10-016 Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Commercial Services (CS) To Approximately 3.329 Acres Of Land, Located At 3200 Woodall Drive, In Travis County, Texas. **The Planning And Zoning Commission Voted 7-0 To Recommend Approval Of Commercial Services (CS) For This Tract.**
- Approved under the Consent Agenda.**
- Ordinance Number Z16-11-03-10-C1**
- C.2 Z-10-017 Second Reading And Approval Of An Ordinance To Rezone Approximately 25.499 Acres Of Land From Planned Development-Business (PD-B) To General Office (GO) And General Retail (GR), Owned By RealTex Ventures LP, Located On The Northeast Corner Of East Whitestone Boulevard And Arrow Point Drive, In Williamson County, Texas. **The Planning And Zoning Commission Voted 7-0 To Recommend Approval Of General Office (GO) And General Retail (GR) For This Tract.**
- Approved under the Consent Agenda.**
- Ordinance Number Z17-11-03-10-C2**
- C.3 Z-10-018 Second Reading And Approval Of An Ordinance To Rezone Approximately 1.22 Acres Of Land From Transitional Office (TO) To Transitional Commercial With A Conditional Overlay To Limit The Hours Of Operation To 7am To 8pm (TC-CO), Owned By Torabi Properties, Located At 13402 Anderson Mill Road, In Travis County,

**Texas. The Planning And Zoning Commission Voted To Recommend Approval Of Transitional Commercial-Conditional Overlay (TC-CO) For This Tract.**

**Approved under the Consent Agenda.**

**Ordinance Number Z18-11-03-10-C3**

- C.4 Second Reading And Approval Of An Ordinance Amending Chapter 18 Utilities Article 18.08 Drought Contingency And Water Emergency Plan Of The Code Of Ordinances Of The City Of Cedar Park.

**Approved under the Consent Agenda.**

**Ordinance Number CO19-11-03-10-C4**

- D.1 A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development (4B) Board For Funding Of Neighborhood Park Improvements At Creekside Park Located at 1100 Buttercup Creek Blvd. In An Amount Not To Exceed \$59,078.

**Approved under the Consent Agenda.**

**Resolution Number R85-11-03-10-D1**

- D.2 A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development (4B) Board For Funding Of Neighborhood Park Improvements At Wild Rose Park Located At 700 Cluck Creek Trail In An Amount Not To Exceed \$40,919.

**Approved under the Consent Agenda.**

**Resolution Number R86-11-03-10-D2**

- D.3 A Resolution Authorizing And Directing The City Manager To Execute A Fireworks Display Agreement With Pyrotechnico, LLC, For The July 4th Event.

**Approved under the Consent Agenda.**

**Resolution Number R87-11-03-10-D3**

- D.4 A Resolution Authorizing And Directing The City Manager To Execute A Fireworks Display Agreement With Pyrotechnico, LLC, For The September 4th Event.

**Approved under the Consent Agenda.**

**Resolution Number R88-11-03-10-D4**

- D.5 A Resolution Authorizing The Execution Of An Interlocal Agreement Between The City Of Cedar Park And Williamson County For The Purpose Of Participating In Cooperative Purchasing.

**Approved under the Consent Agenda.**

**Resolution Number R89-11-03-10-D5**

- D.6 A Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Construction Manager at Risk Agreement With SpawGlass Contractors, Inc. For The Construction Of The Field Operations Building.

**Approved under the Consent Agenda.**

**Resolution Number R90-11-03-10-D6**

- D.7 A Resolution Amending The Future Land Use Plan For Property Located At The Northeast Corner Of East Whitestone Boulevard And Arrow Point Drive From Employment Center To Regional Office/Retail/Commercial. **The Planning And Zoning Commission Voted 7-0 To Approve This Amendment.**

**Removed from the Consent Agenda.**

**Mayor Pro Tem Fuller asked for this item to be removed from the Consent Agenda. He wanted to praise staff and commented on the analysis of the land and the hard work involved with this process.**

*Motion to approve a Resolution Amending The Future Land Use Plan For Property Located At The Northeast Corner Of East Whitestone Boulevard And Arrow Point Drive From Employment Center To Regional Office/Retail/Commercial.*

**Movant: Mayor Pro Tem Fuller**

**Second: Councilmember Tracy**

**Vote: 7:0**

**Resolution Number R91-11-03-10-D7**

- D.8 A Resolution Authorizing The Use Of The Construction Manager At Risk (CMR) Alternative Delivery Method For Construction Of The Finish Out Improvements To The New City Hall Complex.

**Approved under the Consent Agenda.**

**Resolution Number R92-11-03-10-D8**

- D.9 A Resolution Authorizing And Directing The City Manager To Execute A Change Order With RGM Constructors LP Under The Brushy Creek Road (183A To Parmer Lane) Reconstruction Project In The Amount Of \$51,090.10

**Approved under the Consent Agenda.**

**Resolution Number R93-11-03-10-D9**

- D.10 A Resolution Authorizing And Directing The City Manager To Execute A Purchase Contract Between The Carsow Family Partnership, LTD And The City Of Cedar Park Under The Cottonwood Creek Trail (RM 1431 To New Hope Drive) Reconstruction Project.

**Approved under the Consent Agenda.**

**Resolution Number R94-11-03-10-D10**

- D.11 A Resolution Ordering And Calling A City Council General Election For May 14, 2011; Making Provisions For Conducting The Election; And Resolving Other Matters Related To Such Election.

*A Resolución Ordenando Una Elección General Para Oficiales De La Cuidad Que Se Llevara Acabo El Día 14 De Mayo, 2011; Adoptar Provisiones Par Conducir La Elección; Y Resolver Otros Asuntos Asociados Con La Elección.*

**Approved under the Consent Agenda.**

**Resolution Number R95-11-03-10-D11**

- D.12 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 Fourth Annual Household Hazardous Waste Cleanup On April 2, 2011.

**Approved under the Consent Agenda.**

**Resolution Number R96-11-03-10-D12**

- D.13 A Resolution Authorizing And Directing The City Manager To Execute The Texas Commission On Environmental Quality ("TCEQ") Agreed Order Docket No. 2010-1951-MWD-E Regarding A Notice Of Enforcement Action.

**Approved under the Consent Agenda.**

**Resolution Number R97-11-03-10-D13**

- D.14 A Resolution Designating Jessica M. Jackson As The Emergency Management Coordinator For The City Of Cedar Park.

**Approved under the Consent Agenda.**

**Resolution Number R98-11-03-10-D14**

- D.15 Authorization To Excuse The Absences Of Councilmember Mitchell And Tracy From The Regular Called Meeting Of February 24, 2011.

**Approved under the Consent Agenda.**

**No Resolution Number assigned.**

*PUBLIC HEARINGS*

- E.1 First Public Hearing And Commentary On The Petition By Wilson Land and Cattle Company For Voluntary Annexation Of Approximately 41.059 Acres Of Land Located At The Northwest Corner Of Brushy Creek Road and Breakaway Road.  
**Rawls Howard, Planning & Development Services Director, stated this is the first of two statutory required public hearings on the proposed voluntary annexation of approximately 41.059 acres of land located at the northwest corner of Brushy Creek Road and Breakaway Road.**

**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 Suspending The Implementation Of The Interim Rate Adjustment for Infrastructure Construction and Improvements Under Section 104.301 Of The Texas Utilities Code By Texas Gas Service.  
**Charles Rowland, City Attorney, stated this item pertains to Texas Gas Service (TGS) filing for a Gas Reliability Infrastructure Program (GRIP) as provided by law for the recovery of costs associated with infrastructure construction and improvements. As with previous TGS filings, the cities of Austin, Cedar Park, Kyle, Rollingwood, Sunset Valley and Westlake Hills have engaging the services of Marilyn Fox of Fox, Smolen & Associates to examine the filings in detail and give recommendations. This suspension will allow for sufficient time for the filing review and will prohibit the automatic approval.**

**Mayor Lemon opened the Public Hearing.**

**No Public Comment.**

**Mayor Lemon closed the Public Hearing.**

**REGULAR AGENDA (NON-CONSENT)**

- F.0 Discussion And Possible Action:
- F.1 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Consulting Services Agreement With EnviroMedia Social Marketing For The Development And Implementation Of A Water Conservation Public Education And Promotion Program.  
**Katherine Woerner, Utility Program Manager, reviewed the Request for Proposal process for the Water Conservation Public Education and Promotion Consulting Services. The City received six (6) proposals from prospective consultants within Texas. A committee of four staff members including the Communications Manager, Utility Program Manager, Senior Utility Engineer and Utility Billing Manager reviewed the proposals and participated in an interview process with the top four (4) firms which included: Emmis Communications, EnviroMedia, Hahn, Texas and Tribe Creative Agency. Based on the ranking process, staff is recommending**

**EnviroMedia Social Marketing be chosen to develop and implement the water conservation program.**

*Motion to approve a Resolution authorizing And Directing The City Manager To Negotiate And Execute A Consulting Services Agreement With EnviroMedia Social Marketing For The Development And Implementation Of A Water Conservation Public Education And Promotion Program.*

**Movant: Mayor Pro Tem Fuller**

**Second: Councilmember Tracy**

**Vote: 7:0**

**Resolution Number R99-11-03-10-F1**

- F.2 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Professional Service Agreement With PGAL Architects For The Design Of The New City Hall Complex Remodel Project.

**Sam Roberts, Assistant City Manager, addressed Council regarding the selection of an architect for the recently purchased building for a new City Hall. Mr. Roberts reviewed the extensive experience PGAL has with the engineering, planning, design and construction phase services for municipalities throughout the country. PGAL Architects will be working on the build-out for the City Hall complex. Council authorized the use of a construction manager at risk for the project.**

**General Discussion followed regarding the process for professional services, bidding processes, time period for completion of the project, and negotiation of the contract.**

*Motion to approve a Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Professional Service Agreement With PGAL Architects For The Design Of The New City Hall Complex Remodel Project.*

**Movant: Councilmember Mitchell**

**Second: Councilmember Moore**

**Vote: 5:2 with Councilmember Powell and Mayor Pro Fuller voting against.**

**Resolution Number R100-11-03-10-F2**

- F.3 Consideration To Approve A Resolution Authorizing And Directing The Mayor To Sign A Letter To Atmos Energy Clarifying The Definition Of Gross Revenues As Used In The Existing Franchise Agreement Between Cedar Park And Atmos Energy.

**Josh Selleck, Finance Director, stated this item is related to the definition of “Gross Revenues” as used in the City’s franchise agreement with Atmos Energy. Mr. Selleck reviewed the franchise fee and calculation process. The item provides the opportunity to add franchise fees to the definition of Gross Revenues, conditioned upon the ability of the Company to recover in full all franchise fees paid. Additionally, the election letter provides the opportunity to make the election**

effective as of January 1, 2009, resulting in an additional payment that reflects the inclusion of franchise fees in Gross Revenues for prior periods beginning January 1, 2009.

*Motion to approve a Resolution Authorizing And Directing The Mayor To Sign A Letter To Atmos Energy Clarifying The Definition Of Gross Revenues As Used In The Existing Franchise Agreement Between Cedar Park And Atmos Energy.*

**Movant: Councilmember Moore**

**Second: Councilmember Tracy**

**Vote: 7:0**

**Resolution Number R101-11-03-10-F3**

- F.4 Consideration To Authorize And Direct The City Manager To Sell The Current City Hall And Former Police Property. (Dale)

**Agenda Item F.4 discussed in Executive Session.**

**Refer to Agenda Item H.0 for action taken.**

- F.5 Consideration Of Appointments To Place Four and Place Six On The Planning And Zoning Commission With Terms To Expire July 31, 2012. (Moore and Tracy)

*Motion to appoint Jon Lux to Place Four on the Planning and Zoning Commission.*

**Movant: Councilmember Moore**

**Second: Councilmember Powell**

**Vote: 7:0**

*Motion to appoint Sandy Trujillo to Place Six on the Planning and Zoning Commission.*

**Movant: Councilmember Tracy**

**Second: Councilmember Moore**

**Vote: 7:0**

- F.6 Consideration Of Council's Strategic Goal Related To A Possible Williamson County Transportation Summit. (Dale)

**Councilmember Dale had requested this item to be placed on the Agenda. He would like to receive feedback from Council on this goal.**

**General discussion followed regarding staff conducting meetings between staff and the County on specific projects, enhancing regional efforts, utilizing the Mayors' Alliance group, assistance from the Chamber of Commerce to coordinate regional meetings, and an unified approach for regional transportation.**

**No action taken.**

F.7 Discussion And Update On Meeting With Congressman Carter And Transportation Issues. (Dale)

**Councilmember Dale provided an update on his meeting with Congressman Carter. The main topic included discussion and focus on 5307 funds being collected by Capital Metro.**

#### *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 8:10 p.m.**

G.0 Executive Session:

G.1 Section 551.071 (1) Consultation With City Attorney Concerning Contemplated Litigation.

a. Cause No. D-1-GN-11-000418; Marj Hunziker and Stephen Kerr v. Capital Metropolitan Transportation Authority and Linda Watson; In the 201st Judicial District, Travis County, Texas.

b. Cause No. D-1-GN-11-000651; Stephen Isham and Lisa Isham vs. City of Cedar Park; In the 250th Judicial District Court of Travis County, Texas.

G.2 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.

a. Legal Issues Concerning City Charter Amendments And Charter Amendments Election.

b. Legal Issues Concerning Flood Damage.

c. Legal Issues Concerning The Lease And Development Agreement Between The City Of Cedar Park And Hicks Cedar Park LLC.

G.3 Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property

a. Legal Issues Concerning A Release Of Easement In Fenway Park Subdivision.

F.4 Consideration To Authorize And Direct The City Manager To Sell The Current City Hall And Former Police Property. (Dale)

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 10:03 p.m.**

**Agenda Item F.4**

*Motion to authorize the City Manager to sale the existing City Hall, demolition of the former Police Department and sale property.*

**Movant: Councilmember Dale**

**Second: Councilmember Tracy**

**Vote: 7:0**

H.1 Mayor And Council Closing Comments.  
**Mayor Pro Tem Fuller wished Joan Rowland a Happy Birthday.**

**Councilmember Dale commented on his parent's 44<sup>th</sup> wedding anniversary.**

H.2 Adjournment.  
**Mayor Lemon adjourned the meeting at 10:07 p.m.**

**PASSED AND APPROVED THIS 14<sup>TH</sup> DAY OF APRIL, 2011.**

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**Robert S. Lemon, Mayor**

**ATTEST:**

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



## CITY COUNCIL AGENDA

Date:4-14-2011

Subject: Agenda Item No. C.1

**Second Reading And Approval Of An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Section 11.12.002 Terms For Bed And Breakfast; And Article 11.02 Addition Of Regulations For Bed And Breakfasts As A Conditional Use In The Estate Lot (ES), Single Family (SF), Single Family Large Suburban (SF-1), And Bed And Breakfast Regulations For Transitional Commercial (TC), Local Retail (LR) And General Retail (GR) Zoning Districts. The Planning And Zoning Commission Voted 5-0 To Recommended Approval Of The Amendments.**

### **Commentary:**

Staff is proposing changes to the zoning ordinance to amend the definition for Bed and Breakfasts and to add regulations for Bed and Breakfasts. Staff commentary for each modification is below.

- **Terms for Bed and Breakfast:** Proposed modification to the definition in order to reflect the changes made by the proposed regulations.
- **Regulations for Bed and Breakfasts in the Estate Lot (ES), Single Family (SF), Single Family Large Suburban (SF-1), Transitional Commercial (TC), Local Retail (LR) and General Retail (GR):** The proposal is to add bed and breakfast as a conditional use in a select number of residential districts. In addition, the amendment includes regulations for bed and breakfast in the ES, SF, and SF-1 residential districts as well as the TC, LR, and GR commercial districts. Staff received valuable input from the Planning and Zoning Commission at the February 15<sup>th</sup> and March 15<sup>th</sup> Planning and Zoning Commission meetings. Exhibit A is a result of staff's collaboration with the Planning and Zoning Commission.

### **Planning & Zoning Commission Public Hearing:**

The Planning and Zoning Commission held a public hearing on March 15, 2011. No public testimony was received.

### **Planning and Zoning Commission Recommendation:**

The Planning and Zoning Commission voted 5-0 to recommend approval of the proposed amendments to the zoning ordinance regarding bed and breakfast term and regulations.

In Favor: Lorena Echeverria de Misi, Nicholas Kauffman, Alan Yore, Jon Lux, and Thomas Balestiere

Opposed: None

Absent: Sandy Trujillo and Stephen Thomas

City Council Public Hearing:

The City Council held a public hearing on March 24, 2011. No public testimony was received.

Public Information Plan:

*February 3, 2011:* Notice appears in the Hill Country News  
*February 15, 2011:* Planning and Zoning Commission Meeting and Public Hearing  
*March 3, 2011:* Notice appears in the Hill Country News  
*March 15, 2011:* Planning and Zoning Commission Meeting and Public Hearing  
*March 24, 2011:* Public Hearing and 1<sup>st</sup> Reading at City Council  
*April 14, 2011:* 2<sup>nd</sup> Reading at City Council

**Director**

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City Manager's Remarks

**City Manager**

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Legal Certification

Approved as to form and content:  Yes  No **City Attorney**

**Associated Information:** Ordinance

ORDINANCE NO \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING A PORTION OF CHAPTER 11, ZONING, SECTION 11.12.002 TERMS FOR BED AND BREAKFAST; AND ADDITION OF REGULATIONS FOR BED AND BREAKFASTS AS A CONDITIONAL USE IN THE ESTATE LOT (ES), SINGLE FAMILY (SF), SINGLE FAMILY LARGE SUBURBAN (SF-1), AND BED AND BREAKFAST REGULATIONS FOR TRANSITIONAL COMMERCIAL (TC), LOCAL RETAIL (LR) AND GENERAL RETAIL (GR) ZONING DISTRICTS. PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

SECTION 1. That Chapter 11 Zoning Ordinance of the Cedar Park Code of Ordinances be amended as provided hereto in Exhibit A.

SECTION 2. 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 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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.

SECTION 5. This Ordinance shall be and remain in full force and effect from and after the date of approval.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 24<sup>th</sup> day of March, 2011, 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 14<sup>th</sup> day of April, 2011, 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

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Robert S. Lemon, Mayor

ATTEST:

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LeAnn M. Quinn, City Secretary

APPROVED AS TO FORM  
AND CONTENT:

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Charles W. Rowland, City Attorney

Red – proposed additions

## **EXHIBIT A**

### **Modifications to Terms in Chapter 11 Zoning Sec. 11.12.002 Terms – Bed and Breakfast Lounges**

*Bed and Breakfast:* An owner occupied residence, **classified as a non-residential use for the purposes of site development**, with up to five (5) bedrooms available for overnight guests. A Bed and Breakfast shall not include restaurants, banquet facilities, or similar services.

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### **Regulations for Bed and Breakfasts that will apply to the ES, SF, SF-1, TC, LR, and GR Districts**

#### **Sec. 11.02.036(E) Regulations specific to this district**

- E. Any Bed and Breakfast facility shall meet the following development standards:
1. A Bed and Breakfast operation must be located on a corner lot with at least one (1) frontage on a collector or higher classification roadway however, if the site is located on a 1 acre or greater parcel or is located within a commercial zoning district this requirement does not apply.
  2. The minimum lot size for a Bed and Breakfast is fifteen thousand (15,000) sq. ft.
  3. A six (6) foot privacy fence is required per Chapter 14 Section 14.07.006(B)(9) when a Bed and Breakfast abuts an existing single family residence. However, the fence is not required to be masonry.
  4. The use shall be located wholly within the principal structure that was originally constructed as a dwelling.
  5. The structure must contain at least one (1) full bathroom for the exclusive use of the owner and other members of the immediate household, plus a minimum of one (1) full private bathroom for every two (2) guest room. Each full, discrete bathroom must include a minimum of a water closet, a lavatory and a bath or shower and meet current building code requirements.
  6. The rental of rooms shall be on a daily or weekly basis to tourists or vacationers. The rental period shall not exceed fourteen (14) consecutive days in any thirty (30) day period for any such tourist or vacationer.
  7. There shall be no food preparation or use of food preparation appliances or devices in any guest room, except as deemed appropriate by the Director of Planning and Development Services or his/her designee. Only a breakfast meal may be provided in a common area by the owner of the facility. It is intended by this subsection that meals may be provided only to registered guests of the facility. No meals shall be served to the general public.

8. The total guest rooms shall be a minimum of three (3) and not exceed five (5). The total occupancy, excluding the owner(s) and immediate family, shall not exceed ten (10) persons.
9. Each guest room must have access to a hall or exterior door.
10. Off street parking shall be provided on the parcel on the basis of one (1) space per rental dwelling room in addition to two (2) spaces for the owner(s). All guest parking must be located off street and in the side or rear of the principle structure.
11. A minimum ten (10) foot vegetative buffer shall be provided along the side and rear lot lines behind the front setback if adjacent to an existing residential structure or a vacant lot on which a residential structure can be built. The vegetative buffer shall consist of the following plantings: One (1) 2-inch caliper canopy tree, two (2) ornamental trees, and four (4) 5-gallon shrubs with a mature height of six (6) feet for each four hundred (400) square feet of buffer. Where similar vegetation already exists, such vegetation shall be credited toward this requirement, not to exceed a reduction in excess of one-half the requirements for new plantings. If the property is not located adjacent to a residential structure as outlined above then the requirements as established in Chapter 14 Section 14.07 will apply.
12. One freestanding monument sign or wall sign may be provided. However, the sign must meet the following criteria in addition to the requirements of Chapter 13. To the extent of conflict with Chapter 13, these provisions control.
  - a. Can only be four (4) feet in height, if freestanding;
  - b. Can be no greater than eight (8) sq. ft. in area;
  - c. Must be earth-tone in color and composition;
  - d. May not be internally illuminated;
  - e. Must not obstruct the sidewalk;
  - f. May not reduce driver visibility;
  - g. Must be located within private property in accordance with Section 13.01.007;
  - h. May be no closer than ten (10) feet to neighboring properties; and
  - i. May only be located on a collector roadway or higher classification roadway
13. No dwelling may be used as a Bed and Breakfast until it has been permitted by the Williamson or Travis County Health Department.
14. There shall be no other Bed and Breakfast within one (1) mile radius of the property. This distance requirement may be reduced by the Planning and Zoning Commission with a determination that public health, safety and welfare shall be preserved.
15. The owner must occupy the principle structure.
16. The hours of operation limitations listed in Section 11.02.136(E) do not apply to the Bed and Breakfast use.

**DIVISION 6: ESTATE LOT SINGLE-FAMILY RESIDENTIAL  
DISTRICT, ES**

Sec. 11.02.027 Purpose

*The Estate Lot Single-Family Residential District, ES, is established to provide for single-family, detached residences on estate sized lots. This district provides for large lots with higher standards and larger setbacks. This district is well suited for development of large residential tracts that access existing rural style, alternate-standard streets or have older infrastructures that may impose constraints against a more densely developed neighborhood. Nonresidential uses that are permitted in this district are considered to be compatible to single-family uses and to preserve the value and integrity of the residential neighborhood.*

Sec. 11.02.028 Permitted and Conditional uses

1. Single-family dwellings, detached
2. Parks, playgrounds (owned and/or operated by the municipality or other governmental agency)
3. Personal livestock (poultry as a secondary use to a dwelling, see Sec. [11.02.036A](#))
4. Places of worship
5. Public buildings, uses
6. Utility services, general
7. Real estate sales offices (during the development of a residential subdivision, to be terminated upon, ninety (90) percent build out, of the subdivision.)
8. Temporary buildings [Sec. 11.01.010](#)
9. Accessory structures, [Sections 11.04.001–11.04.004](#)
10. Accessory dwelling unit, [Section 11.04.005](#)
11. Customary home occupations, [Article \[Section\] 11.04.006](#)
12. **Bed and Breakfast, Section 11.02.036(E), Conditional Use**

Sec. 11.02.036 Regulations specific to this district

**E. ADD B&B LANGUAGE HERE AS SHOWN ABOVE**

**DIVISION 7: LARGE LOT SINGLE-FAMILY RESIDENTIAL  
DISTRICT, SF**

Sec. 11.02.037 Purpose

*The Large Lot Single-Family Residential District, SF, is established to provide for single-family, detached residences on large sized lots. This district provides for large lots with larger setbacks providing for more open space on each lot. This district is well suited for development of large residential tracts that access existing rural style, alternate-standard streets or have older infrastructures that may impose constraints against a more densely developed neighborhood. Nonresidential uses that are permitted in this district are considered to be compatible to single-family uses and to preserve the value and integrity of the residential neighborhood.*

Sec. 11.02.038 Permitted and Conditional uses

1. Single-family dwellings, detached
2. Parks, playgrounds (owned and/or operated by the municipality or other governmental agency)
3. Personal livestock, poultry as a secondary use to a dwelling, see Sec. [11.02.036A](#).
4. Places of worship
5. Public buildings, uses
6. Utility services, general

7. Real estate sales offices (during the development of a residential subdivision, to be terminated upon, ninety (90) percent build out of the subdivision.)
8. Temporary buildings [Sec. 11.01.010](#)
9. Accessory structures, [Sections 11.04.001–11.04.004](#)
10. Accessory dwelling unit, [Section 11.04.005](#)
11. Customary home occupations, [Article \[Section\] 11.04.006](#)
12. Private schools (accredited only, with curriculum equivalent to that of a public elementary or secondary school)
13. Group Homes
14. **Bed and Breakfast, Section 11.02.046(E), Conditional Use**

Sec. 11.02.046 Regulations specific to this district

**E. See Section 11.02.036 for Bed and Breakfast Regulations**

**DIVISION 8: LARGE SUBURBAN LOT SINGLE-FAMILY  
RESIDENTIAL DISTRICT, SF-1**

Sec. 11.02.047 Purpose

*The Large Suburban Lot Single-Family Residential District, SF-1, is established to provide for detached, single-family dwelling units on large suburban lots. This district may be suited for certain residential areas transitioning from rural or estate lots, in areas that have an adequate street network, but may have density constraints brought by compatibility, other limited infrastructure, or topographical features. Single-family districts are designated primarily for residential use. Nonresidential uses may be permitted in this district that are considered compatible to single-family uses and preserve the value and integrity of the residential neighborhood.*

Sec. 11.02.048 Permitted **and Conditional** uses

1. Single-family dwellings, detached
2. Parks, playgrounds (owned and/or operated by the municipality or other governmental agency.)
3. Places of worship
4. Private schools (accredited only, with curriculum equivalent to that of a public elementary or secondary school)
5. Public buildings, uses
6. Real estate sales offices (during the development of a residential subdivision to be terminated upon ninety (90) percent build out of the subdivision.)
7. Temporary buildings [Sec. 11.01.010](#)
8. Utility services, general
9. Accessory structures, [Secs. 11.04.001–11.04.004](#)
10. Accessory dwelling unit, [Sec. 11.04.005](#)
11. Customary home occupations, [Article \[Sec.\] 11.04.006](#)
12. Group Home

13. Bed and Breakfast, Section 11.02.056(D), Conditional Use

Sec. 11.02.056 Regulations specific to this district

E. See Section 11.02.036 for Bed and Breakfast Regulations

**DIVISION 16: TRANSITIONAL COMMERCIAL DISTRICT, TC**

Sec. 11.02.129 Purpose

*The Transitional Commercial District, TC, is established to provide for various types of small retail, business, and service 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 the residential neighborhood. The TR District provided [provides] shopping and retail services that are generally compatible near or adjacent to residential neighborhoods, allowing access to services by pedestrians and bicycles.*

Sec. 11.02.130 Permitted uses

Any use permitted in Transitional Office District, TO

1. Art galleries with retail sales
2. Bed and Breakfast, [Section 11.02.136\(F\)](#)
3. Community center
4. Day care center, adult
5. Day care center, child
6. Food sales, limited
7. Instant print copy services
8. Movie and music rentals, sales
9. Personal services, general
10. Research and development activities (as it pertains to software only), Sec. 11.12.135C [[11.02.135C.](#)]
11. Retail gift store, Sec. [11.12.002](#)
12. Studios/art studio, dance, music, drama, gymnastics, photography, interior design
13. Software sales, computer hardware sales
14. Vocational or trade school
15. Personal Improvement Services

Sec. 11.02.136 Regulations specific to this district

F. See Section 11.02.036 for Bed and Breakfast Regulations



## CITY COUNCIL AGENDA

Date:4-14-2011

Subject: Agenda Item No. C.2  
**Second Reading And Approval Of An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Section 11.12.002 Terms For Bars And Cocktail Lounges. The Planning And Zoning Commission Voted 5-0 To Recommended Approval Of The Amendment.**

### Commentary:

Staff is proposing changes to the zoning ordinance to amend the definition for Bars and Cocktail Lounges

- **Terms – Bars and Cocktail Lounges:** Proposed modification to consider consumption of alcohol on site in order to address the potential for a ‘bring your own beer’ site.

### Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on March 15, 2011. No public testimony was received.

### Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission voted 5-0 to recommend approval of the proposed amendment to the zoning ordinance regarding the definition for bars/cocktail lounges.

In Favor: Lorena Echeverria de Misi, Nicholas Kauffman, Alan Yore, Jon Lux, and Thomas Balestiere

Opposed: None

Absent: Sandy Trujillo and Stephen Thomas

### City Council Public Hearing:

The City Council held a public hearing on March 24, 2011. No public testimony was received.

### Public Information Plan:

*February 3, 2011:* Notice appears in the Hill Country News

*February 15, 2011:* Planning and Zoning Commission Meeting and Public Hearing

*March 3, 2011:* Notice appears in the Hill Country News  
*March 15, 2011:* Planning and Zoning Commission Meeting and Public Hearing  
*March 24, 2011:* Public Hearing and 1<sup>st</sup> Reading at City Council  
*April 14, 2011:* 2<sup>nd</sup> Reading at City Council

**Director**

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City Manager's Remarks

**City Manager**

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Legal Certification

Approved as to form and content:

Yes

No **City Attorney**

**Associated Information:** Ordinance

ORDINANCE NO \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING A PORTION OF CHAPTER 11, ZONING, SECTION 11.12.002 TERMS FOR BARS AND COCKTAIL LOUNGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

SECTION 1. That Chapter 11 Zoning Ordinance of the Cedar Park Code of Ordinances be amended as provided hereto in Exhibit A.

SECTION 2. 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 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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.

SECTION 5. This Ordinance shall be and remain in full force and effect from and after the date of approval.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 24<sup>th</sup> day of March, 2011, 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 14<sup>th</sup> day of April, 2011, 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

\_\_\_\_\_  
Robert S. Lemon, Mayor

ATTEST:

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LeAnn M. Quinn, City Secretary

APPROVED AS TO FORM  
AND CONTENT:

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Charles W. Rowland, City Attorney

## **EXHIBIT A**

### **Modifications to Terms in Chapter 11 Zoning Sec. 11.12.002 Terms – Bars and Cocktail Lounges**

*Bar, Cocktail Lounge:* The commercial use of a site for on-premise sale and/or consumption of liquor, wine, or beer; including taverns, night clubs, and similar uses, other than as an accessory/secondary use to a restaurant.



## CITY COUNCIL AGENDA

Date:4-14-2011

Subject: Agenda Item No. C.3

**Second Reading And Approval Of An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Section 11.02.211 Addition Of Food Preparation As A Permitted Use In The Light Industrial (LI) District. The Planning And Zoning Commission Voted 5-0 To Recommended Approval Of The Amendments.**

### **Commentary:**

Staff is proposing changes to the zoning ordinance to add food preparation as a permitted use to the Light Industrial (LI) district.

- **Addition of Food Preparation to the permitted use in the LI zoning district:**  
Recently, staff received a request to place a food preparation facility in a Light Industrial (LI) zoned property. Food preparation is defined as: the use of a site for the production of prepared food for wholesale distribution in a structure with not more than 25,000sf and excludes the seasonal processing of wild game. This use includes meat processing and packaging, wholesale bakeries, commercial kitchens and other specialty food processing or packaging shops. This use is similar to other uses currently in the LI zoning district, such as manufacturing processing and assembly, light and wholesale sales. Therefore, staff recommends including Food Preparation as a permitted use in the LI zoning district.

### **Planning & Zoning Commission Public Hearing:**

The Planning and Zoning Commission held a public hearing on March 15, 2011. No public testimony was received.

### **Planning and Zoning Commission Recommendation:**

The Planning and Zoning Commission voted 5-0 to recommend approval of the proposed amendment to the zoning ordinance pertaining to the permitted uses in the Light Industrial (LI) district.

In Favor: Lorena Echeverria de Misi, Nicholas Kauffman, Alan Yore, Jon Lux, Thomas Balestiere

Opposed: None

Absent: Sandy Trujillo and Stephen Thomas

City Council Public Hearing:

The Planning and Zoning Commission held a public hearing on March 24 2011. No public testimony was received.

Public Information Plan:

*February 3, 2011:* Notice appears in the Hill Country News  
*February 15, 2011:* Planning and Zoning Commission Meeting and Public Hearing  
*March 3, 2011:* Notice appears in the Hill Country News  
*March 15, 2011:* Planning and Zoning Commission Meeting and Public Hearing  
*March 24, 2011:* Public Hearing and 1<sup>st</sup> Reading at City Council  
*April 14, 2011:* 2<sup>nd</sup> Reading at City Council

**Director**

---

City Manager's Remarks

**City Manager**

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Legal Certification

Approved as to form and content:  Yes  No **City Attorney**

Associated Information: Ordinance

ORDINANCE NO \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING A PORTION OF CHAPTER 11, ZONING, SECTION 11.02.211 ADDITION OF FOOD PREPARATION TO THE LIGHT INDUSTRIAL (LI) DISTRICT PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

SECTION 1. That Chapter 11 Zoning Ordinance of the Cedar Park Code of Ordinances be amended as provided hereto in Exhibit A.

SECTION 2. 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 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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.

SECTION 5. This Ordinance shall remain in full force and effect from and after the date of approval.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 24<sup>th</sup> day of March, 2011, 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 14<sup>th</sup> day of April, 2011, 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

\_\_\_\_\_  
Robert S. Lemon, Mayor

ATTEST:

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LeAnn M. Quinn, City Secretary

APPROVED AS TO FORM  
AND CONTENT:

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Charles W. Rowland, City Attorney

## **EXHIBIT A**

### **Permitted use addition to Division 25: Light Industrial District (LI) Section 11.02.211**

#### Sec. 11.02.211 Permitted Uses

1. Art Studio, industrial
2. Manufacturing, custom
3. Manufacturing, processing and assembly, light
4. Office/warehouse
5. Seasonal businesses
6. Telecommunications towers
7. Transit stations
8. Utility services, general
9. Warehousing and distribution, limited
10. Wholesale, sales
11. Temporary buildings
12. Temporary uses specific to this district
13. Secondary uses specific to this district
14. Accessory structures
15. Food preparation



## CITY COUNCIL AGENDA

Date:4-14-2011

Subject: Agenda Item No. D.1

**A Resolution Affirming The Certification Of Unopposed Candidates For Council Places One, Three And Five In The May 14, 2011 General Election; Declaring Candidates Elected To Office Upon The Close Of The Official Canvassing Period As Set Forth By State Statute; Authorizing The Cancellation Of Election.**

### **Commentary:**

The General Election for the City of Cedar Park was to be conducted on May 14, 2011. Upon the closing of the filing periods for Applications For A Place On The Ballot and Declaration Of A Write In Candidate, Council Places One, Three and Five drew no opposition.

A Certification Of Unopposed Candidates was issued on March 22, 2011.

The Resolution before Council tonight, officially cancels the May 14, 2011 Election for the City of Cedar Park, and declares Council Places One, Three and Five elected. The Order Of Cancellation will be posted at each election day polling location.

These positions will be sworn in at the Council Meeting held on May 26, 2011.

**City Secretary**

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**Associated Information:** Order of Election, Certification Of Unopposed Candidates

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AFFIRMING THE CERTIFICATION OF UNOPPOSED CANDIDATES FOR COUNCIL PLACES ONE, THREE AND FIVE IN THE MAY 14, 2011 GENERAL ELECTION; DECLARING CANDIDATES ELECTED TO OFFICE UPON THE CLOSE OF THE OFFICIAL CANVASSING PERIOD AS SET FORTH BY STATE STATUTE; AUTHORIZING THE CANCELLATION OF ELECTION; 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, Resolution Number R95-11-03-10-D11 approved on March 11, 2011 called the regular election of City Council Places One, Three and Five for the City of Cedar Park;

WHEREAS, after the deadline to file an application for a place on the ballot and after the deadline to file as a declared write-in candidate, only one candidate for each Place had filed to run;

WHEREAS, as prescribed in Sec. 2.052 of the Texas Election Code, the City Secretary has issued a Certification of Unopposed Candidates in which each candidate whose name is to appear on the ballot is unopposed; no candidate's name is to be placed on a list of write-in candidates for the above described offices under applicable law; and no proposition will appear on the ballot; and

WHEREAS, in accordance with Sec. 2.053 of the Texas Election Code the City Council may declare each unopposed candidate elected to the office.

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

SECTION 1. The City Council of the City of Cedar Park hereby affirms the Certification Of Unopposed Candidates issued by the City Secretary for the May 14, 2011 General Election.

SECTION 2. The following candidates, who are unopposed in the May 14, 2011 General Election, are hereby declared elected to office, and shall be issued a certificate of election upon the close of the official canvassing period as set forth by State Statute:

Matt Powell	Council Place One
Scott Mitchell	Council Place Three
Tony Dale	Council Place Five

SECTION 3. In accordance with Section 2.053 of the Texas Election Code, the City Council of the City of Cedar Park hereby authorizes the cancellation of the May 14, 2011 General Election and approves the Order of Cancellation as set forth in Exhibit A.

SECTION 4. The City Secretary is hereby directed to cause a copy of the Order of Cancellation, attached hereto as Exhibit "A" and incorporated by reference, to be posted on Election Day at the polling place that would have been used in the election

SECTION 5. 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 14<sup>TH</sup> day of April, 2011.

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**



**ORDER OF CANCELLATION FOR THE CITY OF CEDAR PARK**  
*(Orden de Cancelación para al Ciudad de Cedar Park)*

The City of Cedar Park hereby cancels the election scheduled to be held on May 14, 2011 in accordance with Section 2.053 (a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

<u>Candidate(s)</u>	<u>Office(s)</u>
Matt Powell	Council Place One
Scott Mitchell	Council Place Three
Tony Dale	Council Place Five

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

*El ciudad de Cedar Park por la presente cancela la elección que, de lo contrario, se hubiera celebrado el 14<sup>th</sup> día de mayo, 2011, de conformidad, con la Sección 2.053 (a) de Código de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado a continuación:*

<u>Candidate(s)</u>	<u>Cargo(s)</u>
<i>Matt Powell</i>	<i>Concejal Lugar Uno</i>
<i>Scott Mitchell</i>	<i>Concejal Lugar Tres</i>
<i>Tony Dale</i>	<i>Concejal Lugar Cinco</i>

*El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.*

ISSUED THIS 14<sup>th</sup> DAY OF APRIL, 2011. *(Emitida este día 14th de abril, 2011)*

\_\_\_\_\_  
Robert S. Lemon, Mayor

ATTEST: \_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary



**THE CITY OF CEDAR PARK**  
*La Ciudad de Cedar Park*

**CERTIFICATION OF UNOPPOSED CANDIDATES  
FOR OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)**

*Certificación de candidatos únicos  
Para otras subdivisiones políticas (no el condado)*

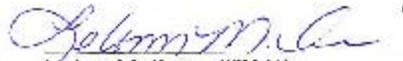
To: Presiding Officer of Governing Body  
*Al: Presidente de la entidad gobernante*

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 14, 2011.

*Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 14th de mayo, 2011.*

<u>Office(s)</u>	<u>Cargo(s)</u>	<u>Candidate(s)</u>	<u>Candidato(s)</u>
Council Place One	(Concejal Lugar Uno)	Matt Powell	
Council Place Three	(Concejal Lugar Tres)	Scott Mitchell	
Council Place Five	(Concejal Lugar Cinco)	Tony Dale	

ISSUED THIS 22<sup>nd</sup> DAY OF MARCH, 2011. *(Emitido este día 22nd de marzo, 2011)*

  
LeAnn M. Quinn, TRMC  
City Secretary

MAR 22 '11 4:17:55



## CITY COUNCIL AGENDA

Date:4-14-2011

Subject: Agenda Item No. D.2

**A Resolution Authorizing And Directing The City Manager To Execute An Amendment To The Texas Department Of Transportation (TXDOT) For The FY 2009 Comprehensive Selective Traffic Enforcement Program (STEP) Grant For The Cedar Park Police Department.**

**Commentary:**

For the last three consecutive fiscal years of FY2009, FY2010, and FY2011, the City Council has authorized the CPPD to accept funding for the three year STEP Grant. This is the final year of a three year grant. The Texas Department of Transportation (TxDOT) has notified the CPPD that due to a reduction in Federal Funding TxDOT is making midyear adjustments in STEP Grants by making a reduction of 30% for the 102 STEP Grant receiving agencies in Texas.

For the CPPD, this 30% reduction equals \$28,760. The amount of local contributions to the project (match) may reduce in proportion to the TxDOT reimbursable amount. However, the match percentage may not be reduced. The project budgets must be revised through an amendment to the existing grant agreement. Amendments are made by using TxDOT's electronic grant management system (eGrants.) If a grantee fails to deliver a signed budget amendment to TxDOT by April 29, 2011, TxDOT will terminate the project.

Agency Name	Title	Current Total	Revised Total	Amount Cut	% Cut
City of Cedar Park	2009 STEP Comprehensive	\$ 95,868.13	\$ 67,107.69	\$ 28,760.44	30%

The purpose of STEP is to reduce fatalities, injuries, and collisions in Cedar Park through traffic enforcement. STEP focuses on enforcement efforts for Speed, Occupant Protection, Driving While Intoxicated, and Intersection Traffic Violations. The STEP Grant funds Police Officer Overtime, Public Information and Education efforts, Police Officer Fringe Benefits (Health Insurance, TMRS, Workers Compensation, and Medicare) and Patrol Vehicle mileage reimbursement. Grants are funded on a year by year basis contingent upon the availability of the federal funds

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE FY2009 COMPREHENSIVE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT FOR THE CEDAR PARK POLICE DEPARTMENT; 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 is committed to traffic safety and supports the Police Department's efforts to educate motorists and enforce Speeding, Occupant Protection, Driving While Intoxicated, and Intersection Traffic Violations.

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

SECTION 1. The City Manager is hereby authorized and directed to execute an Amendment to the Texas Department of Transportation for the FY 2009 Comprehensive Selective Traffic Enforcement Program Grant for the Cedar Park Police Department.

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 14<sup>th</sup> day of April, 2011.

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:4-14-2011

Subject: Agenda Item No. D.3

**A Resolution Authorizing The Execution Of An Interlocal Agreement Between The City Of Cedar Park And The Central Texas Regional Mobility Authority (CTRMA) For The Purpose Of Participating In Cooperative Purchasing.**

### **Commentary:**

The purpose of the attached Agreement is to establish a cooperative purchasing program between the Central Texas Regional Mobility Authority (CTRMA) and the City in order to realize savings when purchasing materials, supplies, goods, services or equipment. This agreement will allow both parties to gain efficiency by using each other's purchasing processes, while at the same time satisfying state laws requiring the parties to seek competitive bids for the purchase of goods and services.

### **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 ENTER IN TO AN INTER LOCAL AGREEMENT BETWEEN THE CITY OF CEDAR PARK AND THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY FOR THE PURPOSE OF SHARING A COMPETITIVELY BID CUSTODIAL CONTRACT.

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 to enter into an agreement with THE Central Texas Regional Mobility Authority to form an Inter Local Agreement to benefit purchasing efforts.

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 14th day of April, 2011.

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

**INTERLOCAL AGREEMENT**  
**BETWEEN CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**  
**AND**  
**THE CITY OF CEDAR PARK, TEXAS**

This Interlocal Agreement (hereinafter referred to as the “Agreement”) is entered into by and between the undersigned Local Governments of the State of Texas, namely Central Texas Regional Mobility Authority and the City of Cedar Park, Texas, acting by and through their respective signature authorities, pursuant to and under authority of the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, for the purpose of participating in cooperative purchasing. The undersigned Local Governments may be referred to in this Agreement individually as a “Party” and collectively as the “Parties.”

**RECITALS:**

**WHEREAS**, this Agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271 of the Texas Local Government Code; and

**WHEREAS**, the Parties are local governments as that term is defined in Section 271.101(2) of the Texas Local Government Code; and

**WHEREAS**, Section 271.102 of the Texas Local Government Code authorizes local governments to participate in a cooperative purchasing program with another local government or local cooperative organization; and

**WHEREAS**, a local government that purchases materials, supplies, goods, services or equipment pursuant to a cooperative purchasing program with another local government satisfies the requirement of the local government to seek competitive bids for the purchase of the goods or services; and

**WHEREAS**, local governments in the State of Texas have the ability to realize substantial savings and economies of scale by cooperatively procuring materials, supplies, goods, services or equipment; and

**WHEREAS**, the Parties desire to enter into a cooperative purchasing program which will allow Parties to purchase materials, supplies, goods, services or equipment pursuant to Subchapter F, Chapter 271 of the Texas Local Government Code.

**WHEREAS**, the Parties find that the amount paid for the services performed under this Agreement fairly compensates the performing party; and

**WHEREAS**, the Parties, acting by and through their respective signature authorities, do hereby adopt and find the foregoing premises as findings of said governing bodies; and

**NOW THEREFORE**, in consideration of the mutual promises, inducements, covenants, agreements, conditions and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

#### **ARTICLE I PURPOSE**

1. The purpose of this Agreement is to establish a cooperative purchasing program between the Parties which will allow the Parties to realize savings when purchasing custodial services and which will facilitate the Parties' ability to satisfy state laws requiring the Parties to seek competitive bids for the purchase of said services.

#### **ARTICLE II TERM**

2. The term of this Agreement shall commence on the date on which all Parties hereto have executed this Agreement ("Effective Date"). This Agreement shall remain in full force and effect unless superseded by a supplemental agreement or terminated as provided in this Agreement.

#### **ARTICLE III TERMINATION**

3. A Party may withdraw its participation from this Agreement by providing thirty (30) days prior written notice to the other Party.

#### **ARTICLE IV PURCHASING**

4. The Parties shall designate a person to act under the direction of, and on behalf of, each Party in all matters relating to the cooperative purchasing program. The Parties shall make payments directly to vendors under the contracts made under Chapter 271, Subchapter F, Texas Local Government Code. The Parties shall be responsible for the vendors' compliance with provisions relating to the quality of service.

**ARTICLE V  
CURRENT REVENUE**

5. The cost for custodial services for weekly cleaning of the Central Texas Regional Authority building located at 104 N. Lynwood Trail, Cedar Park Texas shall be \$260 per month through September 30, 2011 and shall be paid from current revenues available to the paying Party. Any price increase will begin on the October 1 contract renewal date and will be communicated to the Central Texas Regional Mobility Authority a minimum of 60 days in advance. The Parties hereby warrant that no debt is created by this Agreement.

**ARTICLE VI  
FISCAL FUNDING**

6. The obligations of the Parties pursuant to this Agreement are contingent upon the availability and appropriation of sufficient funding.

**ARTICLE VII  
MISCELLANEOUS**

7A. **Notice**: Any notice required or permitted to be delivered hereunder shall be deemed received when sent in the United States Mail, Postage Prepaid, Certified Mail, Return Receipt Requested, or by hand-delivery or facsimile transmission addressed to the respective Party at the address set forth opposite the signature of the Party.

7B. **Amendment**: This Agreement may be amended by the mutual written agreement of the Parties.

7C. **Severability**: In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect the other provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.

7D. **Governing Law**: The validity of this Agreement and any of its terms and provisions, as well as the rights and duties of the Parties, shall be governed by the laws and court decisions of the State of Texas; and venue for any action concerning this Agreement shall lie in Williamson County, Texas.

7E. **Entire Agreement**: This Agreement represents the entire agreement among the Parties with respect to the subject matter covered by this Agreement. There is no other collateral, oral or written agreement between the Parties that in any manner relates to the subject matter of this Agreement.

7F. **Recitals:** The recitals to this Agreement are incorporated herein.

7G. **Counterparts:** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original constituting one and the same instrument.

**EXECUTED** this \_\_\_\_ day of \_\_\_\_\_, 2011.

**CENTRAL TEXAS REGIONAL  
MOBILITY AUTHORITY**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Address for Notice:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EXECUTED** this \_\_\_\_ day of \_\_\_\_\_, 2011.

**CITY OF CEDAR PARK, TEXAS**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Address for Notice:

600 North Bell Boulevard  
Cedar Park, Texas 78613

**ATTEST:**

By: \_\_\_\_\_  
City Secretary

**FOR CITY, APPROVED AS TO FORM:**

By: \_\_\_\_\_  
City Attorney



## CITY COUNCIL AGENDA

Date:4-14-2011

Subject: Agenda Item No. D.4  
**A Resolution Authorizing The Rejection Of All Construction Bids For The Brushy Creek Sports Park Irrigation Project.**

### **Commentary:**

The Brushy Creek Sports Park Irrigation Project was advertised for public bidding on February 10, 2011. The bids were opened publicly on March 1, 2011. Three contracting companies successfully submitted bids for the project with Excel Construction Services being the apparent low bidder.

The Brushy Creek Sports Park is a 2010 Community Development Corporation (4B) project with an approved budget of \$150,000. The project will provide irrigation water from Brushy Creek and generally includes the provision and installation of a pumping system, wet-well, electrical components and adjustments to the existing irrigation system.

The apparent low bid of \$310,500 by Excel Construction was over budget by \$160,500. Published bid documents indicate that the City of Cedar Park reserves the right to reject any or all bids. The bid tabulation is shown on the following page.

The original estimated return on investment (R.O.I.) was approximately 15 years. This was based on the original project budget as compared to the annual cost of potable water for the park. After considering the current cost of water for the park, (approximately \$9,000 annually) and the current project bid with electrical and maintenance costs, the R.O.I. would be increased to approximately 30-35 years.

At this time, staff is respectfully requesting City Council authorization to reject all bids. This request is primarily due to the decreased value of the project based on the updated R.O.I.

### **Fiscal Impact**

Account No.:

### **Budget**

Budget/Expended:

### **Associated Information:**

**Bid Summary**  
 Brushy Creek Sports Park - Irrigation Pump Project  
 City of Cedar Park  
 3/1/2011



Contractor Name	Acknowledgement of Addendum(s)? Y/N	Bid Security Y/N	Contractor Qualifications Y/N	Base Bid	Notes
Associated Construction Partners	yes	yes	yes	\$459,000.00	
Keystone Construction	yes	yes	yes	\$444,000.00	
Excel Construction Services	yes	yes	yes	\$310,500.00	apparent low

\*shaded cells represents apparent low bid

Project Budget of \$150,000.00 - FY '10 4B

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING THE REJECTION OF ALL BIDS FOR THE BRUSHY CREEK SPORTS PARK IRRIGATION PROJECT; 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. The City Council of Cedar Park hereby authorizes the rejection of all bids for the Brushy Creek Sports Park Irrigation Project.

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 14th day of April, 2011.

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:4-14-2011

Subject: Agenda Item No. E.1

**First Reading And Public Hearing On An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Division 2: Customary Home Occupations, Section 11.04.006 Regulations And Restrictions By Providing Definitions For Direct Selling And Direct Marketing And Authorizing Direct Marketing.**

### **Commentary:**

The current ordinance on Home Occupations prohibits direct selling but does not define the term creating opportunities for various interpretations and confusion. In addition, the City's current practice is to permit direct marketing activities such as Mary Kay or Pampered Chef without defining direct marketing. This ordinance addresses these issues while preserving the integrity of single family residential zoning. These definitions have been reviewed and approved by Planning and Development Services.

This proposed ordinance does not alter the City of Cedar Park from being in line with the cities of Austin and Round Rock Home Occupation Ordinances.

### **Fiscal Impact**

Account No.: None

### **Budget**

Budget/Expended: None

### **Associated Information:**

None

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, TO AMEND CHAPTER 11 ZONING, DIVISION 2: CUSTOMARY HOME OCCUPATIONS, SECTION 11.04.006 REGULATIONS AND RESTRICTIONS BY PROVIDING DEFINITIONS FOR DIRECT SELLING AND DIRECT MARKETING AND AUTHORIZING DIRECT MARKETING; 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.

WHEREAS, the current Home Occupations Ordinance does not define direct selling or direct marketing; and

WHEREAS, without such definitions the intent and purpose of the Home Occupations Ordinance creates an opportunity for various interpretations and confusion.

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

SECTION 1. That Section 11.04.006 Regulations and Restrictions in Chapter 11 Zoning, at A.5 is hereby amended by adding “Direct Marketing is permitted.”

SECTION 2. That Section 11.04.006 Regulations and Restrictions in Chapter 11 Zoning, is hereby amended to add Subparagraph B, Entitled “Definitions” as follows:

B. Definitions: For purposes of this Section, the following definitions shall apply:

“Direct Selling” means the wholesale, retail sale, and/or transfer or delivery of merchandise directly to a customer or customer’s agent for a business operation from Seller’s residence.

“Direct Marketing” means the wholesale, retail sale and/or transfer or delivery of merchandise directly to a customer or customer’s agent for a business operation away from Seller’s residence.

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 meeting 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 14<sup>th</sup> day of April, 2011, 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 \_\_\_\_\_, 200\_\_, 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



**CITY COUNCIL AGENDA**

Date:4-14-2011

Subject: Agenda Item No. E.2

**ANX-11-001 First Reading And Public Hearing On An Ordinance For The Purpose Of Extending The Boundary Limits Of The City Of Cedar Park, Texas, Providing For The Voluntary Annexation Of Approximately 41.059 Acres Of Land Located At The Northwest Corner Of Brushy Creek Road And Breakaway Road, And Otherwise Described By Metes And Bounds In Williamson County, Texas. (ANX-11-001)**

**Commentary:**

This is a public hearing and first reading of an ordinance providing for the voluntary annexation of approximately 41.059 acres of land located at the northwest corner of Brushy Creek Road and Breakaway Road.

The resolution setting the date and time for public hearings was approved by City Council on February 10, 2011.

The Cedar Park City Council conducted the first statutory public hearing on Thursday, March 10, 2011. The second statutory public hearing was conducted on Thursday, March 24, 2011.

No public testimony was received at either of the two public hearings.

A copy of the service plan for the proposed annexation is also attached for your reference (see Exhibit C).

**Director**

---

City Manager's Remarks

**City Manager**

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**Fiscal Impact**

**Budget**

**Account No.:**

**Budget/Expended:**

**Finance Director Review**

Legal Certifications

Approved as to form

Yes

No **City Attorney**

Associated Information: **The proposed ordinance, a map showing the proposed annexation (Exhibit A), the description of the area to be annexed (Exhibit B) and the service plan (Exhibit C) are attached for reference.**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE FOR THE PURPOSE OF EXTENDING THE BOUNDARY LIMITS OF THE CITY OF CEDAR PARK, TEXAS, TO INCLUDE APPROXIMATELY 41.059 ACRES OF LAND LOCATED ON AT THE NORTHWEST CORNER OF BRUSHY CREEK ROAD AND BREAKAWAY ROAD AND OTHERWISE DESCRIBED BY METES AND BOUNDS, WILLIAMSON COUNTY, TEXAS; LYING ADJACENT AND CONTIGUOUS TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF CEDAR PARK, TEXAS; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; 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.

WHEREAS, on February 10, 2011, by Resolution No. R69-11-02-10-D4, the City Council called for public hearings on the annexation of certain tracts of land described herein in accordance with Section 43.021 Local Government Code, authorized publication of notice of such hearings and directed City staff to prepare a Service Plan for the provision of City Services to such territory; and

WHEREAS, a public hearing on the proposed annexation of the hereinafter described territory was held on the 10<sup>th</sup> day of March, 2011, and notice of such hearing was published in *The Hill Country News* on the 24<sup>th</sup> of February, 2011 in accordance with Section 43.063 Local Government Code; and

WHEREAS, a second public hearing on the proposed annexation was held on the 24<sup>th</sup> day of March, 2011, and notice of such hearing was published in *The Hill Country News* on the 10<sup>th</sup> day of March, 2011, in accordance with Section 43.063 Local Government Code; and

WHEREAS, the hereinafter described property lies within the extraterritorial jurisdiction of the City of Cedar Park; and

WHEREAS, the hereinafter described property has been petitioned by the property owner for voluntary annexation; and

WHEREAS, the area hereinafter described lies adjacent and contiguous to the present boundary limits of the City of Cedar Park; and

WHEREAS, the area hereinafter described contains 41.059 acres, more or less; and

WHEREAS, upon the passage of this Ordinance, the annexation procedures concerning the hereinafter described properties will have been completed within ninety (90) days of the date the City Council instituted said procedures;

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

SECTION 1: The following described land and territory adjacent to and contiguous to the present boundary limits of the City of Cedar Park, Texas, in accordance with Section 43.054 Local Government Code, is hereby added and annexed to the City of Cedar Park, Texas; and said territory herein described shall be included within the boundary limits of such City and the present boundary limits of such City are altered and amended so as to include said areas within the corporate limits of the City of Cedar Park. A map of the area to be annexed is attached hereto as Exhibit A. The description of the properties to be annexed is attached hereto as Exhibit B.

SECTION 2: Pursuant to the provisions of Section 43.065 Local Government Code, the City staff has prepared a Service Plan for the properties to be annexed. Such Service Plan is attached hereto as Exhibit C and by reference is made a part hereof.

SECTION 3: The herein described properties and the areas so annexed shall be a part of the City of Cedar Park, Texas, and shall be bound by the acts, ordinances, resolutions and regulations of the City of Cedar Park, Texas.

SECTION 4: The extraterritorial jurisdiction of the City of Cedar Park shall expand in conformity with this annexation and shall comprise an area around the new corporate limits of the City consistent with Section 42.021 Local Government Code and not in conflict with the extraterritorial jurisdiction of any other city.

SECTION 5: In computing the total amount of territory that the City of Cedar Park may annex in the year 2011, approximately 41.059 acres are being annexed consistent with Section 43.055 Local Government Code.

SECTION 6: Upon annexation of the herein described property, the acreage within the city limits of Cedar Park will be increased approximately 41.059 acres, which does not exceed the statutory limitation as set out in Section 43.055 Local Government Code.

SECTION 7: The City Secretary is hereby authorized and directed to cause a true and correct copy of the caption of this Ordinance, as well as a description of the area annexed, to be published in a newspaper having general circulation in the City of Cedar Park, Texas, and in the territory annexed hereunder.

SECTION 8: If any part, phrase or sentence of this Ordinance is held void or unconstitutional by a court of competent jurisdiction, or of any tract of land or portion of any tract of land hereby annexed shall be held to be ineligible for annexation or held to be wrongfully annexed, the remaining portions of this Ordinance and the remaining tracts so annexed shall be considered severable and shall remain in full force and effect.

SECTION 9: In accomplishing the annexation of the properties herein described, the City of Cedar Park has strictly followed the provisions of the State statutes as they apply to

annexations, and any possible deviation from these provisions was unintentional and not material to the accomplishment of the annexation.

SECTION 10: 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 11: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 12: 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 14<sup>th</sup> day of April, 2011, 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 \_\_\_\_\_, 2011, 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

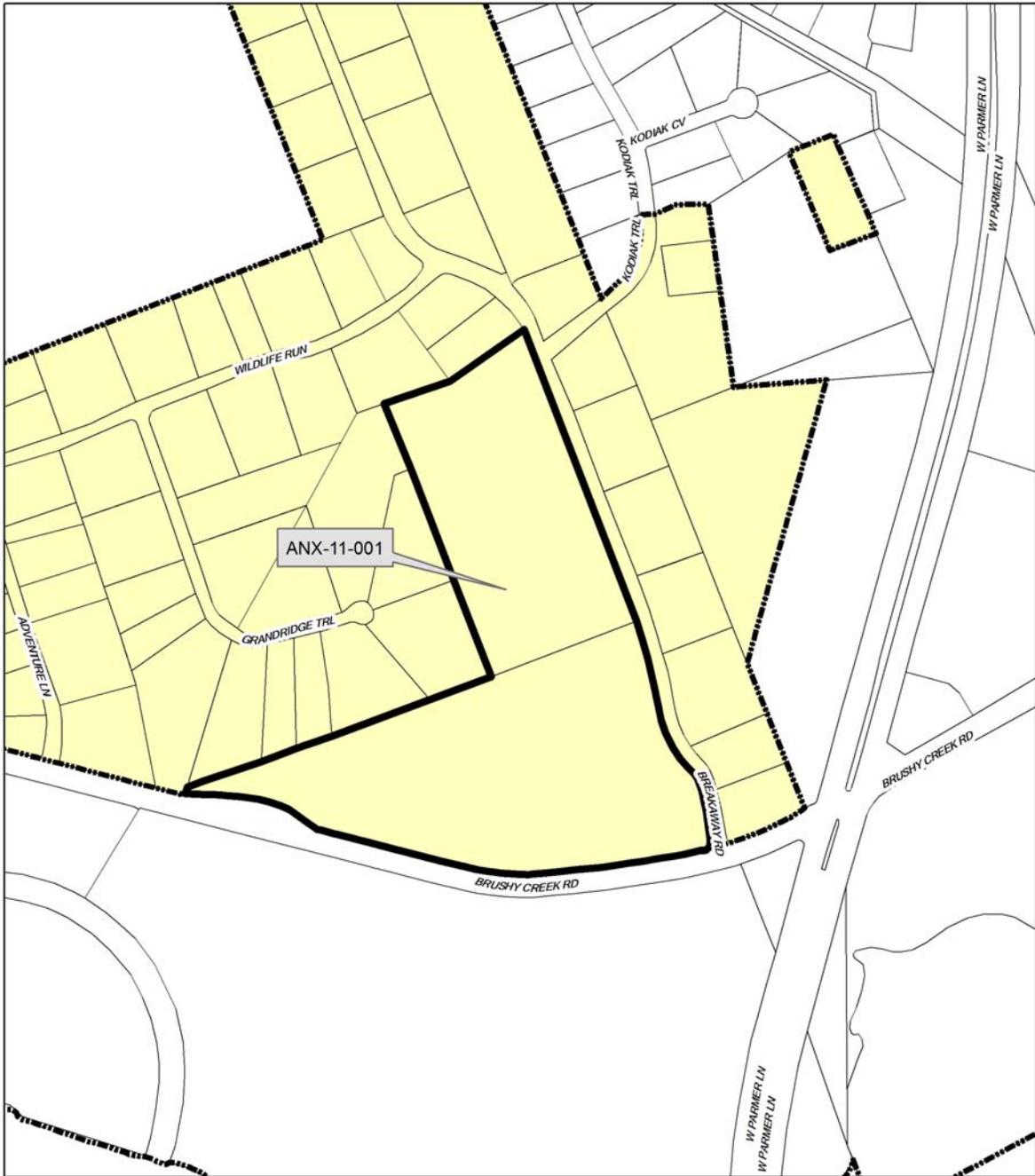
ATTEST:

\_\_\_\_\_  
Robert S. Lemon, Mayor

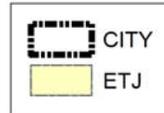
\_\_\_\_\_  
LeAnn M. Quinn, City Secretary

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
Charles W. Rowland, City Attorney



**ANX-11-001**



**EXHIBIT A**



Professional Land Surveying, Inc.  
Surveying and Mapping

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

**41.059 ACRES  
S. DAMON SURVEY, ABSTRACT 170  
WILLIAMSON COUNTY, TEXAS**

A DESCRIPTION OF 41.059 ACRES (APPROX. 1,788,544 SQ. FT.) IN THE S. DAMON SURVEY, ABSTRACT 170, IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF A 0.3839 ACRE TRACT DESCRIBED IN A DEED TO WILSON LAND AND CATTLE COMPANY DATED FEBRUARY 9, 1999 AND RECORDED IN DOCUMENT NO. 9916813 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, A PORTION OF A 24.79 ACRE TRACT DESCRIBED IN VOLUME 634, PAGE 628 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, AND A PORTION OF AN 80 ACRE TRACT, CALLED 15.07 ACRES, DESCRIBED IN VOLUME 550, PAGE 147 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, BOTH CONVEYED IN A WARRANTY DEED TO WILSON LAND AND CATTLE COMPANY DATED DECEMBER 1, 1977 AND RECORDED IN VOLUME 693, PAGE 293 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, AND ALL OF A 1.063 ACRE TRACT CALLED PART 1 AND A PORTION OF A 0.2312 ACRE TRACT CALLED PART 2, TOGETHER CALLED 1.294 ACRES, BEING A PORTION OF BRUSHY CREEK ROAD RIGHT-OF-WAY (COUNTY ROAD 174, RIGHT-OF-WAY WIDTH VARIES), DESCRIBED IN AN ABANDONMENT OF RIGHT-OF-WAY SURVEY PERFORMED BY PATRICK J. YGLESIAS, R.P.L.S. DATED JANUARY 10, 2008 AND APPROVED BY THE COMMISSIONERS COURT OF WILLIAMSON COUNTY ON JANUARY 15, 2008; SAID 41.059 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar found in the north line of said 24.79 acre tract, same being the south line of said 80 acre tract, also being an angle point in the south line of Lot 25, Whippoorwill Acres, a subdivision of record in Cabinet D, Slide 103 of the Plat Records of Williamson County, Texas, also being an angle point in the north line of said 1.063 acre tract, from which a 1/2" rebar found for the west corner of said 24.79 acre tract, same being an angle point in the south line of said 80 acre tract, also being an angle point in the north line of said 1.063 acre tract, bears South 68°05'56" West, a distance of 25.31 feet;

**THENCE** with the north line of said 24.79 acre tract, same being the south line of said 80 acre tract, the following six (6) courses and distances:

1. North 68°05'56" East, with the south line of said Lot 25, a distance of 193.58 feet to a 1/2" rebar found for an angle point, same being the southeast corner of said Lot 25, also being the southwest corner of Lot 24A, Resubdivision of Lot 24 and Part of Lot 23, Whippoorwill Acres, a subdivision of record in Cabinet Q, Slide 43 of the Plat Records of Williamson County, Texas;
2. North 68°19'53" East, with the south line of said Lot 24A, a distance of 117.55 feet

**EXHIBIT-B**

to a 1/2" rebar found for an angle point;

3. North 69°25'42" East, continuing in part with the south line of said Lot 24A, in part with the south line of Lot 24B, Resubdivision of Lot 24 and Part of Lot 23, Whippoorwill Acres, and in part with the south line of a 2.35 acre portion of Lot 23 and 24, Whippoorwill Acres, described in a deed of record in Document No. 9552632 of the Official Records of Williamson County, Texas, at a distance of 27.06 feet passing 0.14 feet left of a 1/2" rebar found at the called southeast corner of said Lot 24A, same being the called southwest corner of said Lot 24B, at a distance of 170.75 feet passing 0.24 feet left of a 1/2" rebar found at the called southeast corner of said Lot 24B, same being the called southwest corner of said 2.35 acre tract, and continuing for a total distance of 243.49 feet to a 1/2" rebar found for an angle point;
4. North 69°45'21" East, continuing with the south line of said 2.35 acre tract, a distance of 315.03 feet to a 1/2" rebar found for the southeast corner of said 2.35 acre tract, same being the southwest corner of Lot 22, Whippoorwill Acres;
5. North 69°47'19" East, with the south line of said Lot 22, a distance of 113.19 feet to a 1/2" rebar found for an angle point;
6. North 69°57'54" East, with the south line of said Lot 22, a distance of 140.37 feet to a 1/2" rebar found for the southeast corner of Lot 22, same being the apparent southwest corner of said 15.07 acre tract;

**THENCE** North 21°54'01" West, crossing said 80 acre tract with the apparent west line of said 15.07 acre tract, same being the east lines of Lots 22, 21, and 20, Whippoorwill Acres, at a distance of 859.88 feet passing a 1/2" rebar found for the common east corner of said Lots 21 and 20, and continuing for a total distance of 1132.69 feet to a found screw with the head broken off in stone for the northeast corner of said Lot 20, same being the apparent northwest corner of said 15.07 acre tract, also being an angle point in the south line of Lot 13, Whippoorwill Acres;

**THENCE** continuing across said 80 acre tract, with the apparent north line of said 15.07 acre tract, the following two (2) courses and distances:

1. North 68°43'36" East, with the south line of said Lot 13, a distance of 269.69 feet to a 1/2" rebar found for the southeast corner of said Lot 13, same being the southwest corner of Lot B, Resubdivision of Lot 12 Whippoorwill Acres, a subdivision of record in Cabinet P, Slide 44 of the Plat Records of Williamson County, Texas;
2. North 53°37'37" East, with the south line of said Lot B, a distance of 348.79 feet to a 1/2" rebar found in the curving west right-of-way line of Breakaway Road (60' right-of-way width), as shown on the plat of Breakaway Park Section 1, a subdivision of record in Cabinet D, Slide 46 of the Plat Records of Williamson County, Texas, for the southeast corner of said Lot B, same being the apparent northeast corner of

**EXHIBIT B**

said 15.07 acre tract;

**THENCE** continuing across said 80 acre tract, with the west right-of-way line of Breakaway Road, same being the apparent east line of said 15.07 acre tract, the following four (4) courses and distances:

1. With a curve to the right, having a radius of 290.00 feet, a delta angle of  $7^{\circ}07'55''$ , an arc length of 36.10 feet, and a chord which bears South  $25^{\circ}19'16''$  East, a distance of 36.08 feet to a small nail found, from which another small nail found bears North  $25^{\circ}23'10''$  West, a distance of 1.94 feet, another small nail found bears South  $24^{\circ}18'37''$  East, a distance of 2.17 feet, and a 1/2" rebar found bears North  $67^{\circ}46'54''$  East, a distance of 9.87 feet;
2. South  $21^{\circ}29'05''$  East, a distance of 579.98 feet to a 1/2" rebar found for an angle point;
3. South  $21^{\circ}17'00''$  East, a distance of 607.58 feet to a small nail found;
4. With a curve to the right, having a radius of 270.00 feet, a delta angle of  $0^{\circ}38'05''$ , an arc length of 2.99 feet, and a chord which bears South  $20^{\circ}56'12''$  East, a distance of 2.99 feet to a Mag nail with Chaparral washer found in the south line of said 80 acre tract, same being the north line of said 24.79 acre tract, for the apparent southeast corner of said 15.07 acre tract;

**THENCE** crossing said 24.79 acre tract and said 0.2312 acre tract, with the west right-of-way line of Breakaway Road, the following nine (9) courses and distances:

1. With a curve to the right, having a radius of 270.00 feet, a delta angle of  $15^{\circ}17'29''$ , an arc length of 72.06 feet, and a chord which bears South  $12^{\circ}58'25''$  East, a distance of 71.85 feet to a 1/2" rebar found;
2. With a curve to the left, having a radius of 330.00 feet, a delta angle of  $17^{\circ}48'50''$ , an arc length of 102.60 feet, and a chord which bears South  $14^{\circ}19'35''$  East, a distance of 102.19 feet to a 1/2" rebar found;
3. South  $23^{\circ}03'23''$  East, a distance of 36.62 feet to a 1/2" rebar found;
4. With a curve to the right, having a radius of 270.00 feet, a delta angle of  $14^{\circ}17'15''$ , an arc length of 67.33 feet, and a chord which bears South  $15^{\circ}45'24''$  East, a distance of 67.15 feet to a 1/2" rebar found;
5. South  $08^{\circ}54'40''$  East, a distance of 119.51 feet to a 1/2" rebar found, from which a 5/8" rebar found in the east right-of-way line of Breakaway Road bears North  $81^{\circ}08'05''$  East, a distance of 60.00 feet;
6. With a curve to the left, having a radius of 330.00 feet, a delta angle of  $36^{\circ}42'43''$ , an arc length of 211.45 feet, and a chord which bears South  $27^{\circ}10'47''$  East, a

distance of 207.85 feet to a 1/2" rebar found, from which a 1/2" rebar found in the east right-of-way line of Breakaway Road bears North 44°23'01" East, a distance of 60.00 feet;

7. With a curve to the right, having a radius of 270.00 feet, a delta angle of 43°46'50", an arc length of 206.31 feet, and a chord which bears South 23°49'28" East, a distance of 201.33 feet to a 1/2" rebar found;
8. With a curve to the left, having a radius of 330.00 feet, a delta angle of 10°10'59", an arc length of 58.65 feet, and a chord which bears South 06°31'16" East, a distance of 58.57 feet to a 1/2" rebar found, from which a 1/2" rebar found in the east right-of-way line of Breakaway Road bears North 78°20'45" East, a distance of 60.00 feet and South 11°41'59" East, a distance of 33.35 feet;
9. South 11°41'59" East, a distance of 69.96 feet to a 1/2" rebar with Chaparral cap found in the south line of said 0.2312 acre tract, same being the north right-of-way line of Brushy Creek Road, from which a 1/2" rebar with plastic "Williamson County" cap found for the southeast corner of said 0.2312 acre tract bears North 73°45'58" East, a chord distance of 68.29 feet;

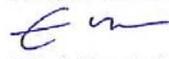
**THENCE** with the north right-of-way line of Brushy Creek Road, the following four (4) courses and distances:

1. With a curve to the right, being the south line of said 0.2312 acre tract, having a radius of 1455.00 feet, a delta angle of 06°22'14", an arc length of 161.78 feet, and a chord which bears South 78°17'46" West, a distance of 161.69 feet to a 1/2" rebar with plastic "Williamson County" cap found, from which a 1/2" rebar with 1" aluminum cap found in the south right-of-way line of Brushy Creek Road bears South 8°27'43" East, a distance of 90.05 feet, and from said 1/2" rebar with 1" aluminum cap found another 1/2" rebar with 1" aluminum cap found bears North 76°38'55" East, a chord distance of 260.51 feet;
2. South 81°30'10" West, continuing with the south line of said 0.2312 acre tract, a distance of 376.91 feet to a 1/2" rebar with Chaparral cap set, from which a 1/2" rebar found at an angle point in the south right-of-way line of Brushy Creek Road bears South 8°27'43" East, a distance of 90.05 feet and South 86°59'34" West, a chord distance of 231.51 feet;
3. With a curve to the right, continuing in part with the south line of said 0.2312 acre tract and in part crossing said 24.79 acre tract, with the north line of a 0.5226 acre tract described in a Street Deed of record in Document No. 9916394 of the Official Records of Williamson County, Texas, having a radius of 1110.00 feet, a delta angle of 22°54'30", at an arc length of 135.67 feet passing a 1/2" rebar with Chaparral cap set, and continuing for a total arc length of 443.81 feet, and a chord which bears North 87°04'18" West, a distance of 440.86 feet to a 1/2" rebar with Chaparral cap found in the north line of said 0.5226 acre tract;

4. North 75°36'34" West, continuing in part across the 24.79 acre tract with the north line of said 0.5226 acre tract, in two parts with the south line of said 1.063 acre tract, and in part with the south line of the said 0.3839 acre tract, same being the north line of a 1.4218 acre tract described in a Street Deed of record in Document No. 2002082524 of the Official Public Records of Williamson County, Texas, at a distance of 404.34 feet passing a 1/2" rebar with plastic "Williamson County" cap found for the west corner of said 0.5226 acre tract, same being the southeast corner of said 1.063 acre tract, at a distance of 584.06 feet passing 0.24 feet left of a 1/2" rebar with plastic "Williamson County" cap found for a called angle point in the south line of said 1.063 acre tract, same being the called southeast corner of said 0.3839 acre tract, at a distance of 1095.52 feet passing a 1/2" rebar with plastic "Williamson County" cap found for the west corner of said 0.3839 acre tract, same being an angle point in the south line of said 1.063 acre tract, from which a 1/2" rebar found in the south right-of-way line of Brushy Creek Road for the southwest corner of said 1.4218 acre tract bears South 14°23'26" West a distance of 90.00 feet and North 75°36'34" West a distance of 137.11 feet, also from which a 1/2" rebar found for an angle point in the south right-of-way line of Brushy Creek Road for the southeast corner of said 1.4218 acre tract bears South 14°23'26" West a distance of 90.00 feet and South 75°36'34" East a distance of 717.58 feet, and continuing for a total distance of 1381.72 feet to a 1/2" rebar with Chaparral cap found for the west corner of said 1.063 acre tract, same being in the south line of Lot 33, Whippoorwill Acres, from which a 60D nail found for an angle point in the south line of said Lot 33, same being an angle point in the north right-of-way line of Brushy Creek Road, bears North 88°52'42" West, a distance of 4.49 feet;

**THENCE** South 88°52'42" East, with the north line of said 1.063 acre tract, in part with the south line of said Lot 33, in part with the south line of Lot 26, Whippoorwill Acres, and in part with said Lot 25, at a distance of 175.94 feet passing a 1/2" rebar found for the southeast corner of said Lot 33, same being the southwest corner of said Lot 26, at a distance of 311.00 feet passing 0.37 feet left of a 1/2" rebar found for the called southeast corner of said Lot 26, same being the called southwest corner of said Lot 25, at a distance of 403.13 feet passing 1/2" rebar with plastic "Williamson County" cap found in the south line of said Lot 25, and continuing for a total distance of 410.61 feet to the **POINT OF BEGINNING**, containing 41.059 acres of land, more or less.

The portion south of the parcel called 15.07 acres was surveyed on the ground January 22, 2008 and updated November 19, 2010. The north parcel called 15.07 acres was surveyed on the ground November 19, 2010. Bearing Basis: Grid azimuth for Texas Central Zone state plane coordinates, 1983/93 HARN, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 308-008-BD1 or 308-008-BD1-SKETCH.

 1/3/2011  
Eric J. Dannheim  
Registered Professional Land Surveyor  
State of Texas No. 6075



SKETCH TO ACCOMPANY A DESCRIPTION OF 41.059 ACRES (APPROX. 1,788,544 SQ. FT.) IN THE S. DAMON SURVEY, ABSTRACT 170, IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF A 0.3839 ACRE TRACT DESCRIBED IN A DEED TO WILSON LAND AND CATTLE COMPANY DATED FEBRUARY 9, 1999 AND RECORDED IN DOCUMENT NO. 9916813 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, A PORTION OF A 24.79 ACRE TRACT DESCRIBED IN VOLUME 634, PAGE 628 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, AND A PORTION OF AN 80 ACRE TRACT, CALLED 15.07 ACRES, DESCRIBED IN VOLUME 550, PAGE 147 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, BOTH CONVEYED IN A WARRANTY DEED TO WILSON LAND AND CATTLE COMPANY DATED DECEMBER 1, 1977 AND RECORDED IN VOLUME 693, PAGE 293 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, AND ALL OF A 1.063 ACRE TRACT CALLED PART 1 AND A PORTION OF A 0.2312 ACRE TRACT CALLED PART 2, TOGETHER CALLED 1.294 ACRES, BEING A PORTION OF BRUSHY CREEK ROAD RIGHT-OF-WAY (COUNTY ROAD 174, RIGHT-OF-WAY WIDTH VARIES), DESCRIBED IN AN ABANDONMENT OF RIGHT-OF-WAY SURVEY PERFORMED BY PATRICK J. YGLESIAS, R.P.L.S. DATED JANUARY 10, 2008 AND APPROVED BY THE COMMISSIONERS COURT OF WILLIAMSON COUNTY ON JANUARY 15, 2008.

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE STATE PLANE COORDINATES, 1983/93 HARN, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

DATE OF SURVEY: THE PORTION SOUTH OF THE PARCEL CALLED 15.07 ACRES WAS SURVEYED ON THE GROUND JANUARY 22, 2008 AND UPDATED NOVEMBER 19, 2010. THE NORTH PARCEL CALLED 15.07 ACRES WAS SURVEYED ON THE GROUND NOVEMBER 19, 2010.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 308-008-BD1



*EW*  
1/13/2011

LEGEND

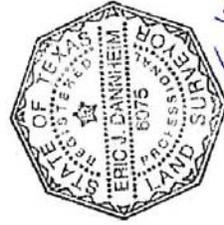
●	1/2" REBAR FOUND	▲	SMALL NAIL FOUND
●	1/2" REBAR WITH PLASTIC "WILLIAMSON COUNTY" CAP FOUND	⊕	CONTROL POINT LOCATION
●	1/2" REBAR WITH 1" ALUMINUM CAP FOUND	( )	RECORD 634/628 CALL
●	1/2" REBAR WITH CHAPARRAL CAP FOUND	[ ]	RECORD 9916813 CALL
○	1/2" REBAR WITH CHAPARRAL CAP SET	{ }	RECORD D/46 CALL
○	MAG NAIL WITH CHAPARRAL WASHER FOUND	(( ))	RECORD 9916394 CALL
○	60D NAIL FOUND	{{}}	RECORD D/103 CALL
		< >	RECORD P/44 CALL

PLOT DATE: 1/03/2011  
 DRAWING NO.: 308-008-BD1-SKETCH  
 PROJECT NO.: 308-008  
 DRAWN BY: EJD  
 SHEET 1 OF 11



CURVE TABLE

NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING	RECORD CHORD
C1	15°55'34"	270.00'	37.77'	75.05'	74.81'	S13°17'27"E	{S11°33'30"E 74.84'}
C2	17°48'50"	330.00'	51.72'	102.60'	102.19'	S14°19'35"E	{S12°30'20"E 102.06'}
C3	14°17'15"	270.00'	33.84'	67.33'	67.15'	S15°45'24"E	{S14°13'30"E 67.45'}
C4	36°42'43"	330.00'	109.49'	211.45'	207.85'	S27°10'47"E	{S25°26'40"E 208.26'}
C5	43°46'50"	270.00'	108.49'	206.31'	201.33'	S23°49'28"E	{S21°55'10"E 201.57'}
C6	10°10'59"	330.00'	29.40'	58.65'	58.57'	S06°31'16"E	{S05°06'00"E 58.66'}
C7	6°22'14"	1455.00'	80.97'	161.78'	161.69'	S78°17'46"W	
C8	22°54'30"	1110.00'	224.91'	443.81'	440.86'	N87°04'18"W	
C9	2°41'21"	1455.00'	34.15'	68.29'	68.29'	N73°45'58"E	
C10	9°40'21"	1545.00'	130.72'	260.82'	260.51'	N76°38'55"E	
C11	11°04'16"	1200.00'	116.30'	231.87'	231.51'	S86°59'34"W	
C12	7°00'11"	1110.00'	67.92'	135.67'	135.59'	S84°58'33"W	
C13	15°54'19"	1110.00'	155.07'	308.14'	307.15'	N83°34'12"W (N83°32'32"W 306.22')	
C14	7°07'55"	290.00'	18.07'	36.10'	36.08'	S25°19'16"E	{S41°09'00"E 211.63'}
C15	0°38'05"	270.00'	1.50'	2.99'	2.99'	S20°56'12"E	
C16	15°17'29"	270.00'	36.25'	72.06'	71.85'	S12°58'25"E	



*Eric J. Dannheim*  
1/13/2011

PLOT DATE: 1/03/2011  
DRAWING NO.: 308-008-BD1-SKETCH  
PROJECT NO.: 308-008  
DRAWN BY: EJD  
SHEET 2 OF 11

**Chaparral**

CHAPARRAL CONTROL P147:  
 4" ALUMINUM DISC IN CONCRETE,  
 STAMPED "CHAPARRAL LAND  
 SURVEYING GEODETIC CONTROL"

SURFACE COORDINATES:  
 N 10158707.28  
 E 3101890.49

TEXAS CENTRAL ZONE 4203  
 STATE PLANE COORDINATES:  
 N 10157515.56  
 E 3101526.61

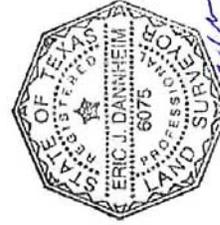
COMBINED SCALE FACTOR:  
 0.99988269

THETA ANGLE: 1°19'00"

ELEVATION: 835.83

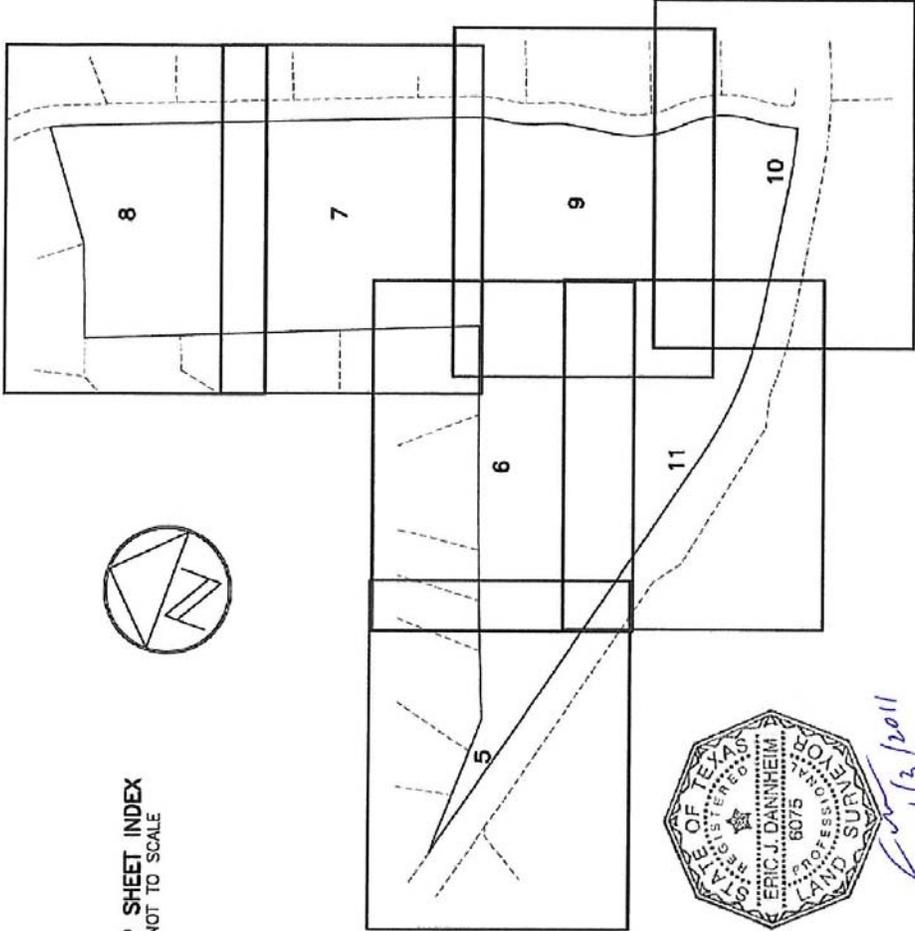
DATUM: NAVD 88 (GEOID 99)

LINE TABLE		
No.	BEARING	LENGTH
L1	N63°31'54"E	74.59' (N65°04'E 84.35')
L2	S23°03'23"E	36.62' {S21°24'00"E 36.60'}
L3	S11°41'59"E	69.96' {S10°12'00"E 63.13'}
L4	N25°23'10"W	1.94'
L5	N81°08'05"E	60.00'
L6	N44°23'01"E	60.00'
L7	N78°20'45"E	60.00'
L8	S11°41'59"E	33.35'
L9	S08°27'43"E	90.05'
L10	S08°27'43"E	90.05'
L11	S14°23'26"W	90.00'
L12	N88°52'42"W	4.49'
L13	S68°05'56"W	25.31'
L14	N10°32'14"E	3.43'
L15	N84°17'25"E	69.04'
L16	N67°46'54"E	9.87'
L17	S24°18'37"E	2.17'



PLOT DATE: 1/03/2011  
 DRAWING NO.:  
 308-008-BD1-SKETCH  
 PROJECT NO.: 308-008  
 DRAWN BY: EJD  
 SHEET 3 OF 11

**Chaparral**



MAP SHEET INDEX  
NOT TO SCALE

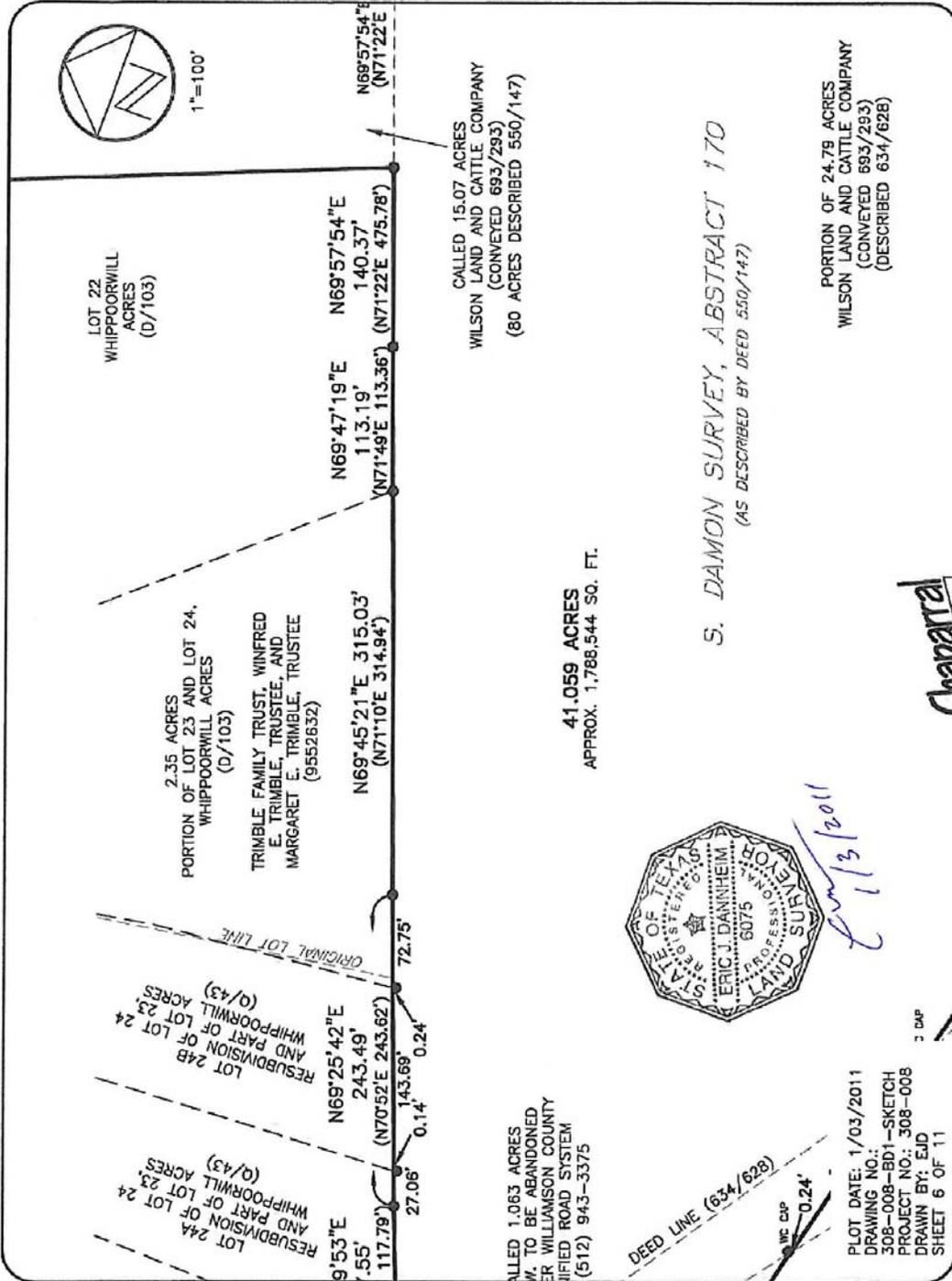


*1/3/2011*

PLOT DATE: 1/03/2011  
DRAWING NO.: 308-008-BD1-SKETCH  
PROJECT NO.: 308-008  
DRAWN BY: EJD  
SHEET 4 OF 11

**Chaparal**





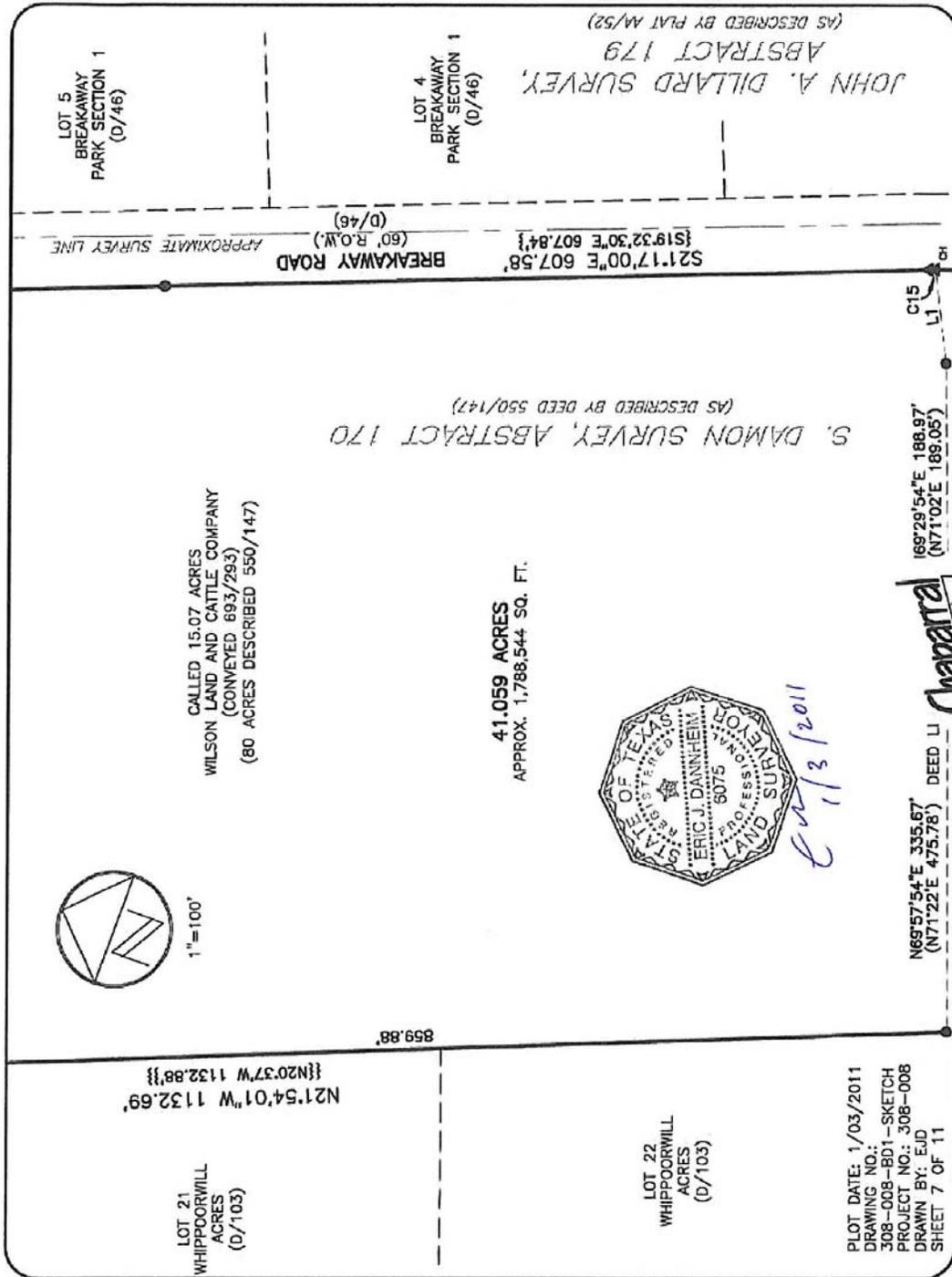


EXHIBIT-B

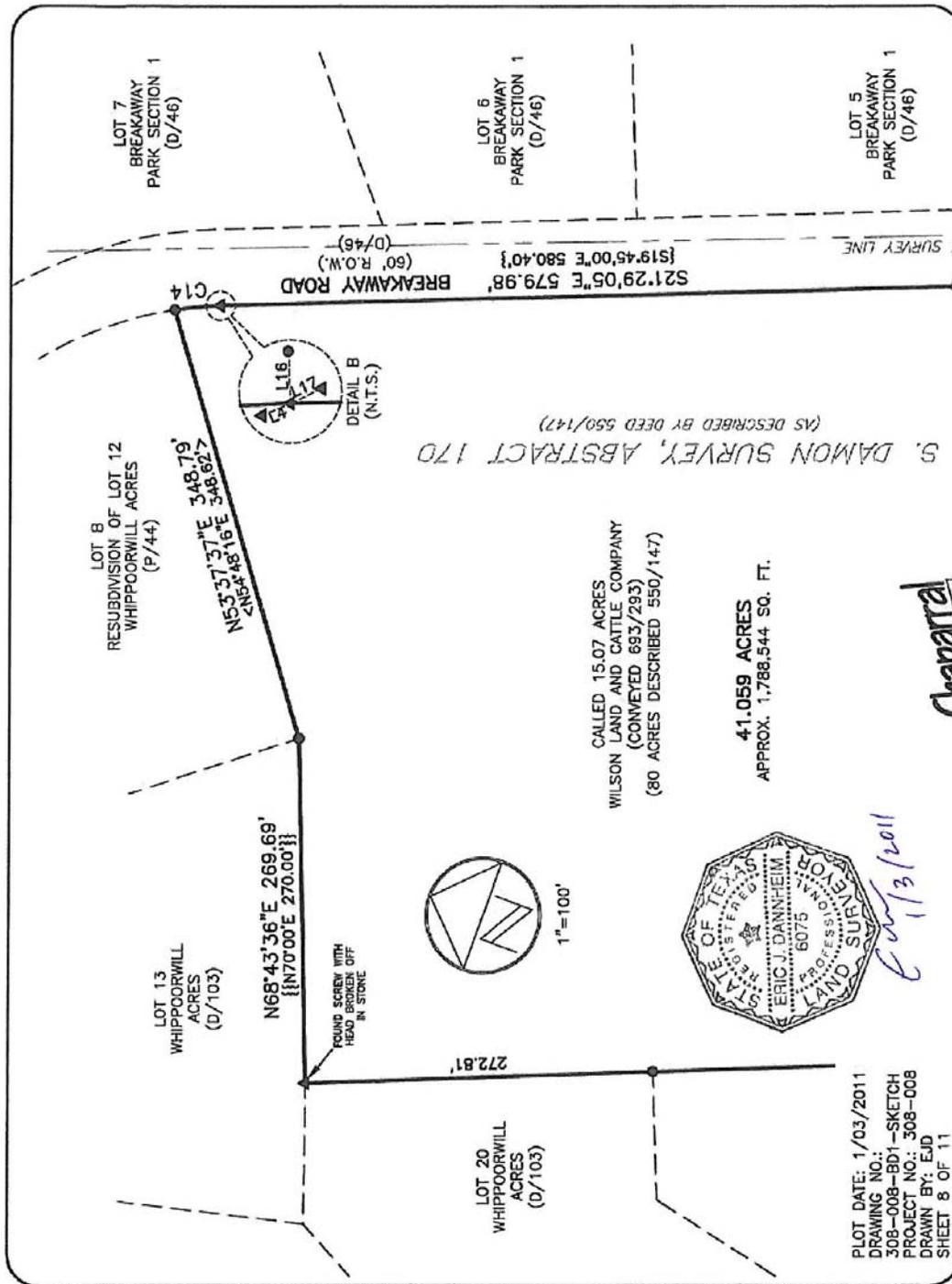
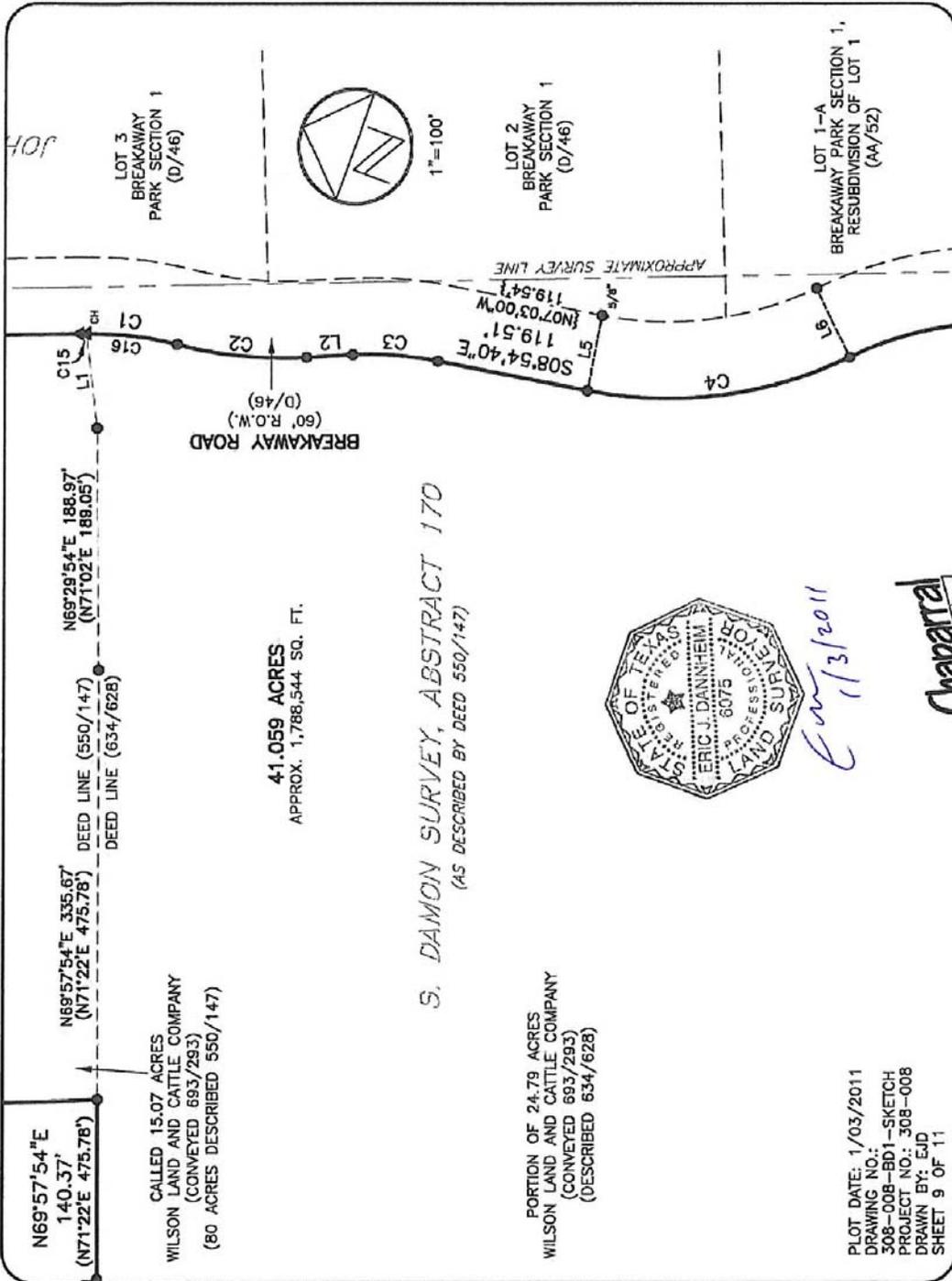
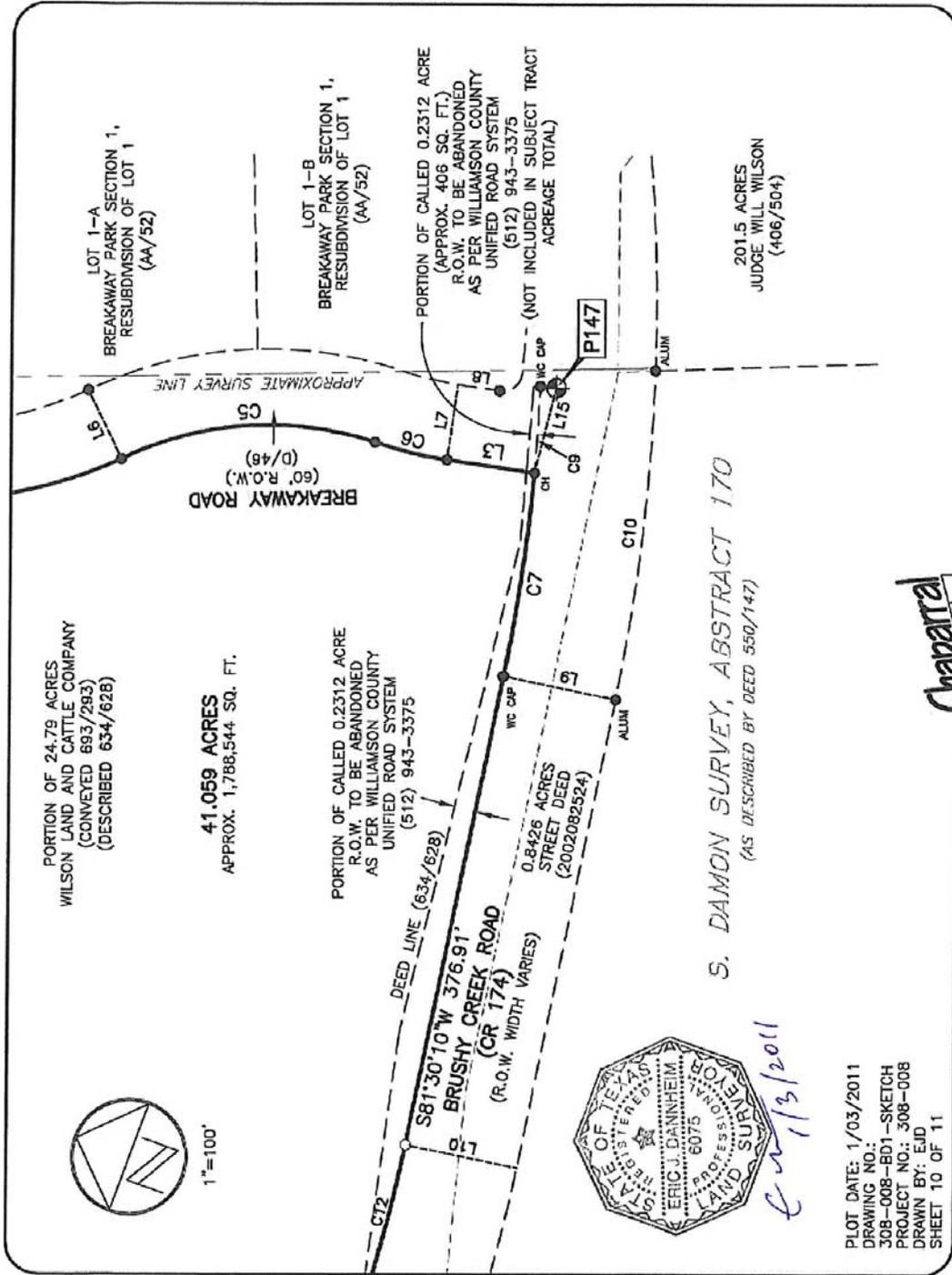


EXHIBIT-B





Chaparral

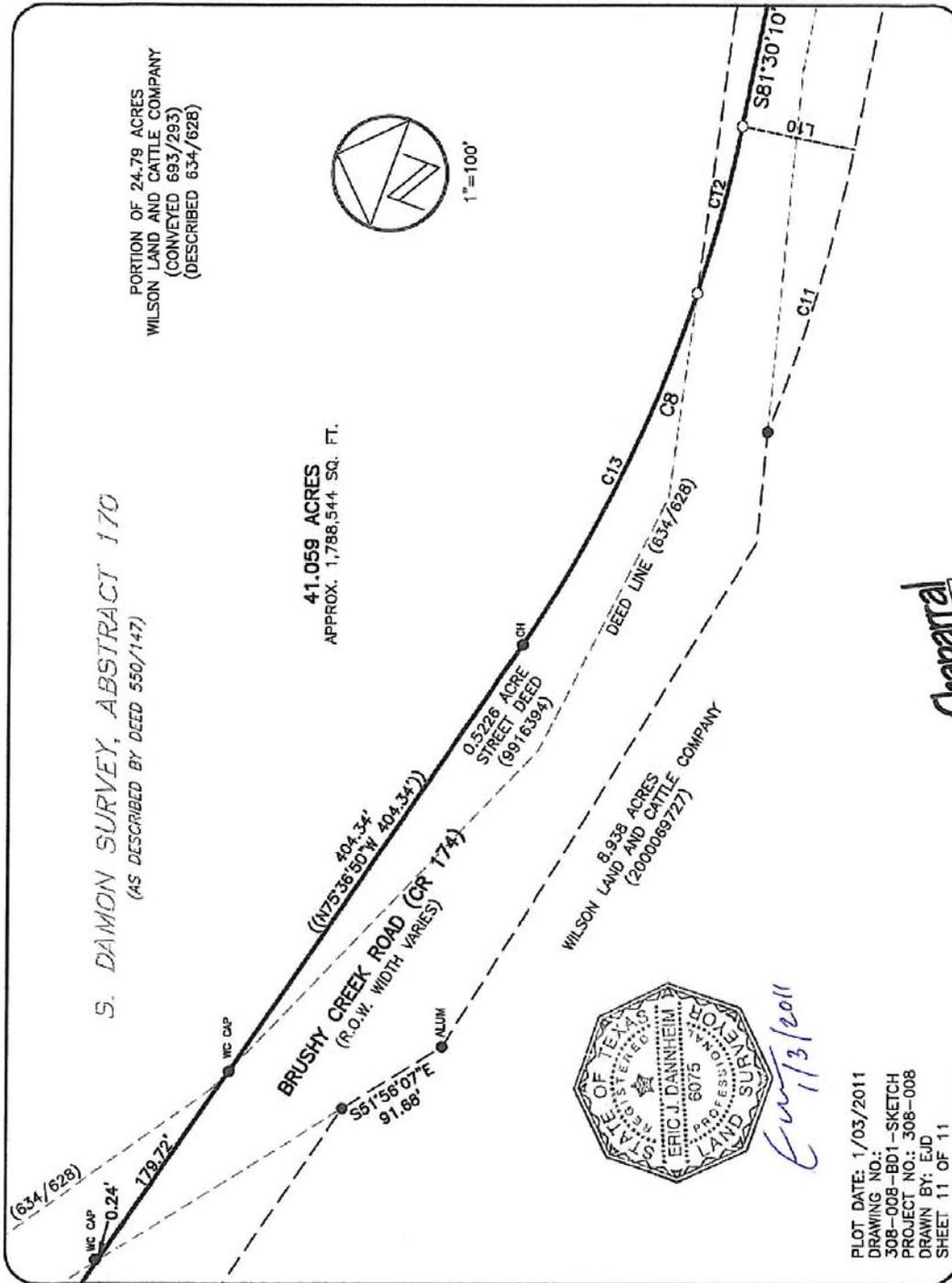


EXHIBIT B



**City of Cedar Park  
Service Plan for Annexed Areas  
Wilson Land and Cattle Company**

---

The following is a plan whereby city services will be provided to approximately 41.059 acres located at the northwest corner of Brushy Creek Road and Breakaway Road.

This service plan has been prepared in accordance with V.T.C.A., Local Government Code, Sections 43.063 and 43.065. Municipal facilities and services to the annexed area described above will be provided or made available on behalf of the city in accordance with the levels and schedule found below. Nothing in this plan shall require the city to provide a uniform level of full municipal services to each area of the city, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

**A. Police Protection:**

*Existing Services:* Currently, the area is under the jurisdiction of the Williamson County Sheriff's Office.

*Services to be Provided:* Upon the effective date of the annexation, the City of Cedar Park Police Department will extend regular and routine patrols, call responses, and other police services at a level consistent with similarly situated areas within the city.

**B. Fire Protection:**

*Existing Services:* Currently, fire protection and prevention services are provided to the area by the City of Cedar Park Fire Department.

*Services to be Provided:* Upon annexation, the City of Cedar Park will continue to provide fire protection and prevention services at a level consistent with similarly situated areas within the city.

**C. Emergency Medical Services:**

*Existing Services:* Currently, emergency medical services are provided to the area by the Williamson County EMS.

*Services to be Provided:* Emergency medical service is provided to areas within the city by Williamson County EMS, supplemented by Cedar Park Fire Department. These services will be continued/extended to the annexed area upon the effective date of the annexation at a level consistent with similarly situated areas within the city.

**D. Solid Waste Collection:**

*Existing Services:* Solid waste collection service is currently provided through individual contracts.

*Services to be Provided:* The city has no solid waste collection service of its own. Such service is provided to areas within the city by private companies franchised by the city. When and if solid waste collection services are made available by the city, said services will also be made available to the annexed area on the same basis as it is made available to other parts of the city.

**E. Water Service:**

*Existing Services:* None.

*Services to be Provided:* There is an existing 24” water main located within Brushy Creek Road right-of-way. A water line may need to be extended along Breakaway Road by the property owner at time of development in coordination with the City.

Upon connection to the city’s water system, water will be provided at rates established by city ordinances.

Maintenance of private water lines within the annexed area shall be the responsibility of the property owner.

**F. Wastewater Service:**

*Existing Services:* None

*Services to be Provided:* There is an existing 8” wastewater main located south of Brushy Creek Road that terminates at the northern property line of the Brushy Creek Sports Park. This wastewater line will need to be extended to this property by the property owner at time of development in coordination with the City.

Upon connection to the city’s wastewater system, wastewater collection will be provided at rates established by city ordinances.

Operation and maintenance of private wastewater facilities within the annexed area shall be the responsibility of the property owner.

**G. Maintenance of Roads, Streets and Street Lights:**

*Existing Services:* Currently, Brushy Creek Road is maintained by the City of Cedar Park and Brushy Creek Road is maintained by Williamson County.

*Services to be Provided:* Routine street maintenance will continue for the area after the effective date of the annexation, on the same basis as areas presently in the city. Maintenance of street lights, on the same basis as areas presently in the city, will begin on the effective date of the annexation.

**H. Parks and Recreation:**

*Existing Services:* Residents of the area currently have access to Williamson County parks.

*Services to be Provided:* In addition to the county parks, property owners and residents of the annexed area may use existing and future parks, playgrounds, swimming pools and other public recreation facilities and services of the city on the same basis as other residents of the city on the effective date of the annexation.

**I. Public Library Services:**

*Existing Services:* None

*Services to be Provided:* Property owners and residents of the annexed area may use the facilities and services of the city's public library on the same basis as other residents of the city on the effective date of the annexation.

**J. Miscellaneous:**

All other applicable municipal services will be provided to the area in accordance with the City of Cedar Park's established policies governing extension of municipal services to newly annexed areas.



## CITY COUNCIL AGENDA

Date:4-14-2011

Subject: Agenda Item No. E.3

**Z-11-002 First Reading And Public Hearing On An Ordinance To Rezone Approximately 2.688 Acres Of Land From General Retail (GR) To General Office (GO), LADA One, Ltd., Located At The Southeast Corner Of East Whitestone Boulevard And Discovery Boulevard, In Williamson County, Texas. The Planning And Zoning Commission Voted 5-0 To Recommend Approval Of General Office (GO) For This Tract.**

### **Commentary:**

The purpose of this agenda item is for the rezoning of property currently designated as General Retail (GR) to be rezoned to General Office (GO) for property located at the southeast corner of East Whitestone Boulevard and Discovery Boulevard.

### **Planning & Zoning Commission Recommendation to the City Council:**

The Planning and Zoning Commission voted 5-0 to approve the request.

In favor: Jon Lux, Lorena Echeverria, Nicholas Kauffman, Alan Yore, and Thomas Balestiere

Opposed: None

Absent: Stephen Thomas and Sandy Trujillo

### **Planning & Zoning Commission Public Hearing:**

The Planning and Zoning Commission held a public hearing on March 15, 2011. No public testimony was received.

### **Background:**

Owner: LADA One, Ltd.

Please see attached Planning & Zoning Commission Report for details.

### **Public Information Plan:**

*March 3, 2011:* Public notice of the Planning and Zoning Commission public hearing published in the Hill Country News.

*March 4, 2011:* Four (4) letter notices for the Planning and Zoning Commission and City Council public hearing were sent to property owners within 300 feet of the subject tract

*March 15, 2011:* Planning and Zoning Commission public hearing  
*March 24, 2011:* Public notice of the City Council public hearing published in the Hill  
Country News  
*April 14, 2011:* City Council 1<sup>st</sup> reading and public hearing

**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 2.668 ACRES FROM GENERAL RETAIL (GR) TO GENERAL OFFICE (GO), FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF EAST WHITESTONE BOULEVARD AND DISCOVERY BOULEVARD, IN WILLIAMSON COUNTY. (Z-11-002); 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 2.688 acres to General Office (GO) 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 14<sup>th</sup> day of April, 2011, 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 \_\_\_\_\_, 2011, 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

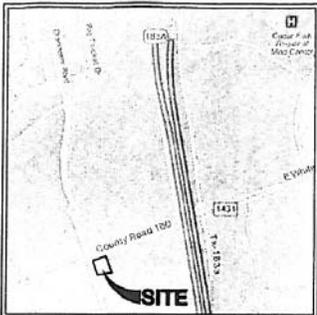
ATTEST:

\_\_\_\_\_  
Robert S. Lemon, Mayor

\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

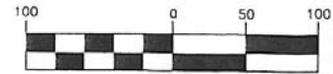
\_\_\_\_\_  
Charles W. Rowland, City Attorney



**DEED/PLAT REFERENCE**

DR DEED RECORDS OF WILLIAMSON COUNTY, TEXAS  
 PR PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS  
 OPR OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS

( IN FEET )  
 1 inch = 100 ft.



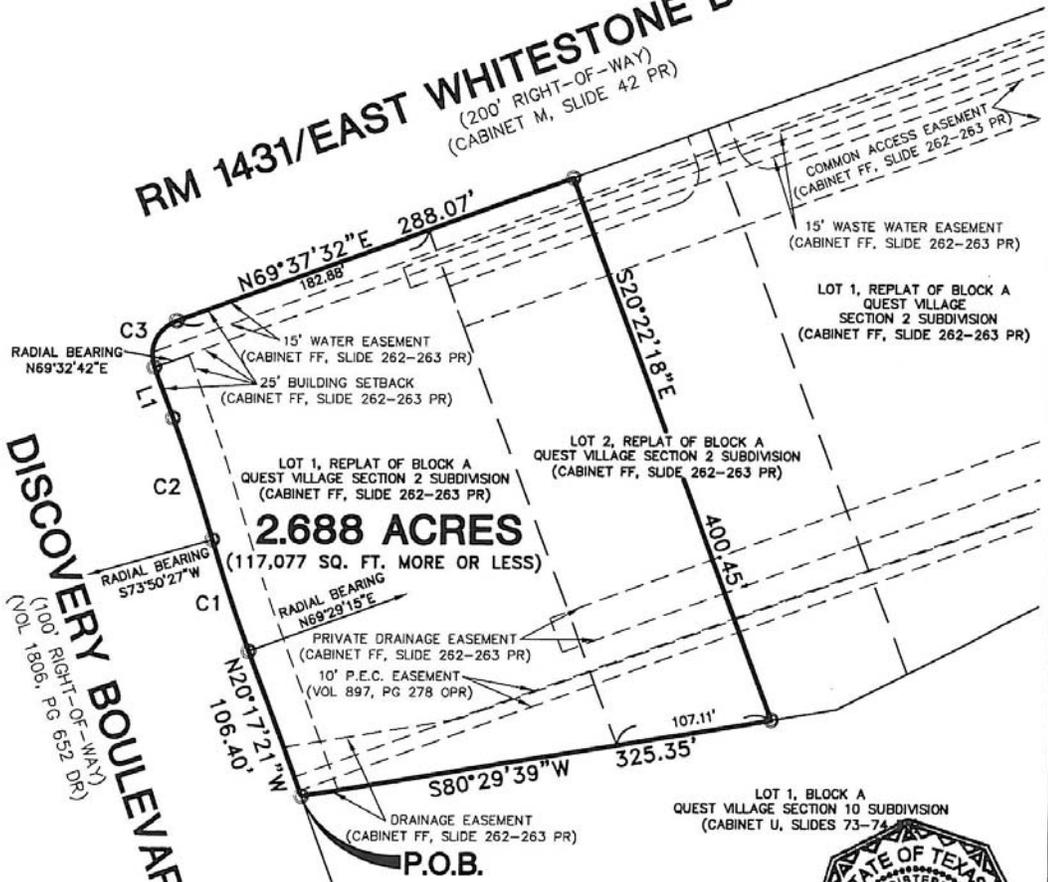
CURVE TABLE					
CURVE	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD DISTANCE	CURVE LENGTH
C1	1117.67	4°10'09"	N 18°25'41" W	81.31'	81.33'
C2	1217.72	4°10'57"	N 18°15'01" W	88.87'	88.89'
C3	25.22	90°00'41"	N 24°33'02" E	35.67'	39.62'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 20°16'35" W	37.37'



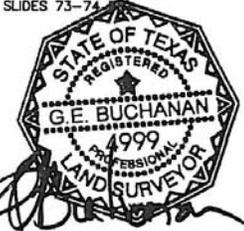
**RM 1431/EAST WHITESTONE BOULEVARD**  
 (200' RIGHT-OF-WAY)  
 (CABINET M, SLIDE 42 PR)

**DISCOVERY BOULEVARD**  
 (100' RIGHT-OF-WAY)  
 (VOL. 1806, P. 3, G. 55-52 DR)



**2.688 ACRES**  
 (117,077 SQ. FT. MORE OR LESS)

**ZONING EXHIBIT OF**  
 A 2.688 ACRES OR 117,077 SQUARE FEET MORE OR LESS TRACT OF LAND, BEING ALL OF LOT 1 AND A PORTION OF LOT 2, BLOCK A OF THE REPLAT OF BLOCK "A" QUEST VILLAGE, SECTION 2 SUBDIVISION RECORDED IN CABINET FF, SLIDE 262-263 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS



**PAPE-DAWSON ENGINEERS**

Date: Jan. 28, 2011, 7:57am, User: 660urkhenan  
 File: H:\AUSTIN SURVEY\050723-00\CABINET.dwg

Copyright © 2011 Pape-Dawson Engineers, Inc. All Rights Reserved.

DATE: JANUARY 26 2011

JOB No.: 50723-00

**EXHIBIT A**



LAND DEVELOPMENT ENVIRONMENTAL TRANSPORTATION WATER RESOURCES SURVEYING

FIELD NOTES  
FOR  
ZONING EXHIBIT

A 2.688 acres or 117,077 square feet more or less tract of land, being all of Lot 1, Block A and a portion of Lot 2, Block A of the Replat of Block "A" of Quest Village, Section 2 Subdivision recorded in Cabinet FF, Slide 262-263 of the Plat Records of Williamson County, Texas. Said 2.688 acres tract being more fully described as follows, with bearings based on the north line of said Lot 1, Block "A":

**BEGINNING:** At a point, the southwest corner of said Lot 1, the northwest corner of Lot 1, Block A of the Quest Village Section 10 Subdivision recorded in Cabinet U, Slides 73-74 of the Plat Records of Williamson County, Texas, the east right-of-way line of Discovery Boulevard, a 100-foot right-of-way recorded in Volume 1806, Page 652 of Deed Records of Williamson County, Texas and the southwest corner of the tract herein described;

**THENCE:** Along and with the west line of Lot 1 of said Replat of Block "A" of Quest Village, Section 2 Subdivision and the east right-of-way line of said Discovery Boulevard, the following calls and distances:

N 20°17'21" W, a distance of 106.40 feet to a point;

Northwesterly, along a non-tangent curve to the right, said curve having a radial bearing of N 69°29'15" E, a radius of 1117.67 feet, a central angle of 04°10'09", a chord bearing and distance of N 18°25'41" W, 81.31 feet and an arc length of 81.33 feet to a point;

Northwesterly, along a non-tangent curve to the left, said curve having a radial bearing of S 73°50'27" W, a radius of 1217.72 feet, a central angle of 04°10'57", a chord bearing and distance of N 18°15'01" W, 88.87 feet and an arc length of 88.89 feet to a point;

N 20°16'35" W, a distance of 37.37 feet to a point;

Northeasterly, along a non-tangent curve to the right, said curve having a radial bearing of N 69°32'42" E, a radius of 25.22 feet, a central angle of 90°00'41", a chord bearing and distance of N 24°33'02" E, 35.67 feet and an arc length of 39.62 feet to a point, the intersection of Discovery Boulevard and the south right-of-way line of RM 1431/East Whitestone Boulevard, a 200-foot right-of-way recorded in Cabinet M, Slide 42 of the Plat Records of Williamson County, Texas;

- THENCE: N 69°37'32" E, along and with the south right-of-way line of said RM 1431/East Whitestone Boulevard and the north line of Lot 1 of said Replat of Block "A" of Quest Village, Section 2 Subdivision, at a distance of 182.88 feet passing the northeast corner of Lot 1 of said Replat of Block "A" of Quest Village, Section 2 Subdivision and the northwest corner of said Lot 2, continuing a total distance of 288.07 feet to a point;
- THENCE: S 20°22'18" E, departing the south right-of-way line of said RM 1431/East Whitestone Boulevard, over and across said Lot 2, a distance of 400.45 feet to a point in the south line of said Lot 2 and the north line of Lot 1, Block A of said Quest Village Section 10 Subdivision;
- THENCE: S 80°29'39" W, along and with the north line of Lot 1, Block A of said Quest Village Section 10 Subdivision and the south line of said Lot 2, at a distance of 107.11 feet passing the southwest corner of said Lot 2 and the southeast corner of Lot 1 of said Replat of Block "A" of Quest Village, Section 2 Subdivision, continuing along the south line of Lot 1 of said Replat of Block "A" of Quest Village, Section 2 Subdivision, a total distance of 325.35 feet to the POINT OF BEGINNING and containing 2.688 acres in Williamson County, Texas. Said tract being described in accordance with an exhibit prepared by Pape-Dawson Engineers, Inc..

"This document was prepared under 22TAC663.21, 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."

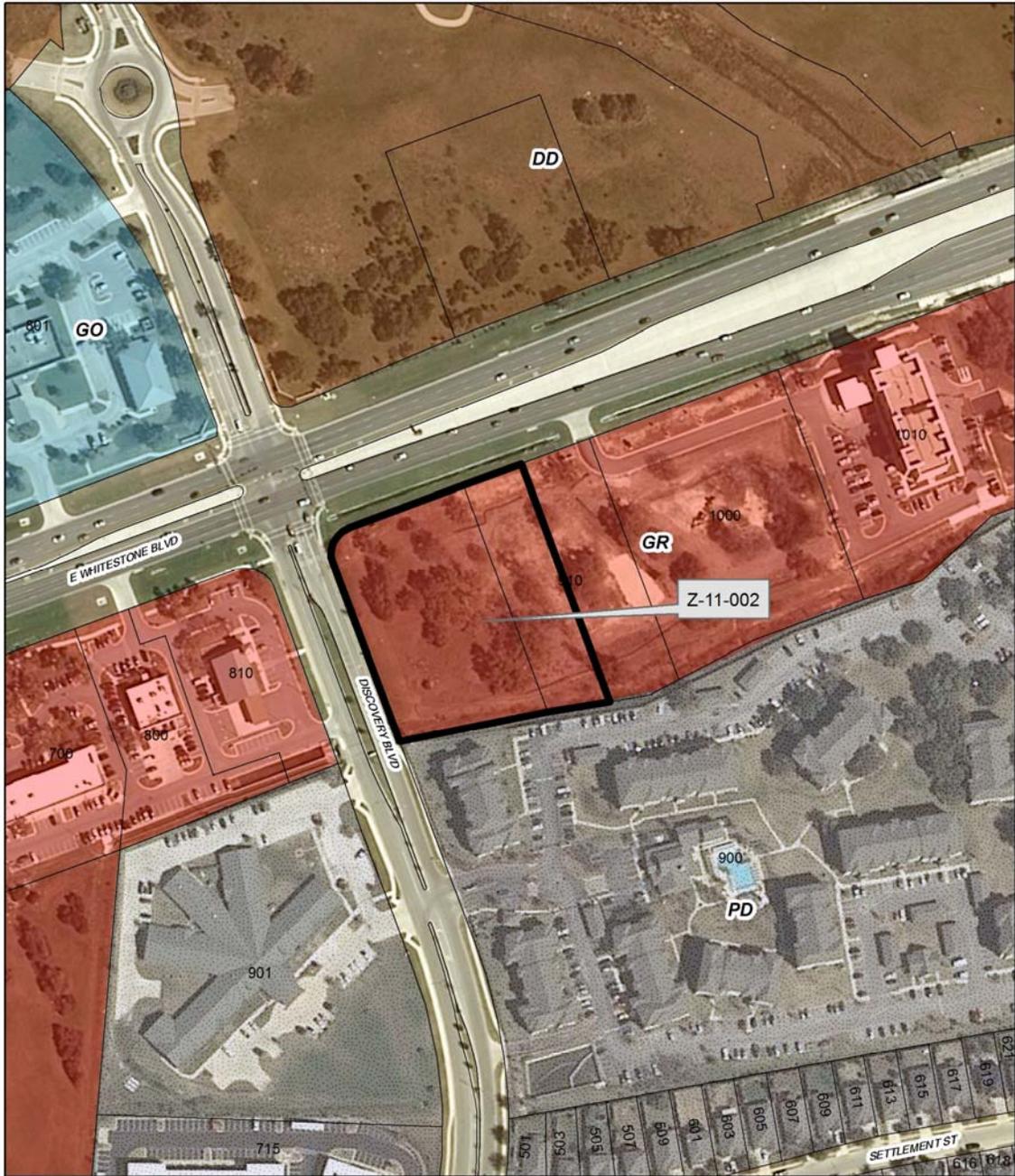
PREPARED BY: Pape-Dawson Engineers, Inc.  
DATE: January 26, 2011  
JOB NO. 50723-00  
DOC. ID. H:\AUSTIN SURVEY\CIVIL\50723-00\50723-00FN.doc  
TBPE Firm Registration #470  
TBPLS Firm Registration #100288-00



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**PAPE-DAWSON  
ENGINEERS**

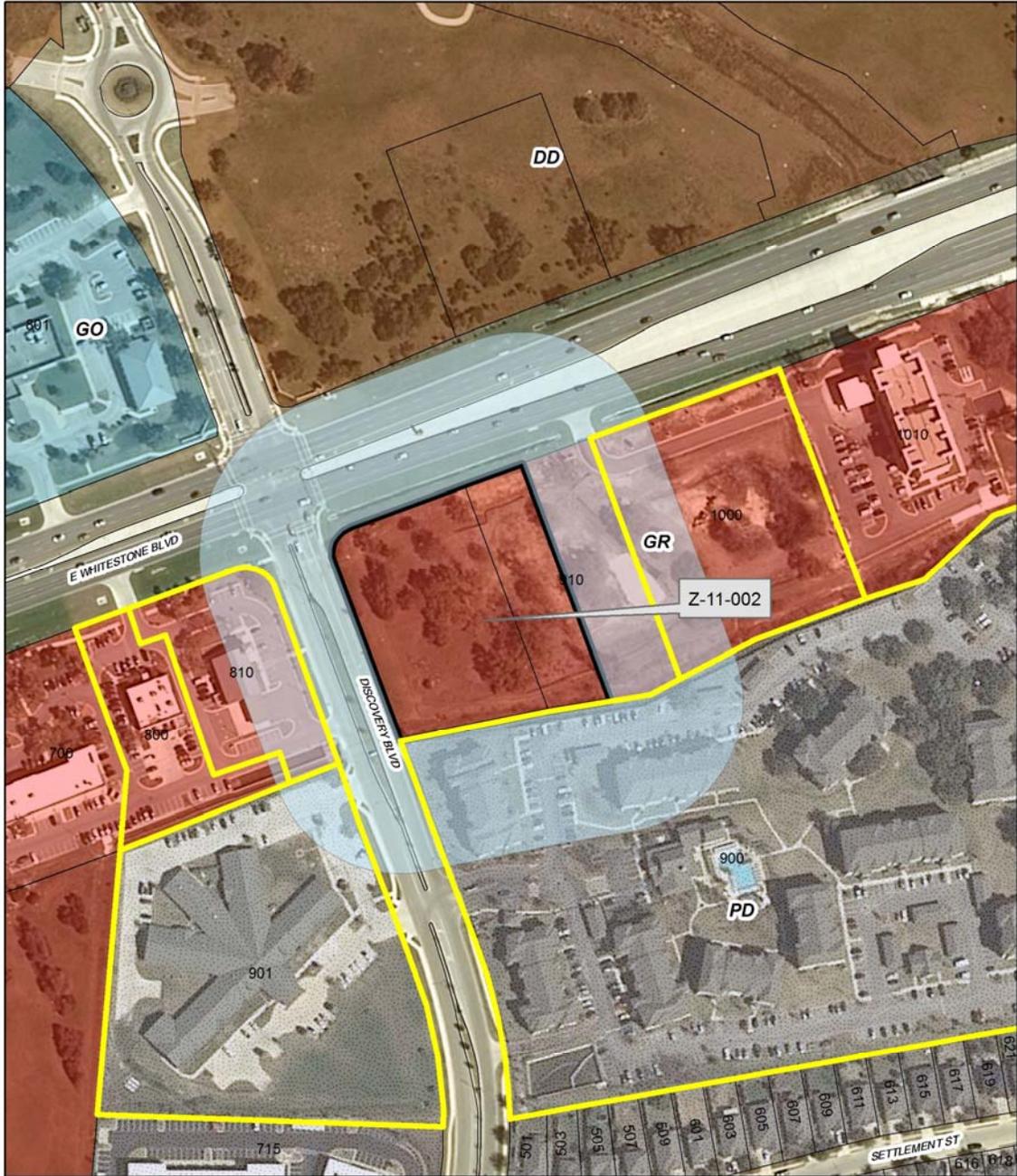
**EXHIBIT A**



**Z-11-002**



**EXHIBIT B**



**Z-11-002**



**NOTIFICATION AREA**

March 15, 2011	<i>Planning and Zoning Commission</i>	<b>Item: 8C and 9C</b>
Zoning	<b>LADA One, Ltd.</b>	
<b>Case Number: Z-11-002</b>		

**OWNER/APPLICANT:** LADA One, Ltd.

**AGENT:** Jim Huffcutt, Pape-Dawson Engineers, Inc.

**STAFF:** Emily Barron, 401-5054, [emily.barron@cedarparktx.us](mailto:emily.barron@cedarparktx.us)

**LOCATION:** Southeast corner of East Whitestone Boulevard and Discovery Boulevard

**COUNTY:** Williamson County

**AREA:** 2.688 acres

**EXISTING ZONING:** Genera Retail (GR)

**PROPOSED ZONING:** General Office (GO)

**STAFF RECOMMENDATION:** General Office (GO)

**FUTURE LAND USE PLAN EXISTING:** Regional Office/Retail/Commercial

**FUTURE LAND USE PLAN PROPOSED:** Regional Office/Retail/Commercial

**SUMMARY OF APPLICANT'S REQUEST:**

The applicant's request is to rezone approximately 2.688 acres from General Retail (GR) to General Office (GO) for property located at the southeast corner of East Whitestone Boulevard and Discovery Boulevard.

*SITE:*



**SURROUNDING LAND USES:**

*North: East Whitestone Boulevard and Downtown District (DD):*



*South: PD, Multi Family:*



*East: Vacant GR, Hotel to far east:*



*West: Discovery Boulevard, General Retail (GR):*



**PURPOSE OF REQUESTED ZONING DISTRICTS:**

The General Office District, GO, is established to provide for office buildings and businesses that support large office complexes. This district permits uses that serve the community as a whole and provides regional employment opportunities. This district should be located between activity nodes along arterial roadways; it can also provide for transitional land uses between neighborhoods and more intensive commercial and regional activities.

**COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:**

The Future Land Use Plan identifies the subject area as suitable for Regional Office/Retail/Commercial, with compatible zoning districts of General Office (GO), General Retail (GR) and Mixed Use (MU).

The applicant's request for the General Office (GO) zoning district complies with the Future Land Use Plan and is consistent with the goals and purposes set forth in the Comprehensive Plan.

**SITE INFORMATION:**

*Corridor Overlay:*

East Whitestone Boulevard is a corridor roadway.

*Transportation:*

East Whitestone Boulevard is classified as an arterial roadway with a traffic volume of approximately 34,942 daily trips.

Discovery Boulevard is classified as a collector roadway.

*Subdivision:*

This property is part of Quest Village Section 2 subdivision.

*Setback Requirements:*

Front Setback	25'
Side Setback	12'
Rear Setback	5'

*Architectural Requirements:*

This site is subject to the corridor overlay requiring 75% masonry.

**STAFF ANALYSIS:**

The applicant's request to rezone the property to General Office (GO) and is consistent with the goals of the Comprehensive Plan as outlined below:

- 4.1.6 Economic Development Goals – 1) 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; 2) Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment which supports existing businesses. 3) Attract commercial development to Cedar Park in order to reduce tax burden on residential property.

The applicant's request supports the goals of the Comprehensive Plan and is consistent with the Future Land Use Plan as well as the purpose statement of the General Office (GO) district.

The following uses are permitted in the GO district:

Administrative offices	Professional offices
Ambulatory surgery center	Public buildings
Art gallery	Personal improvement services
Automated teller machine	Retail gift store
Banks	Software development
College or university	Vocational or trade school
Communication services	
Convalescent nursing home	
Day care center, adult	
Day care center, child	
Day care center, incidental	
Drug Store	
Dry cleaning and/or laundry, on-site plant	
Extended care facilities, nursing home	
Medical offices	
Medical or dental clinics	
Medical, surgical, and dental supply houses	
Places of worship	

**STAFF RECOMMENDATION:**

Staff recommends rezoning this property from General Retail (GR) to General Office (GO).

**PUBLIC NOTICE:** March 3, 2011 Hill Country News; Notices were mailed to the 4 property owners within 300' of the subject tract

**PUBLIC INPUT:** Staff received no inquiries at the time of publication of this report

**PROPOSED CITY COUNCIL HEARINGS:** April 14, 2011 ~ 1<sup>ST</sup> Reading  
April 28, 2011 ~ 2<sup>ND</sup> Reading



## CITY COUNCIL AGENDA

Date:4-14-2011

Subject: Agenda Item No. E.4  
**Z-11-003 First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 10 Acres Of Land Located At 1775 East Whitestone Boulevard, In Williamson County, Texas. The Planning And Zoning Commission Voted 5-0 To Recommend Approval Of General Retail (GR) For This Tract.**

### Commentary:

The purpose of this agenda item is to consider assigning original zoning of General Retail (GR) to approximately 10 acres located at 1775 East Whitestone Boulevard.

### Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 5-0 to approve the request.

In favor: Jon Lux, Lorena Echeverria, Nicholas Kauffman, Alan Yore, and Thomas Balestiere

Opposed: None

Absent: Stephen Thomas and Sandy Trujillo

### Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on March 15, 2011. No public testimony was received.

### Background:

Owner: Victory Baptist Church

Please see attached Planning & Zoning Commission Report for details.

### Public Information Plan:

*March 3, 2011:* Public notice of the Planning and Zoning Commission public hearing published in the Hill Country News.

*March 4, 2011:* Fifteen (15) letter notices for the Planning and Zoning Commission and City Council public hearing were sent to property owners within 300 feet of the subject tract

*March 15, 2011:* Planning and Zoning Commission public hearing

*March 24, 2011:* Public notice of the City Council public hearing published in the Hill Country News

*April 14, 2011:* City Council 1<sup>st</sup> reading and public hearing

**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 ASSIGN ORIGINAL ZONING OF GENERAL RETAIL (GR) TO APPROXIMATELY 10 ACRES OF LAND LOCATED AT 1775 EAST WHITESTONE BOULEVARD, IN WILLIAMSON COUNTY. (Z-11-003); 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 assign original zoning of General Retail (GR) to approximately 10 acres 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 14<sup>th</sup> day of April, 2011, 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 \_\_\_\_\_, 2011, 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

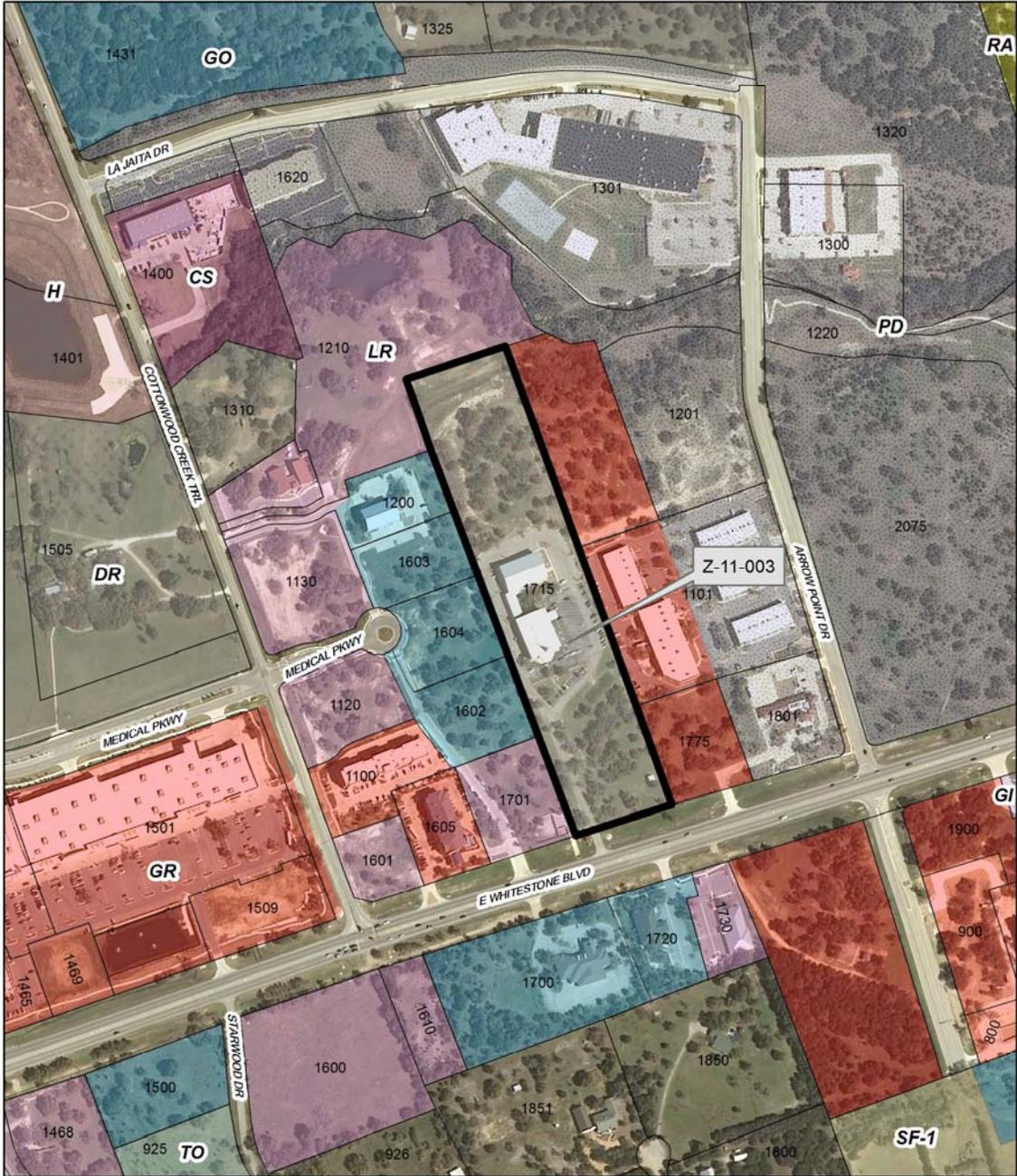
\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
Charles W. Rowland, City Attorney

BEING 10 ACRES OUT O THE WILLIAM S. PARKER SURVEY, A-9, IN THE OFFICIAL  
PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.

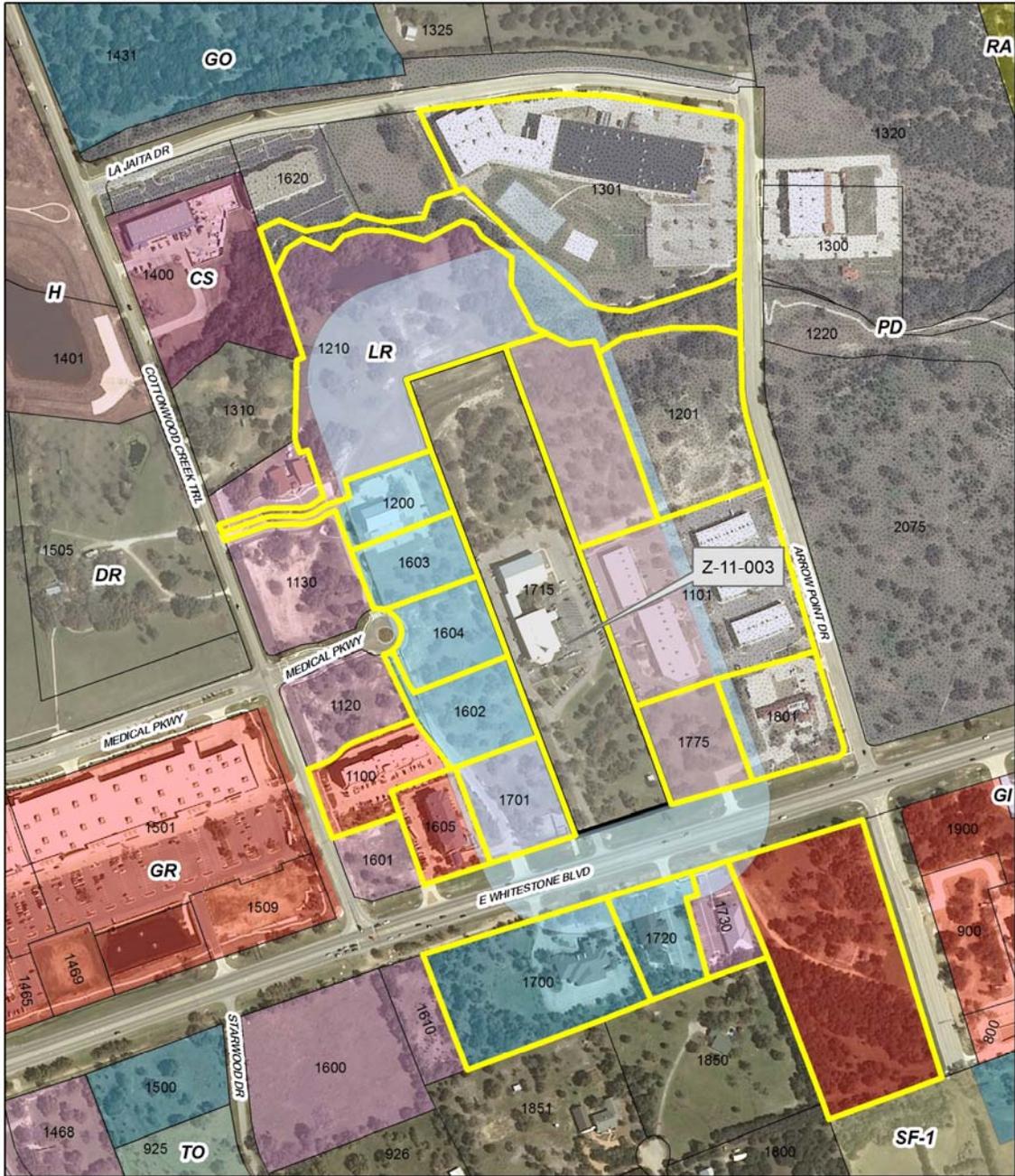
**EXHIBIT A**



**Z-11-003**



**EXHIBIT B**



**Z-11-003**



**NOTIFICATION AREA**

March 15, 2011 Zoning	<i>Planning and Zoning Commission</i> <b>Victory Baptist Church</b>	<b>Item:</b> 8D & 9D
<b>Case Number: # Z-11-003</b>		

Owner: **Victory Baptist Church**

Agent: **Brent Hammond, Austin Civil Engineering**

STAFF: **Amy Link, 401-5056, [amy.link@cedarparktx.us](mailto:amy.link@cedarparktx.us)**

LOCATION: **1775 E. Whitestone Boulevard**

COUNTY: **Williamson**

AREA: **10 acres**

---

**EXISTING ZONING:** Development Reserve (DR)

**PROPOSED ZONING:** General Retail (GR)

**STAFF RECOMMENDATION:** General Retail (GR)

---

**EXISTING FUTURE LAND USE DESIGNATION:** Institutional/Public/Utility

---

**SUMMARY OF REQUEST:**

The applicant is requesting to assign original zoning of General Retail (GR) to 10 acres of property located on the north side of E. Whitestone Boulevard, between Arrow Point Drive and Cottonwood Creek Trail.

**EXISTING SITE:**



**SURROUNDING LAND USES:**

North: Local Retail, undeveloped



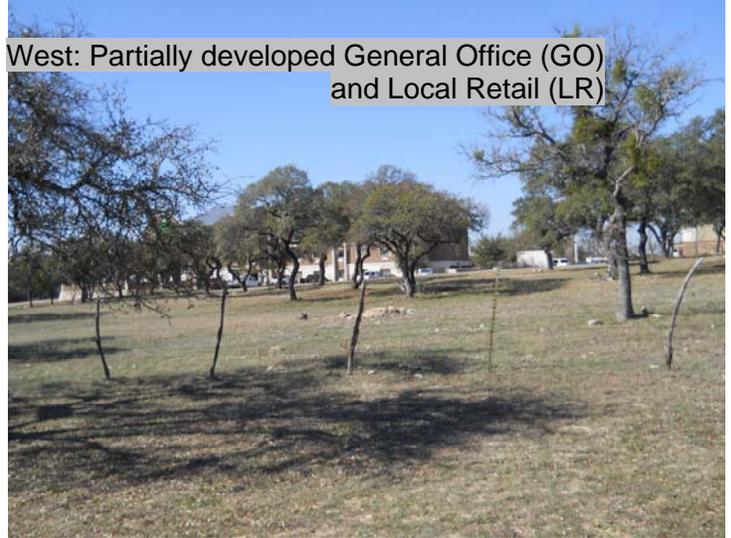
South: East Whitestone Boulevard



East: Partially developed General Retail (GR)



West: Partially developed General Office (GO) and Local Retail (LR)



**PURPOSE OF REQUESTED ZONING DISTRICTS:**

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.

**Permitted uses of the GR district:**

Accessory structures	Civic clubs and fraternal organizations	Furniture store
Administrative offices	Commercial parking lots	Gasoline service stations, general
Art galleries with retail sales	Community center	Gasoline service stations, limited
Art gallery	Consumer repair shop (including bicycles)	Golf, amusement
Automated teller machines	Convenience store	Hardware stores
Automobile parts and accessories sales	Day care center, adult	Home improvement center (with portable building sales as an accessory use only)
Automobile sales, new	Day care center, child	Hotel
Automobile sales, used	Day care center, incidental	Hotel, extended stay
Automotive repair shop	Drugstores	Indoor sports and recreation
Automotive tire stores	Dry cleaning and/or laundry, on-site	Instant print copy services
Bakery, retail	Equipment rental, sales, service and/or repair	Landscape nursery and supply store, retail
Banks (with or without drive-through facilities)	Food sales, general	
Bar, cocktail lounge	Food sales, limited	
Bed and Breakfast	Funeral home	
Car washes, all types		

Laundromat  
Liquor store  
Medical offices  
Motel  
Movie and music rentals,  
sales  
Nonprofit seasonal  
fundraisers  
Office/showrooms  
Office/warehouse  
Personal improvement  
services  
Personal services, general  
Pet grooming  
Places of worship  
Private schools  
(Accredited only, with  
curriculum equivalent to  
public elementary or  
secondary schools)  
Professional offices  
Public buildings, uses  
Reception hall  
Rental libraries for sound  
and video recordings  
Research and  
development activities (as  
it pertains to software only)  
Restaurant, general  
Retail gift store  
Retail stores  
Software development  
Software sales, computer  
hardware sales  
Special events (see  
Chapter 6, Article 6.03)  
Studios/art studio, dance,  
music, drama, gymnastics,  
photography, interior  
design  
Temporary buildings  
Theaters, indoor  
Theaters, outdoor  
Transit station  
Utility services, general  
Veterinary services  
Vocational or trade school  
Wireless  
telecommunication  
facilities

**COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:**

The Future Land Use Plan identifies the subject area as suitable for Institutional/Public/Utility land uses, with any zoning district being compatible with the designation.

The subject tract is the existing site for Victory Baptist Church and the applicant's request complies with the Future Land Use Plan.

The request is also consistent with the following goals set forth in 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.
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.
- Remain focused on long-term goals of building an economically, socially, and ecologically sustainable city within a regional context.

**4.2.4 Redevelopment Goal:**

- Prepare for future commercial redevelopment and encourage redevelopment where possible.

**SITE INFORMATION:**

***Corridor Overlay:***

This tract is located within the Corridor Overlay.

***Transportation:***

East Whitestone Boulevard is classified as a 4 lane divided major arterial adjacent to the tract.

***Water and Wastewater Utilities:***

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

***Subdivision:***

A subdivision application is currently under review for this tract.

***Setback Requirements:***

**Front Setback**

**General Retail (GR)**

**25'**

<b>Side Setback</b>	12'
<b>Rear Setback</b>	5'

***Architectural Requirements:***

Within the Corridor Overlay, 75% masonry construction is required. The General Retail District requires a minimum 50% masonry construction.

**STAFF COMMENTARY:**

This tract was originally annexed into the City in 1997. Since that time, the tract has retained a Development Reserve designation. The church is currently in the process of platting their property. The City's Zoning Ordinance states that "The Planning and Zoning Commission...shall not approve any plat of any subdivision within the city limits...until the area covered by the proposed plat shall have been assigned original zoning..." As a result of this requirement, the church is requesting original zoning of the tract.

The applicant's request for GR zoning is consistent with the surrounding land uses. In addition, the proposal meets the purpose statement of the requested district and supports the economic development and redevelopment goals of the Comprehensive Plan.

**STAFF RECOMMENDATION:**

Staff recommends approval of the applicant's request to assign original zoning of General Retail (GR) to the subject 10 acre tract.

**PUBLIC INPUT:** To date, no public comments have been received.

**PUBLIC NOTIFICATION:** Hill Country News, March 3, 2011  
15 letter notices were sent to property owners within the 300' buffer

**PROPOSED CITY COUNCIL HEARINGS:** (April 14, 2011) 1<sup>ST</sup> Reading  
(April 28, 2011) 2<sup>ND</sup> Reading



**CITY COUNCIL AGENDA**

Date:4-14-2011

Subject: Agenda Item No. F.0

**Discussion And Possible Action:**

**Commentary:**



**CITY COUNCIL AGENDA**

Date:4-14-2011

Subject:           Agenda Item No. F.1  
**Update On The 2010 Census And Texas Department Of Transportation Notification  
Of City's Intention To Challenge Census.**

**Commentary:**



# Cedar Park Census 2010

Cedar Park City Council Meeting  
Thursday, April 14, 2011  
Jose R. Madrigal, Assistant City Manager





# Cedar Park Population

- Texas Department of Transportation
  - Notification of City's Intention to Challenge Census by 4/15/2011
- Census 2010 Population: 48,937
- City of Cedar Park Population Estimate: 54,279
  - Population Configured Using:
    - Building Permit Information
    - Number of Lots X 3.1 Multiplier
    - Assume Vacancy Rate of 3%





## Reviewing Population Estimates

- Dennis Harner , Ph.D. Owner of Harner and Associates
  - Education:
    - Ph.D. in Geography , The University of Texas
    - M.A. in Geography, The University of Missouri
    - B.A. in Geography, Southern Methodist University
  - Work Experience:
    - 35 Years of Demographics Experience
    - Variety of Texas School Districts
      - Abilene, Andrews, Anna, Bastrop, Brazosport, Borger, Burleson, Carroll, Carrollton-Farmers Branch, Cleburne, Comal, Corpus Christi, Dallas, Deer Park, DeKalb, Del Valle, Devine, Duncanville, Eanes, Edgewood, Ennis, Everman, Fredricksburg, Fort Worth, Garland, Grapevine-Colleyville, Grand Prairie, Hays, Highland Park, Hooks, Huffman, Hurst-Euless- Bedford, Irving, Keller, Kenedy, Liberty Hill, Lamar, Llano, Lockhart, Lubbock, Lytle, Manor, McAllen, Melissa, Midlothian, New Braunfels, Northwest, Palestine, Plano, Premont, Princeton, Red Oak, Ramirez, Rock Springs, Rockwall, Round Rock, Royse City, San Angelo, San Antonio, Schertz-Cibolo-Universal City, Sherman, Snyder, Spring Branch, Southwest, Temple, Troy, Victoria, Weatherford, Wichita Falls





## What We Found

- **Discrepancy - 2,200 Housing Units Omitted in Census Calculations**
  - Planning staff checked each Census block against aerial photos
  - City of Cedar Park population of 54,279 is accurate
  
- **Dennis Harner, Ph.D. Assessment**
  - “City used reasonable estimates of persons per housing unit and occupancy rates. The methodology staff uses for tracking housing development is very accurate and reliable.”
  - “If the City chooses to challenge, it will be required to prove that some housing units in some blocks were not included. The necessary documentation appears to be considerable. “



## Conclusion

United States<sup>®</sup>  
**Census  
2010**

- **Challenge 2010 Census Results:**
  - Census Count Question Resolution Program - 6/1/11
  - Notified that process could necessitate legal representation
  - Staff recommends beginning the challenge process
  - Should legal representation be necessary staff will update the Council for consideration and input
- **Notify Texas Department of Transportation on City's Intent to Challenge**



## CITY COUNCIL AGENDA

Date:4-14-2011

Subject: Agenda Item No. F.2  
**Consideration To Approve A Resolution Authorizing Up To \$105,000 Of Park Ordinance Funds For Neighborhood Park Improvements.**

### **Commentary:**

The Park Ordinance Account is funded by developers of residential subdivisions that contribute cash in lieu of parkland. The funds are required by the Parkland Dedication Ordinance to be used within five years. The Park Ordinance account has \$129,208.17 required to be expended this year.

During the months of February and March, Parks and Recreation Department staff evaluated, prioritized and estimated improvement costs for 22 neighborhood parks. The updated rankings and cost estimates for the neighborhood parks are provided on the next page. Recommended improvement projects for this year include Heppner Bend, Goldfinch, Carriage Hills 5, Carriage Hills 2, Oakmont Forest and William T. Laws.

At the March 14<sup>th</sup> meeting, the Parks Advisory Board voted unanimously to recommend Council approval of \$105,000 from Park Ordinance funds for 2011 Neighborhood Park Improvement Projects.

Staff respectfully requests the authorization of these funds for this use.

### **Fiscal Impact**

Account No.:  
505-50-35-6300

### **Budget**

Budget/Expended:  
\$129,208.17 / \$105,000

### **Associated Information:**

<u>RANK</u>	<u>NAME OF PARK</u>	<u>ADDRESS</u>	<u>SCHEDULE</u>	<u>ESTIMATE</u>
1	HEPPNER BEND	1208 Heppner Bend	FY 2011	\$30,000
2	GOLDFINCH	2503 Goldfinch	FY 2011	\$25,000
3	CARRIAGE HILLS 5	1801 Lakeline	FY 2011	\$15,000
4	CARRIAGE HILLS 2	1600 Country Squire	FY 2011	\$10,000
5	OAKMONT FOREST	1414 Colby	FY 2011	\$20,000
6	WILLIAM T LAWS	1200 N. Lakeline	FY 2011	\$5,000
<b>TOTAL FY11</b>				<b>\$105,000</b>
6	WILLIAM T LAWS	1200 N. Lakeline	FY 2012	\$25,000
7	BUTTERCUP CREEK	411 Twin Oaks	FY 2012	\$85,000
8	CHIMNEY SWIFT	2900 Chimney Swift	FY 2012	\$15,000
9	LONE TREE	2500 Stapleford	FY 2012	\$30,000
10	CARRIAGE HILLS 1	1613 Carriage Hills	FY 2012	\$85,000
11	QUEST VILLAGE	614 Stallion	FY 2012	\$85,000
<b>TOTAL FY12</b>				<b>\$325,000</b>
12	DAYNA LAWSON	1205 Comfort	FY 2013	\$15,000
13	GANN RANCH	2000 Cougar Country	FY 2013	\$20,000
14	PARK PLACE	101 Vale	FY 2013	\$20,000
15	PRIZE OAKS	1407 Cedar Park	FY 2013	\$15,000
16	RACHEL RIDGE	2003 Rachel Ridge	FY 2013	\$25,000
<b>TOTAL FY13</b>				<b>\$95,000</b>
<b>TOTAL FY2011 - FY2013</b>				<b>\$525,000</b>
17	HERITAGE PARK	1110 Heritage Park	IN PROGRESS	\$20,000
18	CREEKSIDE	1100 Buttercup Creek	IN PROGRESS	\$60,000
19	WILDROSE	700 Cluck Creek	IN PROGRESS	\$40,000
20	FOREST OAKS	521 Lynwood	COMPLETE	\$20,000
21	OAKWOOD GLEN	2600 Oakwood Glen	COMPLETE	\$20,000
22	NELSON RANCH	905 Nelson Ranch	COMPLETE	\$25,000
				<b>\$185,000</b>

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING THE EXPENTITURE OF UP TO \$105,000 IN PARK ORDINANCE FUNDS FOR NEIGHBORHOOD PARK IMPROVEMENTS; 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 Park Ordinance account has \$129,208.17 available and required by ordinance to be spent this year; and

WHEREAS, the Parks and Recreation staff evaluated 22 neighborhood parks and has generated a priority ranking among those parks; and

WHEREAS, the Parks Advisory Board has recommended at their March meeting to recommend the requested improvements for Heppner Bend, Goldfinch, Carriage Hills 5, Carriage Hills 2, Oakmont Forest and William T. Laws parks.

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

SECTION 1. The City Council hereby authorized the expenditure of up to \$105,000 for neighborhood park improvements.

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 14th day of April, 2011.

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:4-14-2011

Subject: Agenda Item No. F.3

### **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. (Powell)**

#### **Commentary:**

The International Council of Shopping Centers (ICSC) Annual Conference, referred to as "RECON" The Global Real Estate Convention will be held in Las Vegas, May 22 – May 25, 2011.

It is the largest retail real estate convention in the world with over 50,000 developers, retailers and lenders typically attending. In addition to the networking and marketing opportunities available in the Leasing Mall (over 1,300 exhibitors) there are valuable educational sessions covering retail trends, design and construction trends and deal making.

The deadline for pre-registration is April 29, 2011.

Councilmember Powell has attended the event in the past and has expressed an interest in participating this year.



## CITY COUNCIL AGENDA

Date:4-14-2011

Subject: Agenda Item No. F.4

### **Consideration To Approve A Resolution Designating The Cedar Park Citizen As The Official Newspaper Of The City Of Cedar Park.**

#### **Commentary:**

A Request for Quotation was electronically sent to newspapers distributed in the City of Cedar Park and Williamson County. Two responses were received; one from the Hill Country News and one from the Cedar Park Citizen.

The companies' proposals both included; public service announcements, affidavits and tear sheets, or website posting of ads for no charge. Both newspapers have a similar distribution; approximately 58% of the population or 14,800 per week. Both publish ads to their website the same day the print ad breaks.

The main difference between the two papers is cost. Hill Country News is 40% more than Cedar Park Citizen, therefore the lower cost paper received 100% of the points available for total cost and the higher cost paper received 60% of the points available. Tabulation is attached.

The selection of the City's Official Newspaper is primarily guided by the City's Charter (Section 11.03). As a Home Rule City, Cedar Park is not required by state code to select a "Newspaper of Record" which is required of General Law Cities. However, in some instances the City's publications must comply with rules set out in Chapter 2051.044 of the Government Code. Specifically, if "the general law or special law requiring or authorizing the publication of notice in a newspaper by a governmental entity or representative does not specify the manner of publication, including the number of times the notice is required to be published and the period during which the notice is required to be published" then the newspaper in which a notice is published must among other things "be entered as second-class postal matter in the county where published". This requirement refers to a type of permit issued by the US Postal Service for subscription based periodicals which meet certain other criteria. A vast majority of the notices published by the City do not fall under this requirement. However, because it is possible that some notices may in the future be governed by the statute, we find it necessary to ensure compliance with this statute.

During the evaluation process of the RFQ, we discovered that neither the Hill Country News or the Cedar Park Citizen hold the second class postal permit. However, both papers have access to a permit under separate names and are willing to publish all advertisements in both papers.

Specifically, Hill Country News operates a subscription paper under the name Hill Country News Weekender with a distribution of approximately 723 papers per week. The Cedar Park Citizen's sister paper the Round Rock Leader also holds a permit and has a distribution of approximately 7,000.

Because the Cedar Park Citizen provides the best value financially for the City as well as the largest distribution when both papers are considered, staff recommends designation of the Cedar Park Citizen the City's Official Newspaper.

All documentation involving this quotation is available for review in Purchasing located in the Finance department.

**Fiscal Impact**

Expenditures are estimated to be \$48,940 per year, based on the average for the past four years.

**Budget**

Budget/Expended:

**Associated Information:**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, DESIGNATING THE CEDAR PARK CITIZEN AS THE OFFICIAL NEWSPAPER OF THE CITY OF CEDAR PARK; FINIDNG AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Cedar Park Charter Article XI, General Provisions, Section 11.03, Official Newspaper reads, "The City Council shall contract annually with, and by resolution designate, a public newspaper of general circulation in the City as official newspaper thereof, and to continue as such another is designated, and shall cause to be published therein all ordinances, notices and other matter required by this Charter, by the ordinances of the city, or by the Constitution and/or laws of the State of Texas to be published.";and

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

SECTION 1. Hereby the Council designates the Cedar Park Citizen as the official newspaper of the City of Cedar Park.

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 14th day of April, 2011.

CITY OF CEDAR PARK, TEXAS

ATTEST:

\_\_\_\_\_  
Robert S. Lemon, Mayor

\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

Tabulation RFQ #11-001-211

<u>Criteria</u>	<u>Points</u>	<u>Max Pts</u>	Hill Country News	Cedar Park Citizen
Total Cost	0-50	50	30	50
Is the paper published at least weekly?	Yes=Continue with tab No=Disqualified	0	Y	Y
Will twenty no charge subscriptions will be provided to the City?	Yes=Continue with tab No=Disqualified	0	Y	Y
What percentage of the 25,600 Cedar Park and Extra Territorial Jurisdiction (ETJ) households receive your paper at least weekly?	100%=35 90-99%=30 70-89%=20 50-69%=10	35	10	10
How many columns are published per page?	6 per page=5 7 per page=4 8 per page=3 9 per page=2 10 per page=1	5	2	5
When are public notices posted to your website?	Same day as pub=5 1 day +/- =4 more than 1 day +/- =2 no website=0	5	5	5
How many clicks does it take to get to public notices from your website's home page?	1 click = 5 2 clicks = 3 3 or more clicks = 0	5	3	5
Total		100	50	75



**CITY COUNCIL AGENDA**

Date:4-14-2011

Subject:           Agenda Item No. F.5  
**Update On The State Emergency Communications And Regional Impact From  
Legislative Session. (Fuller)**

**Commentary:**



**CITY COUNCIL AGENDA**

Date:4-14-2011

Subject: Agenda Item No. F.6  
**Update On The Brushy Creek Regional Utility Authority (" BCRUA ") Project And  
Activities. (Fuller)**

**Commentary:**



**CITY COUNCIL AGENDA**

Date:4-14-2011

Subject: Agenda Item No. G.0  
**Executive Session**



**CITY COUNCIL AGENDA**

Date:4-14-2011

Subject: Agenda Item No. G.1

**Section 551.071 (1) Consultation With City Attorney Concerning Contemplated Litigation.**

**a. Cause No. D-1-GN-11-000418; Marj Hunziker and Stephen Kerr v. Capital Metropolitan Transportation Authority and Linda Watson; In the 201st Judicial District, Travis County, Texas.**



**CITY COUNCIL AGENDA**

Date:4-14-2011

Subject: Agenda Item No. G.2

**Section 51.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.**

**a Legal Issues Concerning Terms And Conditions Regulating Commercial Leases For The City Hall Complex.**



**CITY COUNCIL AGENDA**

Date:4-14-2011

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:4-14-2011

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



**CITY COUNCIL AGENDA**

Date:4-14-2011

Subject:           Agenda Item No. H.2  
**Adjournment.**