

City of Cedar Park
Regular Called Meeting Agenda
City Council Chambers, Cedar Park Public Library
550 Discovery Boulevard
Cedar Park, Texas
Thursday, August 25, 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: July 2011 Permit Activity and Revenue Report - Mark Lewis, Building Inspections](#)
- A.7 [City Manager Report: Update On The September 4th SplashJam Event To Be Held At Milburn Park - Curt Randa, Parks And Recreation Director](#)
- A.8 [City Manager Report: Review And Update Of The Blackboard Connect Program Implementation - Philip Rodriguez, Assistant To City Manager.](#)
- A.9 [City Manager Report: Presentation Of The Texas Association Of Municipal Information Officers Awards For Media Communications - Jennie Huerta.](#)
 - i. TAMI Silver Star Award.
 - ii. The Bronze Telly Award.
- B.1 [Approval Of City Council Minutes From The Regular Scheduled Meeting Of July 28, 2011.](#)
- B.2 [Approval Of City Council Minutes From The Special Called Meeting Of July 30, 2011.](#)
- B.3 [Approval Of The City Council Minutes From The Joint Meeting With The 4A and 4B Corporations Of August 4, 2011.](#)
- B.4 [Receipt Of Minutes From The Planning And Zoning Commission Meeting Of June 21, 2011.](#)
- B.5 [Receipt Of Minutes From The Planning And Zoning Commission Meeting Of July 19, 2011.](#)

- C.1 [Second Reading And Approval Of An Ordinance To Amend The Council Rules Of Procedure Pertaining To Placement Of Agenda Items, Rules Of Procedure, Parliamentarian, Public Presentations, And Expansion Of Time For Public Presentations.](#)
- C.2 [Second Reading And Approval Of An Ordinance To Revise Chapter 8 Offenses And Nuisances, Article 8.04, Sections 8.004.001-8.04.005 CURFEW Of The City Of Cedar Park Code Of Ordinances, Providing For Repeal Of Conflicting Ordinances, Providing For An Effective Date, And Ordaining Other Provisions Related To The Subject Matter Thereof.](#)
- C.3 [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 To Provide For The Addition Of An Administrative Violation And Enforcement Process.](#)
- D.1 [A Resolution Authorizing And Directing The City Manager To Execute A Change Order With Cash Construction Company Under The New Hope Drive \(Bagdad Road To Lakeline Blvd.\) Reconstruction Project In The Amount Of \\$69,895.](#)
- D.2 [A Resolution Approving The Proposed 2011 Operating Budget For The Brushy Creek Regional Utility Authority.](#)
- D.3 [A Resolution Authorizing Payment To Pedernales Electric Cooperative In The Amount Of \\$49,381.14 For Utility Relocations For The New Hope Drive \(Bagdad Rd. to Lakeline Blvd.\) Reconstruction Project.](#)
- D.4 [A Resolution Authorizing And Directing The City Manager To Execute A Facilities Rental Service Agreement In The Amount Of \\$49,872.41 With Pedernales Electric Cooperative, Inc. For The Installation Of An Automatic Transfer Switch Located At The Dies Pumping Station.](#)
- D.5 [A Resolution Authorizing And Directing The City Manager To Execute A Facilities Rental Service Agreement In The Amount Of \\$65,800.35 With Pedernales Electric Cooperative, Inc. For The Replacement Of The Automatic Transfer Switch Located At The Water Reclamation Facility.](#)
- D.6 [Authorization To Excuse The Absence Of Councilmember Fuller From The Regular Scheduled Meeting Of August 11, 2011.](#)
- E.1 [\(OA-11-003\) First Reading And Public Hearing On An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Article 11.10 Boards And Commissions, Division 3 Zoning Changes And Amendments To Add A New Section Regarding An Applicant's Summary Of Neighborhood Communications For Zoning Changes. The Planning And Zoning Commission voted 5-0 To Recommend Approval Of The Amendment.](#)

- E.2 [\(Z-11-007\) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Open Space Recreation \(OSR\) On Approximately 4.038 Acres Of Land Located At 1400 Treeline \(City Of Cedar Park-City Initiated Zoning\) The Planning And Zoning Commission Voted 4-0 To Recommend Approval Of The Assignment Of Original Zoning Of Open Space Recreation \(OSR\) On The Subject Tract.](#)
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- E.3 [\(Z-11-008\) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Open Space Recreation \(OSR\) On Approximately 8.63 Acres Of Land Located At 1900 N. Lakeline \(City Of Cedar Park-City Initiated Zoning\). The Planning And Zoning Commission Voted 4-0 To Recommend Approval Of The Assignment Of Original Zoning Of Open Space Recreation \(OSR\) On The Subject Tract.](#)
- E.4 [\(Z-11-016\) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of General Retail \(GR\) On Approximately 1.34 Acres Of Land Located at 1400 West Whitestone Boulevard. \(City of Cedar Park-City Initiated Zoning\). The Planning And Zoning Commission Voted 5-0 To Recommend Approval Of The Assignment of Original Zoning Of General Retail \(GR\) On The Subject Tract.](#)
- E.5 [\(Z-11-018\) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Public Service \(PS\) On Approximately 1.0 Acres Of Land Located At 1570 Cypress Creek Road \(City Of Cedar Park-City Initiated Zoning\). The Planning And Zoning Commission Voted 5-0 To Recommend Approval Of The Assignment Of Original Zoning Of Public Service \(PS\) On The Subject Tract.](#)
- E.6 [\(Z-11-015\) First Reading And Public Hearing On An Ordinance To Assign Rezone Approximately 79.06 Acres From General Retail \(GR\) To 22.02 Acres From General Retail \(GR\) To General Retail With A Conditional Overlay \(GR-CO\); 20.52 Acres From General Retail \(GR\) To Single Family Residential, Urban Lot \(SF-3\); 22.51 Acres From General Retail \(GR\) To General Office \(GO\); And 14.01 Acres From General Retail \(GR\) To Light Industrial \(LI\) Located On 183A Northeast Of The Intersection Of 183A And Scottsdale, In Williamson County, Texas. The Planning And Zoning Commission Voted 4-1 To Recommend Approval Of The Applicant's Request.](#)
- E.7 [First Reading And Public Hearing On An Ordinance Reducing And Revising The Boundaries Of Reinvestment Zone Number One, City Of Cedar Park, Texas, A Tax Increment Reinvestment Zone Created Pursuant To Chapter 311 Of The Texas Tax Code, As Amended, As Established By City Of Cedar Park, Texas Ordinance No. D-01-12-20-10.B; Approving The Third Amendment To The Amended Final Project Plan And Reinvestment Zone Financing Plan; Providing For Severability; And Ordaining Other Provisions Related To The Subject Matter Thereof.](#)
- E.8 [First Reading and Public Hearing On An Ordinance Amending Chapter 1 General Administration, Article 1.10 Parks and Recreation, Of The City Of Cedar Park Code Of Ordinances, Deleting Conflicting Provisions Regarding Number of Members.](#)

Appointment Of Auxiliary Members, And Officer Elections and Terms; Providing For Seven Members; Providing For Severability; And Providing For Repealer.

- E.9 First Reading And Public Hearing On An Ordinance Adopting A Municipal Operating Budget For The Fiscal Year Beginning October 1, 2011, And Ending September 30, 2012; Adopting A Municipal Capital Budget For The Fiscal Year Beginning October 1, 2011, And Ending September 30, 2012; Appropriating Funds In Accordance With The Budget; Providing For Effective Date And Ordaining Other Related Matters.
- E.10 First Reading And Public Hearing On An Ordinance To Consider A Tax Rate Of \$0.493501; Increase The Total Tax Revenues Of The City Of Cedar Park; And Levy Taxes For The Year 2011/2012.
- F.0 Discussion And Possible Action:
- F.1 Consideration To Approve A Resolution Authorizing An Investment Policy, Strategy Guidelines And Authorized Broker Dealer List For The City Of Cedar Park.
- F.2 Consideration Of The City Of Cedar Park General Election Date, Council Terms, And City Charter Amendments In Relation To Senate Bill 100. (Dale)
- F.3 Consideration Of An Ordinance For A Railroad Quiet Zone Process For Proposed Or Future Development. (Powell)
- F.4 Consideration Of Appointments To A Charter Review Committee.
- G.0 Executive Session
- G.1 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 Travis County Emergency Service District No. 1 Annexation Of Certain Defined Territory In The Vicinity Of RM 1431/City Of Cedar Park/City Of Leander.
 - B. Legal Issues Concerning Terms And Conditions Of Leases At City Hall Complex Located On Cypress Creek.
 - C. Legal Issues Concerning Meet And Confer With The Cedar Park Police And Fire Associations.
 - D. Legal Issues Concerning An Economic Development Agreement Between The City Of Cedar Park And DR Horton.
 - E. Legal Issues Concerning The Terms And Conditions Of A Sub-Leasing Agreement For Internal Antennas At The Cedar Park Center
- G.2 Section 551.074 Deliberate The Evaluation Of A Public Officer Or Employee. (Powell)
 - i. The City Manager.
 - ii. The City Attorney.

- 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:8-25-2011

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. A.2
Invocation.



CITY COUNCIL AGENDA

Date:8-25-2011

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



CITY COUNCIL AGENDA

Date:8-25-2011

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:8-25-2011

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



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. A.6
City Manager Report: July 2011 Permit Activity and Revenue Report - Mark Lewis, Building Inspections

Commentary:

The July 2011, Permit/Revenue Summary is attached to the Associated Information section of this report. The summary is comprised of the following components:

- Monthly/Year to Date Permit Activity Summaries
- Monthly/Year to Date Permit Revenue Summary
- July 2011 Permit Revenue by Category
- FY '11 Permit Revenue Overview
- Active Commercial Projects Summary

Due to size and format, the maps prepared in support of the Active Projects Summary are not included as part of this agenda packet. Copies of the maps will be provided at City Council's August 25 meeting. Electronic copies of the maps are available upon request.

Fiscal Impact

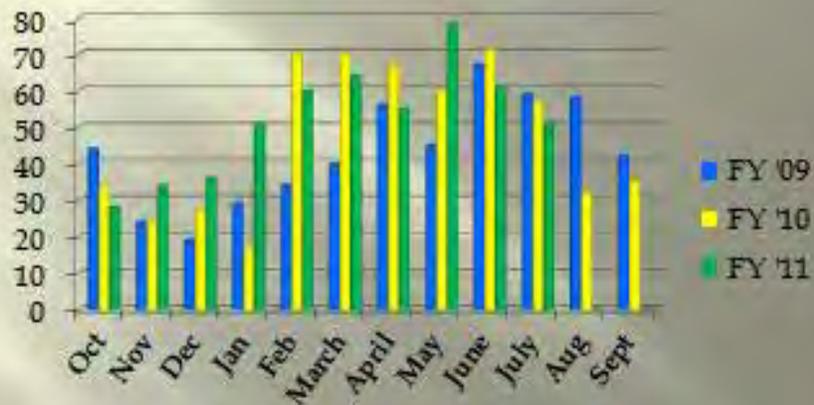
Account No.:

Budget

Budget/Expended:

Associated Information:

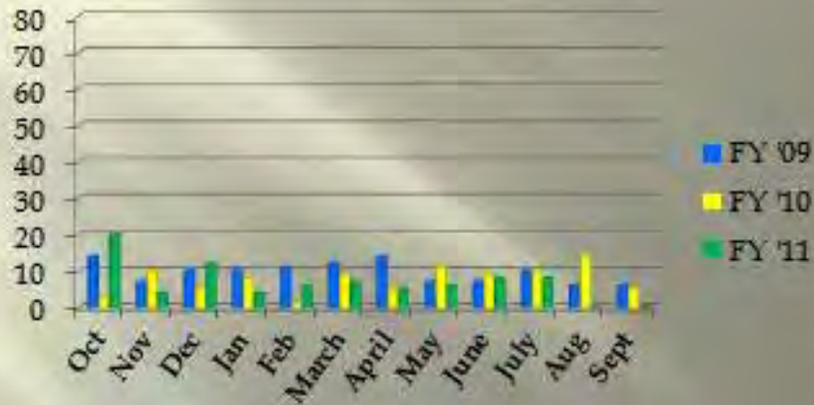
FY '11 Permit Activity & Revenue July 2011



Single-Family Permits

Issued 7/01/11 - 7/31/11:	51
FY '11 Through 7/31/11:	514

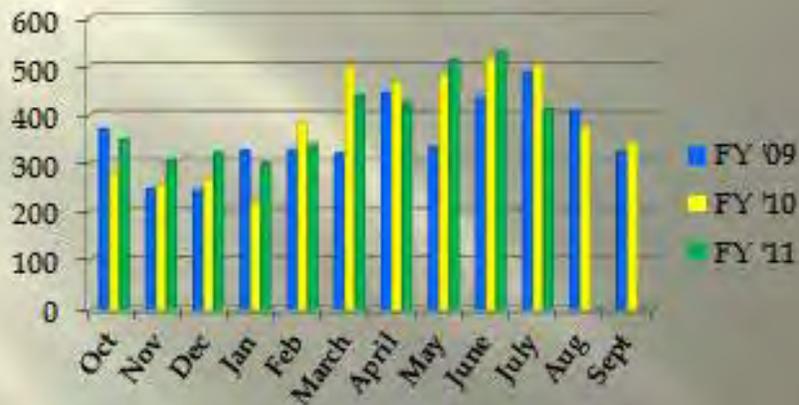
FY '11 Permit Activity & Revenue July 2011



Commercial Permits

Issued 7/01/11 - 7/31/11:	8
FY '11 Through 7/31/11:	80

FY '11 Permit Activity & Revenue July 2011



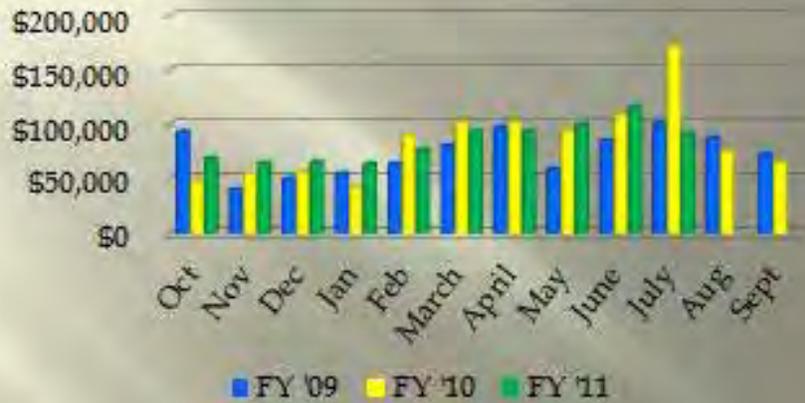
Permits In All Categories

(Residential, Commercial, Trade, Accessory & Miscellaneous)

Issued 7/01/11 - 7/31/11: 411

FY '11 Through 7/31/11: 3,916

FY '11 Permit Activity & Revenue July 2011



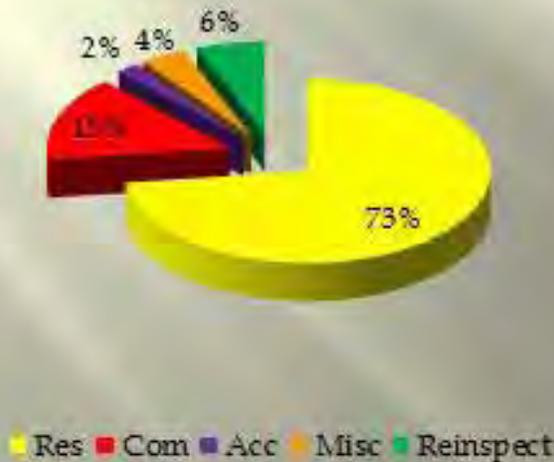
Revenue Collected

Collected 7/01/11 - 7/31/11:	\$ 91,842
FY '11 Through 7/31/11:	\$ 836,581

FY '11 Permit Activity & Revenue July 2011

REVENUE BY CATEGORY

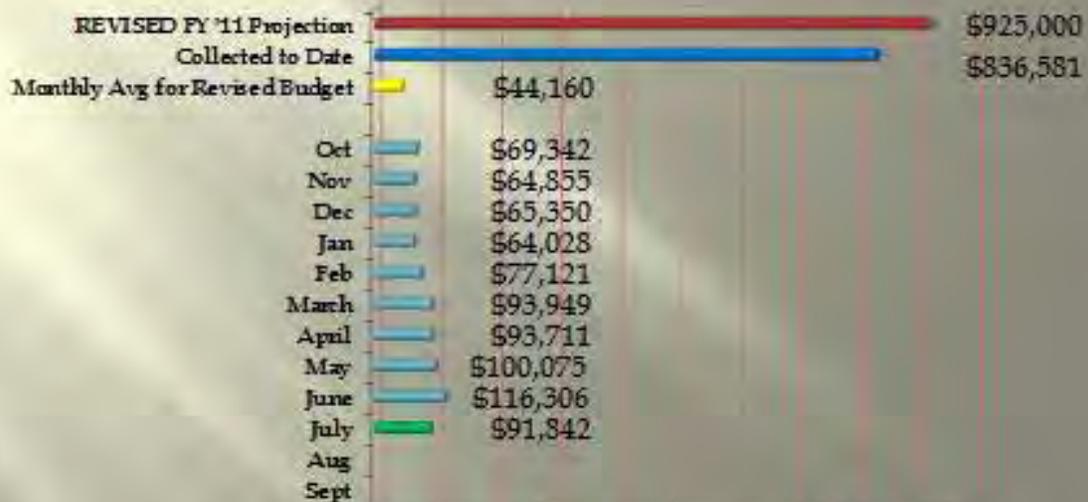
By Percent



By Total

□ Residential: (SF & Trade Permits)	\$ 66,663
□ Commercial: (Com & Trade Permits)	\$ 14,114
□ Accessory: (Pool, Patio, Out-building)	\$ 2,289
□ Miscellaneous: (Signs, Irrigation, Demo, Certificates of Occupancy)	\$ 3,450
□ Re-Inspection:	\$ 5,325
TOTAL:	\$ 91,842

FY '11 Permit Activity & Revenue July 2011



\$0 \$100,000 \$200,000 \$300,000 \$400,000 \$500,000 \$600,000 \$700,000 \$800,000 \$900,000 \$1,000,000

FY '11 Permit Activity & Revenue July 2011

☐ New Projects:

- Site Development Plans Under Review: 7
- Building Plans Under Review: 7
- Permits Approved But Not Yet Issued: 0
- Projects Under Construction: 13

TOTAL: 27

☐ Finish-Out/Remodel Projects:

- Building Plans Under Review: 12
- Permits Approved But Not Yet Issued: 0
- Projects Under Construction: 13

TOTAL: 25

☐ Certificates of Occupancy:

- Certificates of Occupancy Issued: 11
- Temporary Certificates of Occupancy Issued: 2
- Certificates of Occupancy Pending: 13

TOTAL: 26



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. A.7

City Manager Report: Update On The September 4th SplashJam Event To Be Held At Milburn Park - Curt Randa, Parks And Recreation Director

Commentary:

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Associated Information:



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. A.8
**City Manager Report: Review And Update Of The Blackboard Connect Program
Implementation - Philip Rodriguez, Assistant To City Manager.**

Commentary:



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. A.9

City Manager Report: Presentation Of The Texas Association Of Municipal Information Officers Awards For Media Communications - Jennie Huerta.

- i. TAMI Silver Star Award.**
- ii. The Bronze Telly Award.**

Commentary:



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. B.1
**Approval Of City Council Minutes From The Regular Scheduled Meeting Of July
28, 2011.**

Commentary:



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

THURSDAY, JULY 28, 2011 AT 6:30 P.M.

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

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

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:32 p.m.
- A.2 Invocation.
Invocation given by Councilmember Mitchell.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Proclamation For National Night Out 2011, August 2, 2011.
Mayor Lemon read and presented a Proclamation for National Night Out 2011 to representatives from the Police Department.
- A.5 Presentation: Proclamation Recognizing August 2011 As World Breast Feeding Month: Sandi Halstead-Bohac Williamson County And Cities Health District.
Proclamation not presented.
- A.6 Citizens Communications (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Gail Lindholm, Cedar Park, addressed the Council regarding her interest in serving on the Parks Advisory Board.

- A.7 Mayor and Council Opening Comments.
Mayor Lemon welcomed everyone and commented on the size of the audience.

Councilmember Dale commented on the retirement of Jim Rodgers from Williamson County, the American Legion Hunter-Morris Memorial Post 911 receiving an award for the fastest growing Post in Texas, and Williamson County's meeting regarding SB100 impact to cities.

Councilmember Powell commented on National Night Out and encouraged participation in the event.

Councilmember Fuller commented on the National Night Out Kickoff event, positive feedback on the new dog park, and congratulated Wes and Judy Pearce for their work with wounded Veterans.

- A.8 City Manager Report: Employee Recognition For Service With The City Of Cedar Park.
a. Matt Brosig, Utility Foreman - Wastewater Collection Department, Twenty Years Of Service.
Eric Rauschuber, Utilities Director, presented a plaque in honor of twenty years of service with the City to Matt Brosig.

- A.9 City Manager Report: Introduction Of Municipal Court Prosecutor - Robby Chapman.
Charles Rowland, City Attorney, introduced Robby Chapman the new full-time City Prosecutor.

- A.10 City Manager Report: Update On The Veteran Memorial Project.
Don Schliesser, Lisa Morris, and Bob Carter updated Council on the Veteran Memorial Project and activities. The group has met the fundraising goal and would like to continue the efforts to raise an additional \$1500. The additional monies raised will pay for donor recognition markers, a security and monitoring system, and on-going expenses.

Lisa Morris provided an update on the monument. Everything is on schedule for the November 2011 dedication.

- A.11 City Manager Report: June 2011 Permit Activity and Revenue Report - Mark Lewis, Building Inspections
Mark Lewis, Building Inspections Director, presented Council with the June 2011 Permit Activity and Revenue Report.

CONSENT AGENDA

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

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

Movant: Mayor Pro Tem Moore

Second: Councilmember Dale

Vote: 7:0

B.1 Approval Of The City Council Minutes From The Regular Called Meeting Of June 30, 2011.

Approved under the Consent Agenda.

B.2 Approval Of The City Council Minutes From The Special Called Meeting Of July 16, 2011.

Approved under the Consent Agenda.

B.3 Approval Of The City Council Minutes From The Special Called Meeting Of July 17, 2011.

Approved under the Consent Agenda.

B.4 Receipt Of Minutes From The Cedar Park Community Development Corporation (4B) Meeting Of June 14, 2011

Received under the Consent Agenda.

B.5 Receipt Of Minutes From The Parks Advisory Board Meeting Of May 9, 2011.

Received under the Consent Agenda.

C.1 Second Reading And Approval Of An Ordinance Amending A Portion Of Chapter 11, Zoning, Section 11.12.002 Terms For Medical Office And Medical And Dental Clinics.

Approved under the Consent Agenda.

Ordinance Number CO33-11-07-28-C1

D.1 A Resolution Authorizing A Special Permit To Hold A 5K Fun Run At Brushy Creek Lake Park

Approved under the Consent Agenda.

Resolution Number R158-11-07-28-D1

D.2 A Resolution Authorizing A Special Permit To Hold A Skateboarding Demonstration At Brushy Creek Sports Park

Approved under the Consent Agenda.

Resolution Number R159-11-07-28-D2

D.3 A Resolution Authorizing And Directing The City Manager To Negotiate And Execute An Agreement With Dial Development Services Ltd. For 3rd Party Construction Observation / Inspection Services For The New Hope Drive (Bagdad Rd. To Lakeline Blvd.) Reconstruction Project.

Approved under the Consent Agenda.

Resolution Number R160-11-07-28-D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute A Supplemental Agreement With URS Corporation For Construction Materials Engineering Under The New Hope Drive (Bagdad Rd. To Lakeline Blvd.) Reconstruction Project In The Amount Of \$45,076.01.

Approved under the Consent Agenda.

Resolution Number R161-11-07-28-D4

- D.5 A Resolution Authorizing The Nomination Of Cedar Park Health System, L.P. As An Enterprise Project Pursuant To Chapter 2303, Subchapter F Of The Texas Enterprise Zone Act, Texas Government Code.

Approved under the Consent Agenda.

Resolution Number R162-11-07-28-D5

- D.6 A Resolution Authorizing The Nomination Of Coreslab Structures (Texas), Inc. As An Enterprise Project Pursuant To Chapter 2303, Subchapter F Of The Texas Enterprise Zone Act, Texas Government Code.

Approved under the Consent Agenda.

Resolution Number R163-11-07-28-D6

- D.7 A Resolution Authorizing And Directing The City Manager To Execute Change Order #1 With Keystone Construction, Inc. For The 2010 Waterline Rehabilitation Project In Cedar Park Ranchettes Unit 2 In The Amount Of \$56,292.

Approved under the Consent Agenda.

Resolution Number R164-11-07-28-D7

- D.8 A Resolution Awarding Construction Bid For The 2011 Street Revitalization Program To Viking Construction Inc. For \$234,978.83.

Approved under the Consent Agenda.

Resolution Number R165-11-07-28-D8

PUBLIC HEARINGS

- E.1 First Reading and Public Hearing For Revisions To Article 17.03 SPEED LIMITS Of The Code Of Ordinances With Revisions To Speed Limits Established For Certain Described Streets, Section 17.03.004, And Adding Section 17.03.005 Construction Speed Limits.

Tom Gdala, Transportation Planner, addressed Council regarding the proposed speed limits for multiple streets located within the City. A speed evaluation was conducted on City maintained roadways. The evaluation supports revisions to many of

the roadways based on the 85th percentile speed, a standard method of establishing speeds in Texas and throughout the country.

Mayor Lemon inquired if there were any additional roads that would be considered.

Councilmember Powell stated this came out of a simple question he asked and commended Tom Gdala for his work.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.2 First Reading And Public Hearing On An Ordinance Amending Article 18.08 Drought Contingency And Water Emergency Plan Of The Code Of Ordinances Of The City Of Cedar Park.

Withdrawn from the Agenda.

- E.3 Z-11-011 First Reading And Public Hearing On An Ordinance To Rezone Approximately 0.344 Acres Of Land From General Retail (GR) To General Office (GO), By 1890 Ranch Ltd., Located On The East Side Of 183A Just South Of Medical Parkway, In Williamson County, Texas. **The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of General Office (GO) For This Tract.**

Rawls Howard, Planning and Development Services Director, stated this item is for the rezoning of .344 acres of land currently designated as General Retail (GR) to General Office (GO) for property located on 183A in the 1890 Ranch shopping center just south of 183A at Medical Parkway. The Planning and Zoning Commission voted 6-0 to approve the request.

Mayor Lemon opened the Public Hearing.

Charlie Northington, Applicant, was available for questions.

Mayor Lemon closed the Public Hearing.

- E.4 Z-11-012 First Reading And Public Hearing On An Ordinance To Rezone Approximately 7.79 Acres Of Land From General Retail (GR) To General Office (GO), Kathleen And Laurice Peloquin, Located At The Southwest Corner Of Arrow Point Drive And E. Whitestone Boulevard, In Williamson County, Texas. **The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of General Office (GO) For This Tract.**

Rawls Howard, Planning and Development Services Director, stated this item is for the rezoning of property currently designated as General Retail (GR) to General Office (GO) for property located at the southwest corner of Arrow Point Drive and E. Whitestone Boulevard. The Planning and Zoning Commission voted 6-0 to approve the request.

**Mayor Lemon opened the Public Hearing.
No Public Comment.**

Kim Highlund, representing the Applicant, addressed Council regarding the proposed use of the property.

Mayor Lemon closed the Public Hearing.

- E.5 Z-11-013 First Reading And Public Hearing On An Ordinance To Rezone Approximately 3.75 Acres Of Land From Commercial Services (CS) To Light Industrial (LI), By Jimmy Nassour, Stephen Oyster And Cabot-Chase Ltd, Located At 3320 W. Whitestone, In Travis County, Texas. **The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of Light Industrial (LI) For This Tract.**

Rawls Howard, Planning and Development Services Director, stated the purpose of this agenda item is for the rezoning of property currently designated as Commercial Services (CS) to Light Industrial (LI) for property located at 3320 W. Whitestone. The Planning and Zoning Commission voted 6-0 to approve the request.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.6 Public Hearing And Consideration To Approve A Resolution Allowing The Removal Of A Twenty-Eight Inch Diameter Heritage Live Oak Located At 15101 Anderson Mill Road.
Charles Rowland, City Attorney, stated this item is only for the consideration to remove a tree. This property is not located within the City so the City has no zoning authority. Any discussion pertaining to the proposed use will not be allowed.

Curt Randa, Parks and Recreation Director, addressed Council regarding the request to remove a Heritage Live Oak located at 15101 Anderson Mill Road. Mr. Randa reviewed the applicant's request to remove the tree. The tree preservation requirements for the areas were met with a 54% preservation rate and all landscaping requirements have been met. Due the diameter of the tree, Council must approve the removal. Mr. Randa presented staff's concerns with the tree and the recommendation to authorize the removal.

Mayor Lemon inquired about the location of the tree on the property. The main concern would be for the development of the property and the target of people or property damage.

Councilmember Powell inquired how long ago the damage occurred.

Mayor Lemon inquired if future development or future events could further the damage and the risk associated with leaving the tree.

Councilmember Mitchell inquired about development on the lot or if would remain undeveloped.

Mayor Lemon opened the Public Hearing.

Public Comment:

Uwe Nahuina opposes removal of the tree.

Craig Pullman opposes removal of the tree and commented on the tree clusters and accuracy of the tree preservation survey.

Ellen Klipp opposes the removal of the tree

Chris Whitely opposed the tree removed.

Kenny Dryden, owner of property, stated the real issue appears to be the land use and development of the area and not the tree. There are safety concerns.

Curt Randa, Parks and Recreation Director, stated the tree survey is accurate and there are no other trees under consideration for this request.

Mayor Lemon closed the Public Hearing.

General discussion followed:

Mayor Pro Tem Moore commented on the problems in the past with clear cutting lots and the development of the current ordinance to protect the trees in Cedar Park.

Mayor Lemon stated the intent was not to save every tree but balance development and the trees.

Councilmember Powell stated he drove by the area and the tree doesn't appear to be falling or dying. He is in support of business, but not in support of removing the tree.

Councilmember Dale stated he relies on the qualified experience of staff.

Mayor Lemon commented on the current state of the tree being a risk to people. Staff does have expertise and have evaluated the tree.

Councilmember Powell stated these are valid points and commented on the tree issue located at the Cedar Park Center.

Councilmember Fuller commented on the legal process being followed.

Motion to approve a Resolution allowing the Removal of a Twenty-Eight Inch Diameter Heritage Live Oak Located at 15101 Anderson Mill Road.

Movant: Councilmember Fuller

Second: Councilmember Dale

Vote: 5:2, with Councilmember Powell and Mitchell voting against.

Resolution Number R166-11-07-28-E6

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:.

F.1 Consideration To Approve A Resolution Awarding The Construction Bid For The New Hope Drive (Bagdad Rd. to Lakeline Blvd.) Reconstruction Project To Cash Construction Co. For \$3,189,503.

Darwin Marchell, Engineering Director, addressed Council regarding the New Hope Drive (Bagdad Rd. to Lakeline Blvd.) Reconstruction This project will reconstruct New Hope Drive to be widened from an existing 2-lane undivided roadway to a 4-lane divided roadway with a raised median, wide outside lanes for bicycles, drainage improvements, sidewalks, and illumination from Bagdad Rd. to Lakeline Blvd. Five (5) secure bids were received. Cash Construction Co. submitted the lowest bid in the amount of \$3,189,503.00. This bid was reviewed by the City's design consultant, URS Corp. and appears to be complete and competitive. Staff and the City's consultant are recommending the bid be awarded to Cash Construction Co.

Motion to approve a Resolution Awarding The Construction Bid For The New Hope Drive (Bagdad Rd. to Lakeline Blvd.) Reconstruction Project to Cash Construction Co. for \$3,189,503.

Movant: Councilmember Fuller

Second: Councilmember Tracy

Vote: 7:0

Resolution Number R167-11-08-28-F1

F.2 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Submit Projects To The Capital Area Metropolitan Planning Organization ("CAMPO") For Phase 2 Call For Projects.

Agenda F.2 and F.3 called together

Refer to Agenda Item F.3 for discussion and action taken.

Resolution Number R168-11-07-28-F2

- F.3 Consideration To Approve A Resolution Providing A Ranking Of Eligible Roadway Projects In Cedar Park For Proposition 12 Funding Consideration By The Texas Transportation Commission.

Agenda F.2 and F.3 called together

Tom Gdala, Transportation Planner, addressed Council regarding the CAMPO Phase 2 call for projects and the Proposition 12 funding of roadway projects by TxDOT.

The proposed submission of eligible roadway projects for Phase Two Call For Projects include (1) RM 1431 between Bagdad Road and Anderson Mill Road and (2) RR620 between Little Elm Trail and El Salido. Agenda Item F.3 allows for the ranking of the proposed projects which include eight (8) items.

General discussion followed regarding discussions with Williamson County and Commissioner Long regarding the proposed projects and support of submitted projects.

Motion to approve Agenda Items F.2 and F.3 as stated.

**Movant: Councilmember Fuller
Second: Councilmember Mitchell
Vote: 7:0**

Resolution Number R169-11-07-28-F3

- F.4 Consideration To Approve A Resolution Authorizing And Directing The Mayor To Execute An Economic Development Performance Agreement With The Cedar Park Community Development (4B) Board And Dental Health Management Solutions To Provide For Economic Development Incentives Related To Job Retention, Job Creation, and Business Expansion In An Amount Not To Exceed \$145,845.

Mayor Lemon recused himself from any discussion or action taken on this agenda item and left the dais.

Mayor Pro Tem Moore called for the Agenda Item.

Larry Holt, Economic Development Specialist, addressed Council regarding the Performance Agreement between the 4B Corporation and DHMS. Mr. Holt reviewed the agreement which provides for the payment of incentives related to the retention of jobs, job creation and business expansion. Dental Health Management Solutions plans to maintain forty-two (42) full-time employees and to occupy and expand its full-time operations to approximately a 15,000 square foot facility in Cedar Park, Texas.

Shane Stevens, CEO for DHMS, addressed Council regarding his company and was available for any questions.

General discussion followed on the facility and business model of DHMS, military services, and recent awards received.

Motion to approved Agenda Item F.4 as stated.

Movant: Councilmember Powell

Second: Councilmember Fuller

Vote: 6:0, Mayor Lemon recused himself from vote.

Resolution Number R170-11-07-28-F4

- F.5 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Execute A Contract For The Floating Raw Water Intake Contingency Project Phase A Underwater Pipeline To Excel Construction Services, LLC In The Amount Of \$3,524,290. With Project Participation From City Of Leander Or To W.L. Hailey & Company In The Amount Of \$3,060,743.50 Without Project Participation From City Of Leander.

Mayor Lemon returned to the dais.

Katherine Woerner, Utility Program Manager, stated the Floating Raw Water Intake Contingency Project is a two phase project to install an underwater pipeline and temporary floating intake structure approximately 4,200 feet downstream of the existing intake on the Sandy Creek arm of Lake Travis. This item is for the underwater pipeline construction component. The purpose of the temporary intake is to deliver raw water to Cedar Park and Leander's existing water treatment plants during extreme low lake level conditions on Lake Travis. The existing floating intakes for Cedar Park and Leander are located approximately 150-ft apart from each other near the Cedar Park Water Treatment Plant and can function properly until the lake level drops to about 620 feet

Motion to approve Agenda F.5 as stated.

Movant: Councilmember Mitchell

Second: Mayor Pro Tem Moore

Vote: 7:0

Resolution Number R171-11-07-28-F5

- F.6 Final Update On The 82nd Legislative Session As It Impacted The City's Adopted 2011 Legislative Agenda.
Philip Rodriguez, Assistant to the City Manager, provided Council with a brief overview of the 82nd Legislative Session as it impacted cities.

Discussion followed regarding SB100 which deals with May General Elections for municipalities.

No action taken.

- F.7 Consideration To Approve The City Council Goals And Strategies (Strategic Map) For FY2012.

Philip Rodriguez, Assistant to the City Manager, presented the final Council Goal and Strategic Map for FY2012. This item was discussed at the Council Retreat and modifications to the map have been derived from Council's discussion and focus.

General discussion followed regarding the goals, adding additional information such as City facts, key phone numbers, better utilizing of the space on the back, and more clarification of Goals 3 and 4.

Motion to approve the City Council Strategic Map for FY2012.

Movant: Councilmember Powell

Second: Mayor Pro Tem Moore

Vote: 7:0

- F.8 Consideration Of Appointments To A Charter Review Committee.

Councilmember Fuller appointed Dr. Tim Langan.

Councilmember Tracy appointed Alain O'Tool.

Motion to appoint Dr. Tim Langan and Alain O'Tool to the Charter Review Committee.

Movant: Councilmember Powell

Second: Mayor Pro Tem Moore

Vote: 7:0

- F.9 Consideration of Appointments to a Festival Planning Committee - Mark Lewis.

Mark Lewis, Building Inspections Director, stated a committee has been formed to research and plan the possibility of a Cedar Park Arts, Wine and Food Festival. The committee, supported by staff, is comprised of members of the Arts Advisory, 4B, and Tourism Boards. A representative from Council has been asked to participate.

Councilmember Powell expressed an interest to serve on the Committee.

Mayor Pro Tem Moore also expressed an interest to serve if more than one Council representative was needed.

Motion to nominate Councilmember Powell to serve on the Festival Planning Committee.

Movant: Councilmember Dale Tony

Second: Councilmember Mitchell

Vote: 7:0

- F.10 Consideration Of Appointment To Place One On The Parks and Recreation Advisory Board With A Term To Expire July 31, 2013.

Motion to appoint Gail Lindholm to Place One on the Parks Advisory Board.

Movant: Councilmember Powell

Second: Councilmember Fuller

Vote: 7:0

- F.11 Update On Central Texas Regional Mobility Authority ("CTRMA") Traffic Signal At Brushy Creek Road. (Powell)

Sam Roberts, Assistant City Manager, stated a draft agreement is being reviewed and will be presented to Council at a future meeting for consideration.

- F.12 Consideration For A Business Incubator Development In Cedar Park. (Fuller)
Councilmember Fuller requested this item to be placed on the Agenda. He is supportive of the idea and asked Councilmember Tracy to take the lead on the project.

Councilmember Tracy discussed the incubator concept and elaborated on the idea, and would like to consider models for future development, have involvement of the Chamber of Commerce, and chamber, and the hiring of an operator.

General discussion followed regarding funding issues, incubator concepts and role of the proposed operator concept, report from staff pertaining to funding parameters, reports on current incubators in Texas, public or private requirements, additional information on business plans, cost to implement operation of a business incubator, and need for concept in the community.

No action taken.

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: 9:52 p.m.

- G.0 Executive Session

- G.1 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 Council Rules Of Procedure.

b. Legal Issues Concerning Terms And Conditions Of Leases At City Hall Complex Located On Cypress Creek.

The Council Reconvenes into General Session.

OPEN MEETING

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

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

Council reconvened from Executive Session into Open Meeting at 9:55 p.m.

No action taken on any items discussed in Executive Session.

H.1 Mayor And Council Closing Comments.

Councilmember Dale commented on his daughter, Isabella, losing a tooth.

H.2 Adjournment.

Mayor Lemon adjourned the meeting at 9:57 p.m.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2011.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. B.2
Approval Of City Council Minutes From The Special Called Meeting Of July 30, 2011.

Commentary:



**MINUTES
SPECIAL CALLED CITY COUNCIL MEETING
SATURDAY, JULY 30, 2011, AT 8:30 A.M.
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

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

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

1. **CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
Mayor Pro Tem Moore called the meeting to order at 8:45 a.m.

Mayor Lemon absent from meeting. All others present.

2. Pledges Of Allegiance.
Council led the audience in the Pledges of Allegiance.
3. Mayor and Council Opening Comments.
Roundtable opening comments were conducted.
4. Discussion Only:
 - a. FY 2011/12 Proposed Annual Budget.
 - b. General Discussion On Budget Issues.
 - c. Revenues And Expenditures Of General Fund Unreserved Fund Balance.

Agenda Items 4A - 4 C called together.

Brenda Eivens, City Manager, stated each Department Head is prepared to present information on their departmental budget and answer any questions Council may have pertaining to the proposed budget.

Aaron Rector, Budget Manager, provided a presentation overview, changes to department structure, and changes to the budget process.

Josh Selleck, Finance Director, addressed Council on the overall proposed budget, budget assumptions, expenditures and revenues, ad valorem taxes, and tax rate.

Council recessed from 10:11 a.m. to 10:25 a.m.

Review of departmental budgets began after the recess. General discussion followed in relation to each department and the proposed budget for FY2012.

Council recessed from 11:55 to 12:15 p.m.

General discussion continued on departmental budgets.

Josh Selleck, Finance Director addressed Council regarding the Financial Policy Goal and provided a brief overview.

5. Mayor and Council Closing Comments.

Roundtable closing comments were conducted.

6. Adjournment.

Mayor Pro Tem Moore adjourned the meeting at 1:05 p.m.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2011.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. B.3
**Approval Of The City Council Minutes From The Joint Meeting With The 4A and
4B Corporations Of August 4, 2011.**

Commentary:



**THE CITY OF CEDAR PARK CITY COUNCIL AND
THE ECONOMIC DEVELOPMENT SALES TAX
CORPORATION (4A) AND
THE COMMUNITY DEVELOPMENT CORPORATION (4B)
SPECIAL CALLED JOINT MEETING
AND SPECIAL CALLED COUNCIL MEETING
THURSDAY, AUGUST 4, 2011, AT 6:30 P.M.
Cedar Park Public Library- Council Chambers
550 Discovery Boulevard, Cedar Park TX 78613**

CITY COUNCIL

Mayor Bob Lemon	Scott Mitchell, Place 3
Mayor Pro Tem Lowell Moore	Tony Dale, Place 5
Matt Powell, Place 1	Don Tracy, Place 6
Mitch Fuller, Place 2	Brenda Eivens, City Manager

ECONOMIC DEVELOPMENT SALES TAX CORPORATION (4A)

Don Olson, President	Kelly Brent, Vice President
Steven Foster, Place 1	Matt Schaefer, Place 4
Kerry Watson, Place 2	

COMMUNITY DEVELOPMENT CORPORATION (4B)

Brian Rice, President	Maria Talamo, Vice President
Audrey Wernecke, Place 1	Ryan Wood, Place 6
Kevin Harris, Place 3	Mo Jahadi, Place 7
John Allen, Place 4	

MINUTES

1. CALL TO ORDER, QUORUM DETERMINED FOR COUNCIL, 4A BOARD AND 4B BOARD, MEETING DECLARED OPEN

**Mayor Lemon called the Council to order at 6:40 p.m.
Councilmember Fuller absent, all others present.
Councilmember Powell arrived at 8:11 p.m.**

**President Olson, 4A, called the 4A Board to order at 6:40 p.m.
Matt Schaefer, all others present.**

**President Rice, 4B, called the 4B Board to order at 6:40 p.m.
All present.**

2. Welcome/Introductions.

Roundtable Opening Comments and Introductions were conducted.

3. Discussion Only:

Agenda Items 3.A – 3.D called together.

a. Review And Update Of The 4A And 4B Updated Strategic Plans, Goals And Activities.

President Rice, 4B, updated Council on the 4B Strategic Plan for FY2012.

General discussion followed on the achievements of the 4B Board and the focus of the FY2012 project goals. Specifics included RM1431 enhancements and beautification. Possible future considerations inquired about included moving power lines to rear of properties located on US183, power substation at 1431/183 and possible screening, creating future destinations for Cedar Park, athletic tournaments and parks, and the creation of an ordinance to regulate replacement of signs on 183 to monument signs, and larger venues for entertainment.

President Olson, 4A, stated the 4A Board economic development activity has been limited due to former commitments such as the Cedar Park Center.

Phil Brewer, Economic Development Director, stated there are current projects under consideration. The economy is recovering and interest is picking up.

b. Update On The 4A And 4B Draft FY2012 Budgets.

c. Proposed 4B Project Funding for FY 2012.

d. Update On Current Economic Development Projects/Activities:

i. Waterpark

ii. BMC Drive Extension

Phil Brewer, Economic Development Director, provided an update on the activities for current projects.

Larry Holt, Economic Development Specialist updated the Council and Boards on the BMC Drive extension.

Matt Powell arrived at 8:11 p.m. during the presentation for Agenda Item 3.D.

4. Closing Comments For 4A And 4B Boards.

**Roundtable closing comments were conducted.
Agenda Item 7 Council Closing Comments called after Agenda Item 4.**

Mayor Pro Tem Moore requested an agenda item regarding a Council appointment to the food, wine, fine arts committee.

5. Adjournment Of 4A and 4B Boards.
Presidents Olson and Rice adjourned their collective boards at 8:35 p.m.

Council recessed from 8:35 p.m. to 8:50 p.m.

6. Discussion And Possible Action:
 - a. Update On FY 2012 Proposed Budget.**Council discussions continued.**

Josh Selleck, Finance Director, addressed Council regarding updated information on the ad valorem rate for Fiscal Year 2012.

A special called meeting with a public meeting will not be needed due to the effective and roll back rates. Mr. Selleck reviewed the meeting schedule for the proposed public hearings and adoption to the budget and the tax rate.

Staff will present the proposed budget at the August 11th meeting and set the maximum tax rate. There will not be a tax increase for FY2012, and the proposed tax rate will remain the same.

7. Closing Comments.
Called after Agenda Item 4.

8. Adjournment.
Mayor Lemon adjourned the meeting at 8:58 p.m.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2011.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. B.4
Receipt Of Minutes From The Planning And Zoning Commission Meeting Of June 21, 2011.

Commentary:

MINUTES FOR
CITY OF CEDAR PARK
REGULAR MEETING OF THE PLANNING & ZONING COMMISSION
TUESDAY, JUNE 21, 2011 AT 6:30 P.M.
CEDAR PARK PUBLIC LIBRARY
550 DISCOVERY BOULEVARD CEDAR PARK, TEXAS 78613

COMMISSION MEMBERS

NICHOLAS KAUFFMAN
 ALAN YORE

SANDY TRUJILLO, Chair
 STEPHEN THOMAS, Vice-Chair
 LORENA ECHEVERRIA, Secretary

THOMAS BALESTIERE
 JON LUX

1. CALL TO ORDER
Chair Trujillo called the meeting to order at 6:30 p.m.
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS
Vice Chair Thomas led the audience in the U.S. Pledge of Allegiance and the Texas Pledge.
3. ROLL CALL
Secretary Echeverria was absent. Commissioner Lux arrived during Item 4. Commissioner Balestiere arrived during Item 9B. All other Commissioners were present and a quorum was declared.
4. MINUTES: Approve minutes from the Regular Meeting of April 19, 2011 and May 17, 2011
MOTION: Commissioner Yore moved to approve the Regular Called Meeting of April 19, 2011 Minutes as presented. Vice Chair Thomas seconded the motion, and the motion passed as follows:

Yes:	Trujillo, Yore, Thomas, Kauffman
No:	None
Abstain:	Lux (Did not attend meeting)
Absent:	Balestiere, Echeverria

There were only three Commissioners at the dais that attended the Regular Meeting of May 17, 2011 so this item was tabled until four Commissioners were present.

Chair Trujillo recalled Item 4 after Item 13.A.2.
MOTION: Vice Chair Thomas moved to approve the Regular Called Meeting of May 17, 2011 Minutes as presented. Commissioner Yore seconded the motion, and the motion passed as follows:

Yes:	Thomas, Balestiere, Kauffman, Yore
No:	None
Abstain:	Lux, Trujillo (Did not attend meeting)
Absent:	Echeverria
5. CITIZEN COMMUNICATIONS **None.**
6. CONSENT AGENDA:
 - A. STATUTORY DISAPPROVAL:
(Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in City Ordinance Sections 12.03.001, 12.05.004, 12.06.004 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete.

Disapproval in order to meet the statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission.)

1. Amended Plat of Lots 10 and 11 Block "A", Anderson Mill Park (FPD-11-002)
 2.670 acres, 2 commercial lots
 Located at the northeast corner of Windy Terrace and Anderson Mill Road
 Owner: Domenico Fazzone
 Agent: Gary Jones
 Staff Resource: Emily Barron
 Staff Proposal to P&Z: Statutorily Disapprove

2. Buttercup Creek Phase V Section 13 (FP-11-003)
 16.466 acres, 48 single family residential lots
 Located at Gaspar Bend and Erica Kaitlen Lane
 Owner: Forestar USA Real Estate Group Inc
 Agent: Douglas Rummel
 Staff Resource: Emily Barron
 Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS: NONE

MOTION: Vice Chair Thomas moved to recommend approval of Consent Agenda Items 6.A.1 through 6.A.2 as presented. Commissioner Yore seconded the motion, and the motion passed unanimously, 5-0 with 2 absent.

7. POSTPONEMENTS/WITHDRAWN/PULLED REQUESTS: None.

8. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS: In accordance with the statutory requirements of the Texas Local Government Code reflected in Section 211.007, acceptance of preliminary reports for the following applications is recommended.

Chair Trujillo corrected the numbering for the projects under Item 8.

A. Pecan Grove, Z-11-005 (Related to item 9A) - WITHDRAWN
Chair Trujillo stated that this item had been withdrawn by the applicant.

B. 1890 Ranch LTD, Z-11-011 (Related to item 9B)
MOTION: Commissioner Yore moved to accept the Preliminary Report for Item 9B as presented by Staff. Vice Chair Thomas seconded the motion, and the motion passed unanimously, 5-0 with 2 absent.

CORRECTED MOTION: Commissioner Yore moved to accept the Preliminary Report for Item 8B as presented by Staff. Vice Chair Thomas accepted the correction, and the motion passed unanimously, 5-0 with 2 absent.

BC. Kathleen and Laurice Peloquin, Z-11-012 (Related to item 9C)
MOTION: Commissioner Yore moved to accept the Preliminary Report for Item 8C as presented by Staff. Vice Chair Thomas seconded the motion, and the motion passed unanimously, 5-0 with 2 absent.

GD. 3320 W. Whitestone, Z-11-013 (Related to item 9D)

MOTION: Commissioner Yore moved to accept the Preliminary Report for Item 8D as presented by Staff. Vice Chair Thomas seconded the motion, and the motion passed unanimously, 5-0 with 2 absent.

9. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

A. Consider a request by Pecan Grove – SPVEF, L.P., to rezone approximately 19.54 acres from General Retail (GR) and Open Space Greenbelt (OSG) to Single Family – Urban Lot (SF-3) located on the east side of 183A just east of the intersection of Scottsdale and 183A. (Z-11-005)
Owner: Pecan Grove – SPVEF, L.P.
Agent: Paul Linehan
Staff Resource Person: Emily Barron
Staff proposal to P&Z: General Retail (GR)
ITEM WITHDRAWN – NO ACTION REQUIRED

B. Consider a request by 1890 Ranch LTD to rezone approximately ~~3.44~~ 0.344 acres from General Retail (GR) to General Office (GO) for property located on the east side of 183A just south of Medical Parkway. (Z-11-011)
Owner: 1890 Ranch LTD.
Agent: Daniel Campbell
Staff Resource Person: Emily Barron
Staff proposal to P&Z: Approve
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report

Senior Planner Emily Barron made the presentation and was available for questions. Staff supported the applicant's request to rezone approximately 0.344 acres from General Retail (GR) to General Office (GO) for property located on the east side of 183A just south of Medical Parkway. 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. No opposition had been received by staff. The applicant, Daniel Campbell, was present to answer questions.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

Commissioner Kauffman asked for further discussion on staff's recommendation for split-zoning. The applicant responded that the original zoning district (GB-3) for 1890 Ranch subdivision allowed GO uses. When the new zoning districts were applied, some GO uses were no longer included in the GR district assigned to the parcel. The applicant has met with representatives from the hospital and they were not opposed to the rezoning.

MOTION: Vice Chair Thomas moved to recommend approval of the rezoning of Item Z-11-011 from General Retail (GR) to General Office (GO) for property located on the east side of 183A just south of Medical Parkway as presented by Staff to the City Council. Commissioner Yore seconded the motion and the motion passed unanimously, 6-0, with one absent.

Chair Trujillo reopened Item 9.B.3 after Item 9.C.

MOTION: Vice Chair Thomas moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9B, Case Z-11-011. Commissioner Yore seconded the motion and the motion passed unanimously, 6-0, with one absent.

- C. Consider a request by Kathleen and Laurice Peloquin to rezone approximately 7.79 acres from General Retail (GR) to General Office (GO), for property located on the southwest corner of E. Whitestone Boulevard and Arrow Point Drive. (Z-11-012)
Owner: Kathleen and Laurice Peloquin
Agent: Alan Hucaby, GHLA Architects
Staff Resource Person: Emily Barron
Staff proposal to P&Z: Approve
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report

Senior Planner Emily Barron made the presentation and was available for questions. Staff supported the applicant's request to rezone approximately 7.79 acres from General Retail (GR) to General Office (GO) for property located on the southwest corner of East Whitestone Boulevard and Arrow Point Drive. 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. No opposition had been received by staff.

The applicant's representative, Peter Longo from Cantex, was present to answer questions. He provided an overview of the proposed in-patient facility. They plan to build a 112-bed, one story, skilled nursing center with 96 private rooms and 8 semi-private rooms. There was discussion among the Commissioners concerning salary ranges and number of jobs provided.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Lux moved to recommend approval of the rezoning of Item Z-11-012 from General Retail (GR) to General Office (GO) for property located on the southwest corner of East Whitestone Boulevard and Arrow Point Drive as presented by Staff to the City Council. Commissioner Kauffman seconded the motion and the motion passed unanimously, 6-0, with one absent.

MOTION: Vice Chair Thomas moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9C, Case Z-11-012. Commissioner Lux seconded the motion and the motion passed unanimously, 6-0, with one absent.

- D. Consider a request by Jimmy Nassour, Stephen Oyster and Cobot Chase LTD to rezone approximately 3.80 acres from Commercial Services (CS) to Light Industrial (LI) for property located at 3320 W. Whitestone. (Z-11-013)
Owner: Jimmy Nassour, Stephen Oyster and Cobot Chase LTD.
Agent: Coy Foust
Staff Resource Person: Emily Barron
Staff proposal to P&Z: Approve
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report

Senior Planner Emily Barron made the presentation and was available for questions. Staff supported the applicant's request to rezone approximately 3.80 acres from Commercial Services (CS) to Light Industrial (LI) for property located at 3320 West Whitestone. The Light Industrial (LI) district matches the purpose of the zoning district, the Future Land Use Plan as well as the Comprehensive Plan and accommodates a variety of uses. The applicant's agent, Coy Foust, was present to answer questions. He advised the Commissioners that they anticipate adding thirty-five jobs. The building is currently vacant.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

There was discussion among the Commissioners concerning redevelopment of the property.

MOTION: Commissioner Lux moved to recommend approval of the rezoning of Item Z-11-013 from Commercial Services (CS) to Light Industrial (LI) for property located at 3320 West Whitestone as presented by Staff to the City Council. Commissioner Yore seconded the motion and the motion passed unanimously, 6-0, with one absent.

MOTION: Vice Chair Thomas moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9D, Case Z-11-013. Commissioner Lux seconded the motion and the motion passed unanimously, 6-0, with one absent.

10. FUTURE LAND USE PLAN AMENDMENTS: None

11. SUBDIVISIONS (ACTION AND PUBLIC HEARING):

- A. Replat of Lots 1, 2, & 3 of the Replat of Block "A", Quest Village, Section 2 Subdivision (SFP-11-005)
6.327 acres, 2 commercial lots
Located at the southwest corner of Discovery Boulevard and E. Whitestone Boulevard
Owner: LADA One, Ltd.
Agent: Jim Huffcutt, Pape-Dawson Engineers
Staff Resource: Emily Barron
Staff Proposal to P&Z: Approve

Senior Planner Emily Barron made the presentation and was available for questions. She advised that Staff had reviewed the plat and it met all state and local requirements. Staff recommended approval of the plat. The applicant, Jim Huffcutt, was present to answer questions.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Lux moved to recommend approval of Item 11A, Case SFP-11-005, as presented by Staff. Commissioner Yore seconded the motion and the motion passed unanimously, 6-0, with one absent.

12. CONDITIONAL USE SITE DEVELOPMENT (ACTION AND PUBLIC HEARING): None

13. DISCUSSION AND POSSIBLE ACTION ITEMS:

- A. Zoning Ordinance Amendments – Public Hearing and P&Z Action:
1. Discussion on ordinance amendments to Chapter 11 Zoning, Article 11.12 Definitions, Division 1: Definition of Terms Section 11.12.002 - Regarding definitions for Medical Office and Medical and Dental Clinics

Rawls Howard, Planning and Development Services Director, reviewed the current language for definitions of Medical Clinics and Medical Office. The current definitions are almost identical. The new language focuses on their impact. He requested feedback from the Commissioners.

There was much discussion among the Commissioners concerning the need to differentiate between the two definitions. The Commissioners requested that “and dental” be removed from “Medical and dental clinics”. Under the Medical Office definition, they requested that the word “groups” be removed from “treatment by groups of doctors”.

The final wording for the amendment providing better clarification between Medical Office and Medical Clinic is as follows:

***Medical clinics:** The use of the site for the provision of medical, psychiatric, or surgical services on an out-patient basis. These facilities can be differentiated from a medical office in that such facilities would typically be composed of staff of various medical specialties, be primarily open to and operated for the general, walk-in public, and would not normally require an appointment. Example: emergency clinic or urgent care facility.*

***Medical Office:** The use of the site for the consultation, diagnosis, therapeutic, preventative, or corrective personal treatment by doctors, dentists, or similar practitioners of medical and healing arts for humans, medical or dental laboratories. These facilities can be differentiated from a medical clinic in that such facilities primarily operate on an appointment basis, are generally not open to the general walk-in public, and offer specialized services or attention. Examples: doctor's office, diagnostic center, radiological association.*

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Vice Chair Thomas moved to recommend approval of the definitions as modified above. Commissioner Lux seconded the motion, and the motion passed as follows:

Yes: Thomas, Balestiere, Kauffman, Lux
 No: Yore
 Absent: Echeverria

2. Discussion on ordinance amendments to Chapter 11 – Zoning, Article 11.10 Boards and Commissions Division 3, Zoning Changes and Amendments – To add language regarding a Summary of Neighborhood Communications

Rawls Howard reviewed the amendment adding language regarding a Summary of Neighborhood Communications. He advised that this summary would be a tool that places responsibility on the applicant to detail communication efforts with neighborhood groups. It would be included as part of the zoning application package. He reviewed the process specifics. A meeting is not required, but the applicant must complete the summary form and return it to staff the day before the scheduled public hearing. He advised that it could be a valuable tool for decision making.

There was discussion among the Commissioners concerning the requirement that the form must be completed. They requested that Sec. 11.10.XXX 2)1.A. be changed from “efforts to notify” to

"efforts, if any, to notify". They also requested that Sec. 11.10.XXX 2)3. be removed. They stated that if a blank form could be submitted, there was no reason to postpone the application if the form was not submitted by the deadline. The Commissioner requested that staff rework the amendment and present the revisions at the next meeting.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Vice Chair Thomas moved to table this item to the next meeting. Commissioner Lux seconded the motion, and the motion passed unanimously, 6-0 with one absent.

Chair Trujillo recalled Item 4. See Item 4.

14. ADMINISTRATIVE ITEMS:

(Commissioners and staff may discuss items related to the Commission's general duties and responsibilities. The Commission may not take a vote.)

A. Report on City Council actions from May 26, 2011 (Thomas Balestiere) and June 16, 2011 (Lorena Echeverria de Misi).

Commissioner Balestiere advised that a small group came to the May 26, 2011 meeting concerning the Wilson tract rezoning. City Council approved the zoning at the June 16, 2011 meeting. Rawls Howard advised that he gave a presentation on Home Occupation.

B. Director and Staff Comments

Rawls Howard advised that staff will bring the Rules and Procedures changes to the next meeting for their review. He advised that there will be staff-initiated zonings brought to the July and August meetings for Development Reserve districts. He advised that he will include the training program "Regulating Controversial Meetings" on the next agenda for discussion.

B. Commissioners Comments.

Commissioner Balestiere was concerned about the signs/banners on the new Murphy Mart canopy. He compared it to the Signature Convenience Store that recently went in. Rawls Howard advised that he would check with the Building Inspections department.

D. Request for Future Agenda Items.

Commissioner requested that the Sign Ordinance relating to current issues be included as a future agenda item. Rawls Howard stated that the professional development training would be included.

E. Designate Delegate to Attend Next Council Meeting on July 14, 2011

Commissioner Yore advised that he would attend the July 14th meeting.

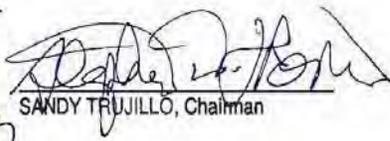
15. ADJOURNMENT

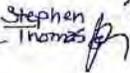
Chair Trujillo adjourned the meeting at 8:18 p.m.

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Planning & Zoning Commission
June 21, 2011
Page 8

PASSED AND APPROVED THE ^{16th}~~19th~~ DAY OF ^{AUGUST}~~JULY~~, 2011.


SANDY TRUJILLO, Chairman


Stephen Thomas

ATTEST:


LORENA ECHEVERRIA DE MISI, Secretary

Jon Luy for



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. B.5
**Receipt Of Minutes From The Planning And Zoning Commission Meeting Of July
19, 2011.**

Commentary:

MINUTES FOR
CITY OF CEDAR PARK
REGULAR MEETING OF THE PLANNING & ZONING COMMISSION
TUESDAY, JULY 19, 2011 AT 6:30 P.M.
CEDAR PARK PUBLIC LIBRARY
550 DISCOVERY BOULEVARD CEDAR PARK, TEXAS 78613

COMMISSION MEMBERS

NICHOLAS KAUFFMAN
 ALAN YORE

SANDY TRUJILLO, Chair
 STEPHEN THOMAS, Vice-Chair
 LORENA ECHEVERRIA, Secretary

THOMAS BALESTIERE
 JON LUX

1. CALL TO ORDER
Vice Chair Thomas called the meeting to order at 6:30 p.m.
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS
Vice Chair Thomas led the audience in the U.S. Pledge of Allegiance and the Texas Pledge.
3. ROLL CALL
Commissioner Balestiere arrived after Item 9.C. Chair Trujillo and Commissioner Lux were absent. All other Commissioners were present and a quorum was declared.
4. MINUTES: Approve minutes from the Regular Meeting of June 21, 2011
MOTION: Commissioner Kauffman moved to approve the Regular Called Meeting of June 21, 2011 Minutes as presented. Commissioner Yore seconded the motion.

MOTION WITHDRAWN: Commissioner Kauffman withdrew his motion because Secretary Echeverria had been absent at that meeting and there would not be a quorum if she abstained from the vote. Commissioner Yore withdrew his second. This item was postponed.
5. CITIZEN COMMUNICATIONS **None.**
6. CONSENT AGENDA:
 - A. STATUTORY DISAPPROVAL:
(Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in City Ordinance Sections 12.03.001, 12.05.004, 12.06.004 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Disapproval in order to meet the statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission.)
 1. Tower Centre Section 1, Amended Plat of Lots 1 & 2 (FPD-11-003)
6.652 acres, 2 commercial lots
Located on the south side of E. Whitestone Blvd, east of the 183A Toll Road
Owner: Bob Tesch, Strategic Texas Investments LP
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove
 - B. SUBDIVISION APPROVALS:
 1. Buttercup Creek Phase V Section 13 (FP-11-003)
16.446 acres, 48 residential lots, 1 preserve lot

Located at the southeast corner of Gaspar Bend and Erica Kaitlin Lane
 Owner: Forestar (USA) Real Estate
 Agent: Charles Brigance
 Staff Resource: Emily Barron
 Staff Proposal to P&Z: Approve

2. Whitestone Oaks at Anderson Mill Section 3 (FP-11-001)
 21.875 acres, 86 residential lots, 4 landscape/open space lots
 Located along West New Hope Drive, north of Woodall Drive
 Owner: Whitestone Oaks LP
 Agent: John Hines, Gray Jansing and Associates
 Staff Resource: Amy Link
 Staff Proposal to P&Z: Approve
3. Coco's Corner (SFP-11-004)
 0.912 acres, 1 commercial lot
 Located at the northwest corner of Anderson Mill Rd and Lime Creek Rd
 Owner: Kochwelp Family Limited Partnership
 Agent: Brent Hammond
 Staff Resource: Amy Link
 Staff Proposal to P&Z: Approve

MOTION: Commissioner Yore moved to recommend approval of Consent Agenda Items 6.A.1 through 6.B.3 as presented. Commissioner Kauffman seconded the motion, and the motion passed unanimously, 4-0 with three absent.

7. POSTPONEMENTS/WITHDRAWN/PULLED REQUESTS: ~~None.~~
 Senior Planner Amy Link advised that the applicant had requested postponement of Items 8C and 9C to the August meeting.

MOTION: Secretary Echeverria moved to postpone Items 8C and 9C, Case Number Z-11-014, to the August 16, 2011 meeting. Commissioner Yore seconded the motion, and the motion passed unanimously, 4-0 with three absent.

8. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS: In accordance with the statutory requirements of the Texas Local Government Code reflected in Section 211.007, acceptance of preliminary reports for the following applications is recommended.

- A. City Initiated – 1400 Treeline, Z-11-007 (Related to item 9A)
- B. City Initiated – 1900 N. Lakeline, Z-11-008 (Related to item 9B)
- C. 210 North Lakeline, Z-11-014 (Related to item 9C)
- D. Pecan Grove, Z-11-015 (Related to item 9D)
- E. City Initiated – 1400 W. Whitestone Blvd., Z-11-016 (Related to item 9E)
- F. City Initiated – 1570 Cypress Creek Road, Z-11-018 (Related to item 9F)

MOTION: Secretary Echeverria moved to accept the Preliminary Reports for Items 8A through 8B and Items 8D through 8F as presented by Staff. Commissioner Kauffman seconded the motion, and the motion passed unanimously, 4-0 with three absent.

9. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a City Initiated request to assign original zoning of Open Space Recreation (OSR) to approximately 4.038 acres located at 1400 Treeline. (Z-11-007)
Owner: City of Cedar Park
Staff Resource Person: Emily Barron
Staff proposal to P&Z: Approve
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report

Senior Planner Emily Barron made the presentation and was available for questions. This zoning was being initiated by the City in order to provide assignment of original zoning of Open Space Recreation (OSR) to a currently designated Development Reserve (DR) tract. This property, 1400 Treeline, is currently developed and serves as an area for passive recreational sports as well as serving its primary purpose as a detention pond for a portion of the Carriage Hills neighborhood.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Kauffman moved to recommend approval of the rezoning of item Z-11-007 from Development Reserve (DR) to Open Space Recreation (OSR) for property located at 1400 Treeline as presented by Staff to the City Council. Commissioner Yore seconded the motion and the motion passed unanimously, 4-0, with three absent.

MOTION: Commissioner Kauffman moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9A, Case Z-11-007. Commissioner Yore seconded the motion and the motion passed unanimously, 4-0, with three absent.

- B. Consider a City Initiated request to assign original zoning of Open Space Recreation (OSR) to approximately 8.63 acres located at 1900 N. Lakeline Boulevard. (Z-11-008)
Owner: City of Cedar Park
Staff Resource Person: Emily Barron
Staff proposal to P&Z: Approve
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report

Senior Planner Emily Barron made the presentation and was available for questions. This zoning was being initiated by the City in order to provide assignment of original zoning of Open Space Recreation (OSR) to a currently designated Development Reserve (DR) tract. This property, 1900 North Lakeline Boulevard, is currently developed and serves as an area for passive recreational sports, known as New Hope Park, as well as serving its primary purpose as a detention pond for a northern portion of the Carriage Hills neighborhood. Emily Barron advised that staff received one supportive response and no negative responses for this item.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Secretary Echeverria moved to recommend approval of the rezoning of item Z-11-008 from Development Reserve (DR) to Open Space Recreation (OSR) for property located at 1900 North

Lakeline Boulevard as presented by staff to the City Council. Commissioner Yore seconded the motion and the motion passed unanimously, 4-0, with three absent.

MOTION: Secretary Echeverria moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9B, Case Z-11-008. Commissioner Yore seconded the motion and the motion passed unanimously, 4-0, with three absent.

- C. Consider a request by Adrian Barron to rezone approximately 1.57 acres from Transitional Office (TO) to Local Retail (LR), for property located at 210 North Lakeline Boulevard. (Z-11-014)
Owner: Adrian Barron, Independent Executor of the Estate of Frank Barron
Agent: Samir Desai
Staff Resource Person: Amy Link
Staff proposal to P&Z: Transitional Commercial (TC)
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report

Item was postponed.

- D. Consider a request by Pecan Grove, SPVEF LP to rezone approximately 79.06 located on the east side of 183A northeast of the intersection of Scottsdale and 183A to the following: 22.02 acres from General Retail (GR) to General Retail with a Conditional Overlay (GR-CO) to only permit the following uses: administrative offices, medical offices, software development, food sales (limited), research and development activity (software only), day care center (incidental), professional offices, art galleries with retail sales, personal services (general), retail gift store, studios/art studio, dance, music, drama; personal improvement services, automobile parts/accessories sales, banks w/ or wo/ drive thru, convenience store, golf (amusement), hardware store, drugstore, retail stores, restaurant (limited), equipment rental, sales, service, repair; hotel (including extended stay), motel, software sales, computer hardware sales, automated teller machine, bakery (retail), consumer repair shop (including bicycles), dry cleaning and/or laundry on site, food sales (general), liquor store, restaurant (general), veterinary services, bar, cocktail lounge, furniture store, office/showrooms, theaters (indoor); 20.52 acres from General Retail (GR) to Single Family Residential, Urban Lot (SF-3); 22.51 acres from General Retail (GR) to General Office (GO); and 14.01 acres from General Retail (GR) to Light Industrial (LI). (Z-11-015)
Owner: Pecan Grove SPVEF, L.P.
Agent: Paul Linehan, Land Strategies
Staff Resource Person: Emily Barron
Staff proposal to P&Z: Approve
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report

Senior Planner Emily Barron made the presentation and was available for questions. The property is located on the northbound side of 183A Toll Road, east of the intersection of Scottsdale and 183A. The applicant had requested to rezone approximately 79.06 acres from General Retail (GR) to 22.02 acres of General Retail with a Conditional Overlay (GR-CO) (Tract 1); 20.52 acres of Single Family-Urban Lot (SF-3) (Tract 2), 22.51 acres of General Office (GO) (Tract 3), 14.01 acres of Light Industrial (LI) (Tract 4). Tracts 1 and 3 are in compliance with the Future Land Use Plan and meet the goals of the Comprehensive Plan.

Staff recommended the applicant's request for:

Tract 1 – General Retail with a Conditional Overlay (GR-CO) to limit the permitted uses to the following:

administrative offices	drugstore,
medical offices	retail stores,
software development	restaurant (limited)
food sales (limited)	equipment rental, sales, service, repair
research and development	hotel (including extended stay)
activity (software only)	motel
day care center (incidental),	software sales
professional offices	computer hardware sales
art galleries with retail sales,	automated teller machine
personal services (general)	bakery (retail)
retail gift store	consumer repair shop (including bicycles)
studios/art studio, dance,	dry cleaning and/or laundry on site
music, drama	food sales (general)
personal improvement	liquor store
services	restaurant (general)
automobile parts/accessories	veterinary services
sales	bar
banks w/ or without drive thru	cocktail lounge
convenience store	furniture store
golf (amusement)	office/showrooms
hardware store,	theaters (indoor)

Tract 2 – Urban Single-Family Residential District (SF-3)

Tract 3 – General Office (GO)

Tract 4 – Light Industrial (LI)

Emily Barron advised that if the applicant's request was recommended for approval, a Future Land Use Plan amendment will be required for Tract 2 to allow for SF-3 and for Tract 4 to allow for LI.

The applicant's agent, Paul Linehan, made a presentation and was available for questions. He advised that he had been working with the Planning and Economic Development staff. The applicant had worked the roadway locations to preserve as many trees as possible.

The Commissioners discussed the following: the size of lots, what made them unique, whether focus would be on building retail or residential, need for secondary access, and trail network.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

There was discussion among the Commissioners concerning the conditional overlay.

MOTION: Secretary Echeverria moved to recommend approval of the rezoning of Item Z-11-015 from General Retail (GR) to 22.02 acres of General Retail with a Conditional Overlay (GR-CO) (Tract 1); 20.52 acres of Single Family-Urban Lot (SF-3) (Tract 2), 22.51 acres of General Office (GO) (Tract 3), 14.01 acres of Light Industrial (LI) (Tract 4) as presented by Staff to the City Council. Commissioner Yore seconded the motion and the motion passed as follows:

Yes: Echeverria, Yore, Thomas, Balestiere
No: Kauffman
Absent: Trujillo, Lux

MOTION: Commissioner Yore moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9D, Case Z-11-015. Secretary Echeverria seconded the motion and the motion passed unanimously, 5-0, with two absent.

- E. Consider a City initiated request to assign original zoning of General Retail (GR) to approximately 1.34 acres located at 1400 West Whitestone Boulevard. (Z-11-016)
 Owner: City of Cedar Park
 Staff Resource Person: Amy Link
 Staff proposal to P&Z: Approve
 1) Public Hearing
 2) P&Z Recommendation to City Council
 3) P&Z Adoption of Final Report

Senior Planner Amy Link made the presentation and was available for questions. This zoning was being initiated by the City in order to provide assignment of original zoning of General Retail (GR) to a currently designated Development Reserve (DR) tract. The former City Police Station site, located at 1400 West Whitestone Boulevard, is currently vacant. Existing structures on the tract were recently demolished in preparation for sale of the lot.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Secretary Echeverria moved to recommend approval of the rezoning of Item Z-11-016 from Development Reserve (DR) to General Retail (GR) for property located at 1400 West Whitestone Boulevard as presented by Staff to the City Council. Commissioner Kauffman seconded the motion and the motion passed unanimously, 5-0, with two absent.

MOTION: Secretary Echeverria moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9E, Case Z-11-016. Commissioner Yore seconded the motion and the motion passed unanimously, 5-0, with two absent.

- F. Consider a City initiated request to assign original zoning of Public Service (PS) to approximately 1.02 acres located at 1570 Cypress Creek Road. (Z-11-018)
 Owner: City of Cedar Park
 Staff Resource Person: Emily Barron

Senior Planner Emily Barron made the presentation and was available for questions. This zoning was being initiated by the City in order to provide assignment of original zoning of Public Service (PS) to a currently designated Development Reserve (DR) tract. This property, located at 1570 Cypress Creek Road, is currently developed and is home to Fire Station #2.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Yore moved to recommend approval of the rezoning of Item Z-11-018 from Development Reserve (DR) to Public Service (PS) for property located at 1570 Cypress Creek Road as presented by Staff to the City Council. Commissioner Balestiere seconded the motion and the motion passed unanimously, 5-0, with two absent.

MOTION: Commissioner Yore moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9F, Case Z-11-018. Commissioner Balestiere seconded the motion and the motion passed unanimously, 5-0, with two absent.

10. FUTURE LAND USE PLAN AMENDMENTS:

Items 10A and 10B were voted on together.

A. Future Land Use Plan amendment for property located along 183A known as Pecan Grove Senior Planner Emily Barron made the presentation and was available for questions. In conjunction with the Pecan Grove rezoning request (Z-11-015), staff is recommending the following amendments to the Future Land Use Plan: (1) Tract 2: Amend the Future Land Use map for 20.52 acres located on 183A north from Neighborhood Retail /Office / Commercial to Low Density Residential and (2) Tract 4: Amend the Future Land Use map for 14.01 acres located on 183A at the southeast corner of the property known as Pecan Grove from Neighborhood Office / Retail / Commercial to Industrial.

B. Future Land Use Plan amendment for property located at 1400 W. Whitestone Boulevard Senior Planner Amy Link made the presentation and was available for questions. In conjunction with the Old Police Station rezoning request (Z-11-016), staff is recommending the following amendment to the Future Land Use Plan: (1) Amend the Future Land Use Map for approximately 1.34 acres located at 1400 West Whitestone Boulevard from Neighborhood Office / Retail / Commercial to Regional Office/Retail/Commercial.

MOTION: Commissioner Kauffman moved to recommend approval of amending the Future Land Use Plan for Items 10.A and 10.B as presented by Staff to the City Council. Commissioner Balestiere seconded the motion and the motion passed unanimously, 5-0, with two absent.

11. SUBDIVISIONS (ACTION AND PUBLIC HEARING): None

12. CONDITIONAL USE SITE DEVELOPMENT (ACTION AND PUBLIC HEARING): None

13. DISCUSSION AND POSSIBLE ACTION ITEMS:

A. Zoning Ordinance Amendments – Public Hearing and P&Z Action:

1. Discussion on ordinance amendments to Chapter 11 – Zoning, Article 11.10 Boards and Commissions Division 3, Zoning Changes and Amendments – To add language regarding a Summary of Neighborhood Communications

Rawls Howard, Planning and Development Services Director, reviewed the revisions requested by the Commissioners at the June meeting.

Staff supports the following revised amendment:

Sec. 11.10.XXX Applicant's Summary of Neighborhood Communications for Zoning Changes

A neighborhood communication summary will be required for all properties located within 300' of a single family zoned property. The purpose of the neighborhood communication summary is to educate the applicant and the neighborhood about each other's interests, to attempt to resolve issues in a manner that respects those interests and to identify unresolved issues. This process seeks to enhance communications with the neighborhood but does not mandate a neighborhood meeting.

- 1) **Applicability:** The neighborhood communication requirements of this section apply to all zoning applications for properties within 300 feet of single family zoned property. If there are no single family zoned properties within 300 feet of the property under consideration, the applicant is exempt from neighborhood communication summary requirements.
- 2) **Summary Report**
 1. Prior to the public hearing, the applicant must submit a summary report to the Planning Director by 5pm the day prior to the scheduled public hearing. The summary report must describe:
 - A. Efforts, if any, to notify neighborhoods about the proposal (how and when notification occurred, and who was notified);
 - B. How information about the proposal was shared with neighborhoods (mailings, workshops or meetings, open houses, flyers, door-to-door handouts, etc.);
 - C. Who was involved in the discussions;
 - D. Suggestions and concerns raised by the neighborhoods; and
 - E. What specific conditions were added to or modified within the zoning request in response to concerns raised at the meeting.
 2. The applicant must present the summary report to the authorized decision-making body at the public hearing.
 - ~~3. If the summary report is not received by the deadline the application will be postponed to the following Planning and Zoning Commission hearing.~~

MOTION: Commissioner Yore moved to recommend approval of adding language regarding a Summary of Neighborhood Communications as modified above. Commissioner Kauffman seconded the motion, and the motion passed 5-0, with two absent.

B. Discussion on modifications to the Planning and Zoning Commission Rules and Procedures
Rawls Howard presented the staff recommended modification of Chapter 3, Rule 3.1 of the Commission's Rules and Procedures to specify when election of officers will take place each year. The proposed amendments are noted below.

Chapter 3: Conduct of Meetings

Rule 3.1 Officers. The Officers of the Planning and Zoning Commission shall consist of a Chair, vice-chair, and secretary. The Officers of the Board shall be elected on an annual basis by majority vote of the Planning and Zoning Commission at the regular scheduled meeting in August ~~first meeting following Council appointments/reappointments~~. Terms of office shall be one (1) year. An officer may be reelected for an additional one year term but no individual shall serve for more than two (2) consecutive terms. All officers shall be subject to removal from office at any time by a vote of the majority of the entire Commission. A vacancy in the office of any officer shall be filled by a vote of a majority of the Commission.

MOTION: Commissioner Yore moved to recommend approval of the amendment revisions specifying that election of officers will take place at the Regular Scheduled meeting in August. Commissioner Kauffman seconded the motion.

AMENDED MOTION: Commissioner Yore moved to amend his motion as follows: recommend approval of the amendment revisions by specifying that election of officers will be held at the first regular scheduled meeting in August. Commissioner Kauffman accepted the amended motion, and the motion passed 5-0, with two absent.

C. Discussion on possible amendment to Future Land Use Plan along West Whitestone Boulevard between Walton Way and Lakeline Boulevard.

Rawls Howard advised the Commissioners that staff will bring suggestions to amend the Future Land Use Plan along West Whitestone Boulevard between Walton Way and Lakeline Boulevard to the August meeting. Several of the properties are already zoned for higher intensity land uses.

D. Review of training DVD - "Regulating Controversial Uses"

Rawls Howard requested that discussion on this item be postponed.

14. ADMINISTRATIVE ITEMS:

(Commissioners and staff may discuss items related to the Commission's general duties and responsibilities. The Commission may not take a vote.)

A. Report on City Council actions from July 14, 2011

Rawls Howard advised that the Medical Office definition was accepted as proposed.

B. Director and Staff Comments None.

C. Commissioners Comments.

Commissioner Kauffman stated that he appreciated the excellent staff reports.

D. Request for Future Agenda Items.

Commissioners stated that Item 9D was postponed so it should be included on the August agenda.

E. Designate Delegate to Attend Next Council Meetings on July 28, 2011 and August 11, 2011

Commissioner Kauffman advised that he would attend the July 28th meeting. Commissioner Balestiere advised that he would attend the August 11th meeting.

15. ADJOURNMENT

Vice Chair Thomas adjourned the meeting at 8:00 p.m.

PASSED AND APPROVED THE 16th DAY OF AUGUST, 2011

ATTEST:

LORENA ECHEVERRIA DE MISI, Secretary

Jon Lux for

Stephen Thomas for


SANDY TRUJILLO, Chairman



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. C.1

Second Reading And Approval Of An Ordinance To Amend The Council Rules Of Procedure Pertaining To Placement Of Agenda Items, Rules Of Procedure, Parliamentarian, Public Presentations, And Expansion Of Time For Public Presentations.

Commentary:

Mayor and City Council:

In accordance with what I heard at the August 11, 2011 City Council meeting, I have amended Section 2.4 concerning Placement of Agenda Items by a Councilmember by adding that an agenda request "will be honored within a reasonable time" and by deleting the requirement for the agenda request to be made "no less than seven days prior to the regular City Council meeting."

No other substantive changes have been made since the public hearing.

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING THE CITY COUNCIL RULES OF PROCEDURE PERTAINING TO PLACEMENT OF AGENDA ITEMS, RULES OF PROCEDURE, PARLIAMENTARIAN, PUBLIC PRESENTATIONS, AND EXPANSION OF TIME LIMITS FOR PUBLIC PRESENTATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. The City Council Rules of Procedure are hereby amended as follows:

Title: CITY OF CEDAR PARK COUNCIL RULES ~~OF~~ AND PROCEDURES

Rule 2.2 Agenda Categories for Council Meetings: For each Council meeting, the agenda may contain any of the following categories:

- (a) Call to order;
- (b) Roll;
- (c) Invocation and Pledges of Allegiance;
- (d) Approval of ~~m~~Minutes;
- (e) Citizen ~~e~~Communications;
- (f) Mayor and Council ~~e~~Opening ~~e~~Comments;
- (g) Announcements and Proclamations;
- (h) Board, Commission, and Task Force Reports;
- (i) Council Committee Reports;
- (j) City Manager's ~~r~~Report;
- (k) Consent ~~a~~Agenda;
- (l) Second ~~R~~reading and ~~P~~ossible ~~a~~Action on ~~e~~Ordinances;
- (m) First ~~e~~Reading and ~~p~~ublic ~~h~~earing on ~~e~~Ordinances;
- (n) Consideration and ~~p~~ossible ~~a~~Action on ~~e~~Resolutions;
- (o) Discussion and Staff Presentations;
- (p) Executive ~~s~~Session;
- (q) Possible ~~a~~Action on ~~e~~Executive ~~s~~Session ~~m~~Matters;
- (r) Mayor and Council ~~e~~Closing ~~e~~Comments; and
- (s) Adjournment.

The categories listed above are demonstrative and are not meant or intended to be exclusive.

Rule 2.4 Placement of Agenda Items by Councilmember: Any Councilmember may request the placement of any item on an upcoming agenda. Any agenda item so

Amended November 4, 2010 (Rev. 8/11)

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requested shall bear the requesting Councilmember's name on each occasion at which the item appears on the agenda. A Councilmember may request the placement of any item on the agenda (a) during Mayor and Council opening comments or Mayor and Council closing comments, or (b) in writing directed to the Mayor and distributed to the City Council. The request shall be made no later than by 5:00 p.m. seven (7) calendar days prior on the Wednesday prior to the regular City Council meeting.

Rule 3.2 Rules of Procedure. The City Council shall determine its own rules of procedure, voting, and order of business except that, upon the request of any member, the most current form of Roberts Rules of Order shall be followed for the designated item before the Council. (Ordinance G20-06-04-13-3A) Members of the City Council shall confine their discussions concerning a motion or a question to the merits of a motion made and seconded or to a question already presented to them. Council members will show respect and courtesy to fellow Council members, the public and staff in the conduct of a Council meeting and will refrain from making disparaging comments about the motives or character of a fellow Council member the public and staff. (Ordinance G20-06-04-13-3A)

Rule 3.3 Parliamentarian. The City Attorney shall serve as parliamentarian for the City Council, who shall construe all applicable procedural rules liberally, and serve as Sergeant at Arms in conjunction with any police representative present.

Rule 3.7 Public Presentation. After any presentation by the City staff, an applicant or other member of the public who desires to address the City Council during a public hearing or before consideration of a possible action item may do so, provided that (a) he/she limits such presentation to three (3) minutes, and (b) he/she fills out and delivers to the City Secretary a registration card listing the agenda item to be discussed for each agenda item prior to addressing the City Council. If feasible, the registered speakers will be grouped into those in favor of the application and those opposed. Once a public hearing is closed there shall be no further citizen communication on that item without the unanimous consent of the City Council members present. In addition, a member of the public, upon the unanimous consent of the City Council members present, may speak to any agenda item requiring Council action for three minutes upon filling out a registration card.

Rule 3.10 Expansion of Time for Public Presentation and Citizen Communications. The Chair may expand the time limit set forth in Rules 3.7 or 3.8 for up to an additional five (5) minutes if the presenter requests an extension unless a Councilmember objects. In the event of a Councilmember's objection to a request for extension, the City Council shall vote to approve or disapprove the request for extension. The three minute limitation imposed by Rule 3.7 and Rule 3.8 may be extended one time per speaker for one minute upon the unanimous consent of the City Council members present. The giving or transferring of a person's three minutes to another is prohibited.

SECTION 2. That if any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or for any reason unenforceable, then the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council of the City of Cedar Park, Texas, in adopting this ordinance, that no portion hereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any other portion or provision.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 11th day of August, 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 OF CEDAR PARK
COUNCIL RULES ~~OF~~ AND PROCEDURES

Chapter 1: Meetings, Work Sessions, and Retreats

Rule-1.1 Regular Meetings. Regular meetings of the City Council will be held on the second and fourth Thursdays of each month, except as specifically modified by the City Council, and will generally commence at 6:30 pm. Regular meetings of the City Council may be held at such other times as may be necessary or beneficial. Public notice of all regular meetings of the City Council shall be given as required by the Texas Open Meetings Act, Section 551.001 *et seq.* of the Government Code.

Rule-1.2 Special Meetings. Special meetings of the City Council shall be held on such dates and at such times as called by the Mayor or, in his/her absence, the Mayor Pro Tem. Public notice of all special meetings of the City Council shall be given as required by the Texas Open Meetings Act, Section 551.001 *et seq.* of the Government Code.

Rule-1.3 Council Work Sessions. The City Council may hold work sessions as needed. The City Council work sessions will be held on such dates and times as called by the Mayor, or in his absence, the Mayor Pro Tem. Public notice of all City Council work sessions shall be given as required by the Texas Open Meetings Act, Section 551.001 *et seq.* of the Government Code.

Rule-1.4 Council Retreats. The City Council may generally hold retreats annually in lieu of City Council work sessions. The City Council retreats will be held on such dates and times as called by the Mayor, or in his absence, the Mayor Pro Tem. Public notice of all City Council retreats shall be given as required by the Texas Open Meetings Act, Section 551.001 *et seq.* of the Government Code.

Rule-1.5 Joint Meetings. The City Council may hold a joint meeting with each board, commission, and task force appointed by the City Council when a specific item(s) requires the combined efforts of the City Council and the board, commission, or task force. Public notice of all joint meetings shall be given as required by the Texas Open Meetings Act, Section 551.001 *et seq.* of the Government Code.

Chapter 2: Agenda

Rule-2.1 Preparation of the Agenda. The Mayor or, in his/her absence, the Mayor Pro Tem is responsible to prepare or ensure the preparation of the agenda for each meeting, work session, or retreat.

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Rule 2.2 Agenda Categories for Council Meetings: For each Council meeting, the agenda may contain any of the following categories:

- (a) Call to order;
- (b) Roll;
- (c) Invocation and Pledges of Allegiance;
- (d) Approval of ~~M~~Minutes;
- (e) Citizen ~~e~~Communications;
- (f) Mayor and Council ~~e~~Opening ~~e~~Comments;
- (g) Announcements and Proclamations;
- (h) Board, Commission, and Task Force Reports;
- (i) Council Committee Reports;
- (j) City Manager's ~~R~~Report;
- (k) Consent ~~a~~Agenda;
- (l) Second ~~R~~reading and ~~P~~ossible ~~a~~Action on ~~e~~Ordinances;
- (m) First ~~r~~Reading and ~~p~~ublic ~~h~~earing on ~~e~~Ordinances;
- (n) Consideration and ~~p~~ossible ~~a~~Action on ~~r~~esolutions;
- (o) Discussion and Staff Presentations;
- (p) Executive ~~s~~Session;
- (q) Possible ~~a~~Action on ~~e~~xecutive ~~s~~ession ~~m~~Matters;
- (r) Mayor and Council ~~e~~Closing ~~e~~Comments; and
- (s) Adjournment.

The categories listed above are demonstrative and are not meant or intended to be exclusive.

Rule 2.3 Consent Agenda. All second readings and resolutions shall presumptively be placed on the consent agenda. Any item on the consent agenda shall be removed at the request of a single Councilmember. A request for removal from the consent agenda may be made prior to the Consent Agenda being called for action. Any item removed from the consent agenda shall be considered as a separate action item at the meeting on which such item appears on the consent agenda.

Rule 2.4 Placement of Agenda Items by Councilmember. Any Councilmember may request the placement of any item on an upcoming agenda which will be honored within a reasonable time. Any agenda item so requested shall bear the requesting Councilmember's name on each occasion at which the item appears on the agenda. A Councilmember may request the placement of any item on the agenda (a) during Mayor and Council opening comments or Mayor and Council closing comments, or (b) in writing directed to the Mayor and distributed to the City Council. ~~The request shall be made by 5:00 p.m. on the Wednesday prior to the regular City Council meeting.~~

Rule 2.5 Public Availability of Agenda. In addition to the requirements of the Texas Open Meetings Act, Section 551.001 *et seq.* of the Government Code, the City Council agenda and supporting materials, excluding exempt materials, shall be made available to any member of the public who requests same. However, any member of the public requesting the City Council agenda and supporting materials, excluding exempt materials, shall pay all costs associated with

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the reproduction of the City Council agenda and/or supporting materials, excluding exempt materials, in accordance with the standards established by the General Services Commission. A copy of the packet distributed to the City Council prior to a regular or special meeting, excluding exempt materials, shall be made available to the public in the Cedar Park Public Library. To the extent practicable, the City Council agenda and packet materials, excluding exempt materials, shall also be made available to the public on the City's internet website.

Rule-2.6 Description of Certain Agenda Items. For each agenda item requiring consideration and/or action by the City Council, excluding items on the executive session agenda, the agenda shall (i) reflect a brief substantive description of the matter for consideration and/or action, (ii) identify the staff resource person(s) responsible for the item, and (iii) if appropriate, provide a staff recommendation for action.

Chapter 3: Conduct of Meetings

Rule-3.1 Chair. The Mayor or, in his/her absence, the Mayor Pro Tem shall preside over and conduct all Council meetings.

Rule-3.2 Rules of Procedure. The City Council shall determine its own rules of procedure, voting, and order of business except that, upon the request of any member, the most current form of Roberts Rules of Order shall be followed for the designated item before the Council. (Ordinance G20-06-04-13-3A) Members of the City Council shall confine their discussions concerning a motion or a question to the merits of a motion made and seconded or to a question already presented to them. Council members will show respect and courtesy to fellow Council members, the public and staff in the conduct of a Council meeting and will refrain from making disparaging comments about the motives or character of a fellow Council member the public and staff. (Ordinance G20-06-04-13-3A)

Rule-3.3 Parliamentarian. The City Attorney shall serve as parliamentarian for the City Council, who shall construe all applicable procedural rules liberally, and serve as Sergeant at Arms in conjunction with any police representative present.

Rule-3.4 Presentation by Applicant. With the exception of the consent agenda, the applicant for any item involving possible City Council action may make a presentation at the outset of a public hearing or before consideration of a possible action item. Such presentation shall be concise and non-repetitive.

Rule-3.5 Presentation by City Staff. With the exception of the consent agenda, City staff may make any presentation necessary for a public hearing or before consideration of a possible action item. Such presentation shall be concise and non-repetitive.

Rules-3.6 Written Presentation by City Staff. For each ordinance, resolution, and action item presented to the City Council, the following materials shall be provided to the City Council: (a) a written recommendation for action by City staff; (b) a written approval as to form of the ordinance or contract by the City Attorney.

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~~Rule 3.7~~ Public Presentation. After any presentation by the City staff, an applicant or other member of the public who desires to address the City Council during a public hearing ~~or before consideration of a possible action item~~ may do so, provided that (a) he/she limits such presentation to three (3) minutes, and (b) he/she fills out and delivers to the City Secretary a registration card listing the agenda item to be discussed for each agenda item prior to addressing the City Council. If feasible, the registered speakers will be grouped into those in favor of the application and those opposed. Once a public hearing is closed there shall be no further citizen communication on that item without the unanimous consent of the City Council members present. In addition, a member of the public, upon the unanimous consent of the City Council members present, may speak to any agenda item requiring Council action for three minutes upon filling out a registration card.

~~Rule 3.8~~ Citizen Communications. Any member of the public who desires to address the City Council during citizen communications may do so, provided that (a) he/she limits such presentation to three (3) minutes, and (b) he/she fills out and delivers to the City Secretary a registration card identifying the topic on which he/she desires to address the City Council.

~~Rule 3.9~~ Registration Card. The registration card referred to in Rules 3.7 and 3.8 shall include the following information: (a) full name; (b) business or residential address; (c) business or residential telephone number; (d) representation; (e) agenda item or topic; (f) brief statement of position [e.g. for or against an agenda item or summary of communication].

~~Rule 3.10~~ Expansion of Time for Public Presentation and Citizen Communications. ~~The Chair may expand the time limit set forth in Rules 3.7 or 3.8 for up to an additional five (5) minutes if the presenter requests an extension unless a Councilmember objects. In the event of a Councilmember's objection to a request for extension, the City Council shall vote to approve or disapprove the request for extension.~~ The three minute limitation imposed by Rule 3.7 and Rule 3.8 may be extended one time per speaker for one minute upon the unanimous consent of the City Council members present. The giving or transferring of a person's three minutes to another is prohibited.

~~Rule 3.11~~ Time Keeper. The City Attorney and/or the City Staff shall serve as time keeper for any public presentation made to the City Council.

~~Rule 3.12~~ Repetitive Presentations. The Chair may deny any presenter the opportunity to address the City Council if the presentation made or offered is repetitive of a presentation previously made.

~~Rule 3.13~~ Call of Agenda Items. The City Secretary shall call each agenda item by number or short caption only. It is not necessary for the City Secretary to call an agenda item by its complete caption or title.

~~Rule 3.14~~ No Vote on First Reading. The City Council shall not vote on any first reading. The Chair shall allow discussion by the City Council of any item on first reading in order to

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provide direction to staff. The City Council may consider motions to amend, modify, or clarify any item on first reading.

~~Rule~~ 3.15 Council Vote. The City Secretary shall maintain, and the minutes shall reflect, the votes made by the City Council in open meeting.

(a) Consent Agenda. The City Council shall vote on the Consent Agenda by voice vote or by show of hands as directed by the Chair.

(b) Separate Action Items. All votes shall be by voice vote or by show of hands, unless a motion for a division of the assembly is approved by the City Council. In the event of a division of the assembly, the City Secretary shall poll the City Council as directed by the Chair.

~~Rule~~ 3.16 Executive Session; Certified Agenda. All executive sessions shall be recorded by certified agenda in conformity with Section 551.101 et seq. of the Government Code.

Chapter 4: Appointments

~~Rule~~ 4.1 Mayor Pro Tem. The Mayor shall designate the Mayor Pro Tem.

~~Rule~~ 4.2 Boards, Commissions, and Task Forces. No person shall serve on more than one board, commission, or task force appointed by the City Council. However, this prohibition shall not apply to an *ad hoc*, special purpose, or blue ribbon committees appointed by the City Council from time to time. Annually, each board, commission, or task force appointed by the City Council shall be responsible for selecting its chairperson, vice chairperson, and secretary following regular appointments to such board, commission, or task force. Annually, the Mayor may appoint an interim chairperson for each board, commission, or task force until each board, commission, or task force selects its officers.

~~Rule~~ 4.3 APPOINTMENTS BY COUNCIL.

(A) Except as otherwise provided herein this Code of Ordinances or by statute, each board, commission, and committee shall consist of seven (7) members. For each board, commission, and committee, each position shall be randomly assigned a permanent place designation from one (1) to the total number of positions on that board, commission, or committee, and the member for each position shall, once such position becomes vacant, be appointed by the Council member holding the corresponding place designation on the Council at the time of the appointment.

(B) For a board, commission, or committee with more than seven (7) members, a member for the first seven (7) positions shall be appointed in accordance with subsection (A), above; a member for every eighth (8th) position shall be appointed by the Mayor once such position becomes vacant; and positions 9 - 15 shall be appointed by the Council members in order of their

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place designation, i.e. the Council member for Place 3 shall appoint positions 3, 11, and 19 (and so on) for each board, commission, or committee.

(C) For a board, commission, or committee with fewer than seven (7) members, a member for each position shall be appointed by motion and order by any Councilmember and approved by an affirmative vote by a majority of the Council.

(D) For the Civil Service Commission, each member shall be appointed by the City Manager and then confirmed by Council, in accordance with Section 143.006 of the Texas Local Government Code, as amended.

(E) All appointments of board, commission, and committee members shall require approval by an affirmative vote by a majority of the Council.

(F) All board, commission or committee members will serve at the pleasure of the City Council and may be removed at any time by an affirmative vote by the majority of the Council.

(G) Each board, commission or committee member will acquaint themselves with the City Council's Strategic Map and vision for the City. If appointed each board, commission or committee member, by accepting such appointment, will agree to support the Strategic Map and the Council's vision, goals and objectives for the City in their appointed role. (Added by Ordinance Number G06-10-11-04-C5)

Rule 4.4 Procedure for Appointment. Applicants will be notified by the City Secretary when they should appear for interviews with the City Council. During a regularly scheduled or special meeting of the City Council, the City Council may hold public interviews for each prospective appointment to a board, commission, or task force. Prospective appointments to a board, commission, and task force shall be discussed in open session prior to consideration of the appointment by the City Council. All applicants will be notified of the selected appointment to the board, commission, or task force in writing by the City Secretary within five business days of the appointment. (Amended and renumbered by Ordinance Number G06-10-11-04-C5)

Rule 4.5 Nepotism. No person related within the second degree by affinity or the third degree by consanguinity to any member of the City Council or the City Manager shall serve on any board, commission, or task force appointed by the City Council, including an *ad hoc*, special purpose, or blue ribbon committee appointed by the City Council from time to time.

Chapter 5: Meetings of Commissions, Boards, and Task Forces

Rule 5.1 Regular Meetings. Each commission, board, or task force appointed or authorized by the City Council shall establish a regular meeting time. The City Secretary shall have the responsibility to maintain and coordinate a central calendar for such commissions, boards, and task forces. Public notice of all regular meetings of such commissions, boards, and task forces shall be given as required by the Texas Open Meetings Act, Section 551.001 *et seq.* of the Government Code.

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Rule 5.2 Special Meetings. Each commission, board, or task force appointed or authorized by the City Council may hold special meetings on such dates and at such times as called by the chairperson or, in his/her absence, the vice chairperson of the commission, board, or task force. Public notice of all special meetings shall be given as required by the Texas Open Meetings Act, Section 551.001 *et seq.* of the Government Code.

Rule 5.3 Work Sessions. Each commission, board, or task force appointed or authorized by the City Council may hold work sessions on such dates and at such times as may be necessary or beneficial. Public notice of such work sessions shall be given as required by the Texas Open Meetings Act, Section 551.001 *et seq.* of the Government Code.

Rule 5.4 Retreats. Each commission, board, or task force appointed or authorized by the City Council may hold retreats on such dates and at such times as may be necessary or beneficial. Public notice of such retreats shall be given as required by the Texas Open Meetings Act, Section 551.001 *et seq.* of the Government Code.

Rule 5.5 Joint Meetings. Each commission, board, or task force appointed or authorized by the City Council may hold joint meetings with the City Council or other boards, commissions, and task forces on such dates and at such times as may be necessary or beneficial. Public notice of all joint meetings shall be given as required by the Texas Open Meetings Act, Section 551.001 *et seq.* of the Government Code.

Rule 5.6 Location of Meetings and Work Sessions. All regular meetings, special meetings, joint meetings, and work sessions of the commissions, boards, and task forces appointed or authorized by the City Council shall be held at 6:30 p.m. in the City Council Chamber at the Cedar Park Public Library or the Cedar Park City Hall unless the City Secretary (i) determines that an irresolvable scheduling conflict exists in the use of the Cedar Park Public Library or the Cedar Park City Hall and (ii) promptly notifies the City Council.

Rule 5.7 Delivery of Minutes to City Secretary. Each commission, board, or task force appointed or authorized by the City Council shall deliver to the City Secretary all approved minutes of regular meetings, special meetings, joint meetings, work sessions, and retreats within forty-five (45) days after such regular meeting, special meeting, joint meeting, work session, and retreat.

Rule 5.8 Rules of Procedure. Each commission, board, or task force appointed or authorized by the City Council shall adopt rules of procedure as may be necessary or beneficial, provided that the City Council shall review and approve such rules of procedure before such rules take effect.

Rule 5.9 Reports to the City Council. The chairperson, or delegated member, of each board, commission, and task force may report to the City Council on the activities of the board, commission, or task force at the next regularly scheduled City Council meeting following action of the board, commission, or task force.

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~~Rule~~ 5.10 Policy Directives and Liaison. The City Council is ultimately responsible for the establishment of City's policies. Therefore, each commission, board, or task force appointed or authorized by the City Council must be cognizant of the City Council's primary responsibility to establish, approve, disapprove, or modify the City's policies. Each commission, board, or task force appointed or authorized by the City Council shall ensure that any policy directive initiated by such commission, board, or task force is reported to and approved by the City Council before issuance of any such policy directive.



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. C.2

Second Reading And Approval Of An Ordinance To Revise Chapter 8 Offenses And Nuisances, Article 8.04, Sections 8.004.001-8.04.005 CURFEW Of The City Of Cedar Park Code Of Ordinances, Providing For Repeal Of Conflicting Ordinances, Providing For An Effective Date, And Ordaining Other Provisions Related To The Subject Matter Thereof.

Commentary:

Every three (3) years, Texas Local Government Code Section 370.002 requires the governing body of a municipality to review an existing juvenile curfew ordinance's effects on the community and problems the ordinance was intended to remedy, hold public hearings on the need to continue the ordinance, and, if appropriate, abolish, continue, or modify the ordinance.

The Legal Department and Police Department conducted a thorough review of the City's existing Juvenile Curfew Ordinance (Cedar Park Code of Ordinances Article 8.04, adopted September 25, 2008), juvenile curfew and crime statistics, and related statutory provisions, and in consideration of the City's interest in both protecting juveniles and reducing juvenile crime, jointly recommend the following revised Juvenile Curfew Ordinance, which contemplates the following amendments:

- (a) substitutes the term "Juvenile" for the term "minor" throughout in order to reduce confusion and maintain statutory and procedural consistency;
- (b) presents Exemptions (which are to be considered by the officer, and if necessary, the Court) rather than Defenses (which may only be considered by the Court);
- (c) refines and provides additional exemptions for homeschoolers, legitimate off-campus activities, and those Juveniles with diplomas or GED certificates; and
- (d) directly references Family Code Sec. 52.01(e) re: compulsory school attendance and CPPD's authority for custodial return of a Juvenile to campus.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, REVISING CHAPTER 8 OFFENSES AND NUISANCES, ARTICLE 8.04 CURFEW, SECTIONS 8.004.001 – 8.04.005 OF THE CITY OF CEDAR PARK CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, every three (3) years, Texas Local Government Code Section 370.002 requires the governing body of a municipality to review an existing juvenile curfew ordinance's effects on the community and problems the ordinance was intended to remedy, hold public hearings on the need to continue the ordinance, and, if appropriate, abolish, continue, or modify the ordinance.

WHEREAS, the Legal Department and Police Department conducted a thorough review of the City's existing Juvenile Curfew Ordinance (Cedar Park Code of Ordinances Article 8.04, adopted September 25, 2008), juvenile curfew and crime statistics, and related statutory provisions, and in consideration of the City's interest in both protecting juveniles and reducing juvenile crime, jointly recommend the following revised Juvenile Curfew Ordinance.

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

SECTION 1. That Chapter 8, Offenses and Nuisances, Article 8.04 Curfew, of the Code of Ordinances of the City of Cedar Park, Texas, is hereby amended as follows:

ARTICLE 8.04 JUVENILE CURFEW

Sec. 8.04.001 Definitions

Curfew hours:

- (1) 11:00 p.m. Sunday evening until 6:00 a.m. Monday morning;
- 11:00 p.m. Monday evening until 6:00 a.m. Tuesday morning;
- 11:00 p.m. Tuesday evening until 6:00 a.m. Wednesday morning;
- 11:00 p.m. Wednesday evening until 6:00 a.m. Thursday morning;
- 11:00 p.m. Thursday evening until 6:00 a.m. Friday morning;
- 1:00 a.m. Saturday morning until 6:00 a.m. Saturday morning; and
- 1:00 a.m. Sunday morning until 6:00 a.m. Sunday morning.

(2) While Leander Independent School District and/or Round Rock Independent School District schools are in session, 9:00 a.m. to 2:30 p.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

Emergency. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment. Any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian:

- (1) A person who, under court order, is the guardian of the person of a Juvenile; or
- (2) A public or private agency with whom a Juvenile has been placed by a court.

Juvenile. Any person under seventeen (17) years of age.

Operator. Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent. A person who is:

- (1) A natural parent, adoptive parent, or stepparent of another person; or
- (2) At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a Juvenile.

Public place. Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Remain. To:

- (1) Linger or stay; or
- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Serious bodily injury. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Sec. 8.04.002 Offenses

- (a) A Juvenile commits an offense if he remains in any public place or on the premises of any establishment within the City during curfew hours.
- (b) A parent or guardian of a Juvenile commits an offense if he knowingly permits, or by insufficient control allows, the Juvenile to remain in any public place or on the premises of any establishment within the City during curfew hours.
- (c) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a Juvenile to remain upon the premises of the establishment during curfew hours.

Sec. 8.04.003 Exemptions

- (a) It shall not be a violation under Section 8.04.002 if the Juvenile:
 - (1) Is accompanied by the Juvenile's parent or guardian;
 - (2) Is on an errand at the direction of the Juvenile's parent or guardian, without any detour or stop;
 - (3) Is in a motor vehicle involved in interstate travel;
 - (4) Is engaged in an employment activity, or going to or returning home from any employment activity, without any detour or stop;
 - (5) Is involved in an emergency;
 - (6) Is on the sidewalk abutting the Juvenile's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the Juvenile's presence;
 - (7) While the Juvenile's school is in session, is on an excused absence from the Juvenile's school; on lunch break from a school that permits an off-campus lunch; completing coursework towards a high school diploma, graduate equivalency or professional certification, or college credit on another campus; participating in a work-study program; or attending a sponsored activity or event through the Juvenile's school, the City, a religious or civic organization, or other person or entity that takes responsibility for the Juvenile, including travel without detour or stop to a destination as required by such coursework, program, activity, or event;
 - (8) Is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;
 - (9) Is married or has been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code;
 - (10) Is enrolled in and attends a public, private or parochial school (including home school) that is out of session; or
 - (11) Has received a high school diploma or high school equivalency certificate.

(b) It shall not be a violation under Section 8.04.002(c) if the owner, operator, or employee of an establishment promptly notified the police department that a Juvenile was present on the premises of the establishment during curfew hours and refused to leave.

Sec. 8.04.004 Enforcement

(a) Before taking any enforcement action under this Article, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Article unless the officer reasonably believes that an offense has occurred and that, based on the Juvenile's response and other circumstances, no exemption in Section 8.04.003 is present.

(b) In addition to the penalties provided herein this Article, a police officer who has probable cause to believe that a Juvenile is in violation of the compulsory school attendance laws under Section 25.085 of the Texas Education Code, as amended, may take the child into custody for the purpose of returning the child to the school campus of the child to ensure the child's compliance with compulsory school attendance requirements, pursuant to Section 52.01(e) of the Texas Family Code.

Sec. 8.04.005 Penalties

(a) A person who violates a provision of this Article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine in accordance with the general penalty provision found in Section 1.01.009 of this Code.

(b) When required by section 51.08 of the Texas Family Code, as amended, the Municipal Court shall waive original jurisdiction over a Juvenile who violates Section 8.04.002(a) of this Article and shall refer the Juvenile to juvenile court.

SECTION 2. That this ordinance shall be effective from and after the date of its passage.

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 11th day of August, 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 25th day of August, 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



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. C.3

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 To Provide For the Addition Of An Administrative Violation And Enforcement Process.

Commentary:

At the July 14, 2011 City Council meeting, the Council received a presentation providing an update on current drought conditions and the impact on the City's Drought Contingency Plan. Based on projections conducted by the LCRA, City staff anticipates Lake Travis reaching an elevation level of 637 feet in late August. This elevation level corresponds to triggers identified in the City's Drought Contingency Plan and would necessitate the City to enter Stage 2 of the Drought Contingency Plan.

As was discussed at the July 14 meeting, staff is recommending the enforcement provisions identified within the existing Drought Contingency Plan be revised to provide an Administrative Violation and Enforcement Process in addition to the current Class C Misdemeanor enforcement process in Municipal Court, the latter of which, under the revised Ordinance, would only be available for third and subsequent violations of the Drought Contingency Plan. The existing enforcement process results in criminal penalties set by a Municipal Court Judge, which sets a negative tone with the public, can be resource-intensive and may not be the most effective means at encouraging compliance with water restrictions. In preparation for entering Stage 2, staff is proposing an initial administrative enforcement process and secondary criminal enforcement process (Section 18.08.014). The key modifications include the following:

- The current Class C Misdemeanor violation and enforcement process is subordinated to an administrative violation and enforcement process, thus removing most violations from the Municipal Court and re-directing them to a more flexible and efficient administrative process. The criminal enforcement process is still available, albeit now only for third and subsequent violations (when the administrative process is unsuccessful in effecting compliance).
- Creation of a fee schedule with an inclining fee structure tied to number of violations. The revisions include a pre-determined fee schedule for residential and commercial

customers. A warning letter is sent for all first violations. Subsequent violations receive fees in increasing amounts.

- Note: Staff is examining the possibility of utilizing a grace period of 30 days of only issuing warnings. The City may choose to implement fines for repeat violators during this time.
- Appeal process established. If a violator chooses to appeal a notice of violation and related fee, they may request an appeal hearing with one or more hearing officer(s) designated by the City Manager. If the customer wishes the appeal the result of the appeal hearing, they may request a final review hearing with the City Manager or Assistant City Manager. The decision rendered at the final review hearing is final and binding.

A red-lined version showing the proposed modifications of the Drought Contingency Plan is attached. The first reading was held at the August 11, 2011 meeting.

Director

Fiscal Impact

Budget

Account No.:

Budget/Expended:

Finance Director Review

Legal Certification

Approved as to form and content:

Yes

No **City Attorney**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, TO REVISE ARTICLE 18.08: DROUGHT CONTINGENCY AND WATER EMERGENCY PLAN IN CHAPTER 18 UTILITIES; PROVIDING FOR AN ADDITIONAL ADMINISTRATIVE VIOLATION AND ENFORCEMENT PROCESS; 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.

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

SECTION 1. That ARTICLE 18.08: DROUGHT CONTINGENCY PLAN in CHAPTER 18 UTILITIES, is hereby amended as follows: As amended 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.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 11th day of August, 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 25th day of August, 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

Exhibit A

ARTICLE 18.08 DROUGHT CONTINGENCY AND WATER EMERGENCY PLAN

Sec. 18.08.001 Approval of the plan

The City Council hereby approves the addition of an administrative fine and enforcement process to ~~replace~~ the City's ~~D~~drought ~~C~~ontingency and ~~W~~water ~~E~~mergency ~~P~~plan (the "~~P~~plan"). The City commits to implement the program changes according to the procedures set forth in the revised ~~P~~plan.

Sec. 18.08.002 Declaration of policy, purpose, and intent

(a) It is hereby declared that, because of the water conditions prevailing in the ~~C~~city, the water resources available to the ~~C~~city shall be put to the maximum beneficial use and that the waste, unreasonable use, or unreasonable method of use of water be prevented, and the conservation of such water to be extended with a view to the reasonable and beneficial use thereof in the interests of the people of the ~~C~~city and for the public health and welfare.

(b) Water uses regulated or prohibited under the ~~drought contingency and water emergency P~~plan are considered to be nonessential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to enforcement as defined in ~~S~~ection 18.08.014 of this ~~A~~article.

Sec. 18.08.003 Quantitative goals of this plan

This ~~P~~plan reflects the quantitative goals specified by the City's ~~W~~water ~~C~~onservation ~~P~~plan (see ~~A~~article 18.11), as required by Title 30, Texas Administrative Code, Chapter 288 (30 TAC §288). The City's annual average water use over the past five years is 166.7 gallons per capita per day (gpcd). The City's annual average water loss over the past five years is 13.6% of water delivered or 29.4 gpcd. Presented below are the City's five year and ten year goals for reducing the annual average water use and water loss.

(a) Five Year Conservation Goals

(1) Reduce the average per capita day water usage by 2.5% by 2014 with a goal of achieving 162.5 gpcd.

(2) Reduce water loss by 2.5% by 2014 so that water loss is no more than 13.3% of delivered water or 26.1 gpcd.

(b) Ten Year Conservation Goals

(1) Reduce the average per capita day water usage by 2.5% between 2014 and 2019 with a goal of achieving 158.4 gpcd by 2019.

(2) Reduce water loss by 2.5% by 2019 so that water loss is no more than 13.0% of water delivered or 24.5 gpcd.

Sec. 18.08.004 Public education

The City will periodically provide the public with information about the Pplan, including information about the conditions under which each stage of the Pplan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be distributed in an efficient and timely manner which may include, but not be limited to a press release or notice on the Ceity's web site.

Sec. 18.08.005 Wholesale water customer education

The City will periodically provide wholesale water customers with information about the Pplan, including information about the conditions under which each stage of the Pplan is to be initiated or terminated and the drought response measures to be implemented in each stage.

Sec. 18.08.006 Coordination with regional planning groups

The service area of the Ceity is located within the Lower Colorado Regional Water Planning Area (Region K) of the Sstate, and the Ceity has provided a copy of this Pplan to the Lower Colorado Regional Water Planning Area.

Sec. 18.08.007 Authorization

The Ceity Mmanager is hereby authorized and directed to implement the applicable provisions of this Pplan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Pplan.

Sec. 18.08.008 Application

The provisions of this Pplan shall apply to all persons, customers, and property utilizing water provided by the City. The terms "persons" and "customer" as used in the Pplan include individuals, corporations, partnerships, associations, and all other legal entities.

Sec. 18.08.009 Definitions

For the purpose of this Pplan, the following definitions shall apply:

Acre-feet. The amount of water required to cover an area of one acre to a depth of one foot. One acre-foot of water is equal to almost 326,000 gallons.

Auxiliary source. A source of water other than the Ceity's public water system which may include reuse effluent, raw, ground or well water.

City. The City of Cedar Park, Texas.

City ~~M~~anager. The Ceity ~~M~~anager or any designated person acting on the Ceity ~~M~~anager's behalf.

Combined storage. The amount of water stored in acre-feet in Lake Travis and Lake Buchanan according to records kept by the Lower Colorado River Authority (LCRA).

Conservation. Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer. Any person, company, organization, or legal entity receiving water supplied by the Ceity.

Landscape irrigation use. Water used for the irrigation and maintenance of landscaped areas, whether privately or publicly owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Nonessential water use. Water uses that are neither essential nor required for the protection of public health, safety, and welfare, including:

- (1) Irrigation of landscaped areas, including parks, athletic fields, and golf courses, except as otherwise provided by this Plan;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any swimming pools or jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (9) Use of water from hydrants for construction purposes or any other purposes other than firefighting.

Nonresidential customer. All other customers not classified as residential customer, including but not limited to businesses, schools, government entities, multifamily developments and property management associations (e.g. homeowners' associations).

Outdoor water use. Includes but is not limited to watering lawns, shrubs, and other types of outdoor vegetation; washing vehicles, boats, and trailers; use of landscape irrigation systems; the refilling or adding water to swimming pools or wading pools or ponds; the operation of any ornamental fountain or other similar structure; the use of water from fire hydrants for uses other than firefighting or other activities necessary to maintain health and safety conditions; the watering of patios, driveways, parking areas, streets, tennis courts, sidewalks or other paved areas; and the watering of ground foundations.

Residential customer. Any person, company, organization, or other legal type entity receiving water supplied by the City at a location where the principal use of the property is for single-family or duplex habitation.

Xeriscape. A method of landscaping which conserves water through the use of specific principles of design, plant selection, installation, maintenance, and irrigation methods.

Sec. 18.08.010 Triggering and termination criteria for drought response stages

(a) The City Manager shall monitor the water supply and/or production and shall determine when conditions warrant initiation or termination of each stage of the plan.

(b) The triggering criteria described below are based on combined storage, customer water consumption and water treatment plant production/distribution system capacity.

(1) Stage 1—Voluntary water conservation conditions.

(A) Requirements for initiation. Customers shall be requested to voluntarily conserve water and adhere to the water restrictions on nonessential water use, defined in section 18.08.009 of this plan at all times.

(B) Target Reduction Goal. During this stage, the target reduction goal is 5%.

(C) Requirements for termination. Stage 1 of the plan may be rescinded at any time by the City Manager. The City will notify its wholesale water customers of the initiation and termination of stage 1 of the plan.

(2) Stage 2—Moderate water shortage conditions.

(A) Requirements for initiation. Customers shall be required to comply with the requirements and restrictions on nonessential water uses, defined in section 18.08.009 of this plan at all times when:

(i) Daily water consumption for three consecutive days reaches 90% of production/distribution capacity and/or the combined storage reaches 900,000 acre-feet, which typically corresponds to an elevation in Lake Travis of 637 feet.

(ii) Weather conditions are to be considered in drought classification determination. Predicted long, cold, or dry periods are to be considered in impact analysis.

(B) Target Reduction Goal. During this ~~state~~Stage, the target reduction goal is 10%-20%.

~~(B)~~—(C) Requirements for termination. Stage 2 of the plan may be rescinded by the Ceity Manager when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Sstage 2, Sstage 1 becomes operative. The Ceity will notify its wholesale water customers of the initiation and termination of Sstage 2 of the Plan.

(3) Stage 3—Severe water shortage conditions.

(A) Requirements for initiation. Customers shall be required to comply with the requirements and restrictions on nonessential water uses, defined in Ssection 18.08.009, for Sstage 3 of this Plan when:

(i) the combined storage reaches 600,000 acre-feet, which typically corresponds to an elevation in Lake Travis of 618 feet;

(ii) Daily water consumption will not enable storage levels to be maintained;

(iii) System demand exceeds available high service pump capacity;

(iv) Water system is contaminated whether accidentally or intentionally. Severe condition is reached immediately upon detection;

(v) Water system fails from acts of God (tornadoes, hurricanes) or man. Severe condition is reached immediately upon detection;

(vi) Any mechanical failure of pumping equipment which will require more than 12 hours to repair which causes unprecedented loss of capability to provide water service.

(B) Target Reduction Goal. During this ~~state~~Stage, the target reduction goal is a minimum of 20%.

~~(B)~~—(C) Requirements for termination. Stage 3 of the Plan may be rescinded by the Ceity Manager when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Sstage 3, Sstage 2 becomes operative.

(4) Stage 4—Extreme water shortage conditions.

(A) Requirements for initiation. Customers shall be required to comply with the requirements and restrictions on nonessential water uses, defined in Section 18.08.009, for Stage 4 of this Plan when:

(i) Daily water consumption reaches 95% of production/distribution capacity for three consecutive days; and/or the Lower Colorado River Authority Board determines that the river system is experiencing a drought more severe than the Drought of Record;

(ii) Daily water consumption will not enable storage levels to be maintained;

(iii) System demand exceeds available high service pump capacity;

(iv) Water system is contaminated whether accidentally or intentionally. Severe condition is reached immediately upon detection;

(v) Water system fails from acts of God (tornadoes, hurricanes) or man. Severe condition is reached immediately upon detection;

(vi) Any mechanical failure of pumping equipment which will require more than 12 hours to repair which causes unprecedented loss of capability to provide water service.

(B) Target Reduction Goal. During this ~~state~~Stage, the target reduction goal will be determined by the LCRA Board.

~~(B)~~—(C) Requirements for termination. Stage 4 of the plan may be rescinded by the City Manager when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

Sec. 18.08.011 Drought response stages

The City shall monitor the water supply and/or production as needed and, in accordance with the triggering criteria set forth in Section 18.08.010 of the Plan, shall determine that a moderate, severe, or extreme condition exists and shall implement the following actions upon public notification:

(1) Stage 1—Voluntary water conservation conditions. The goal for Stage 1 of the Plan is to raise public and customer awareness of water demand conditions.

(A) Voluntary water use measures:

(i) Water customers shall voluntarily limit outdoor water use by participating in the two-day per week watering schedule for outdoor water use. Outdoor water use shall only occur on a designated outdoor watering day, which shall be two days per week. The two-day per week watering schedule will be determined and distributed by the City.

(aa) Residential customer watering days:

1. Last digit of their street address ending in a 0, 2, 4, 6, or 8: Thursday and Sunday.
2. Last digit of their street address ending in a 1, 3, 5, 7, 9: Wednesday and Saturday.

(bb) Commercial customer watering days: Tuesday and Friday.

(ii) Outdoor water use is discouraged between the hours of 10:00 a.m. and 7:00 p.m. except with handheld hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or handheld buckets. The time restrictions do not apply to:

(aa) The irrigation of commercial plant nurseries;

(bb) Irrigation using treated wastewater effluent;

(cc) New landscape installation during installation and the first ten (10) days; and

(dd) The testing of new irrigation systems or existing irrigation systems being tested or under repair.

(iii) All operations of the City shall adhere to nonessential water use restrictions, {defined} in Section 18.08.009 ~~of this plan.~~

(iv) Water customers are requested to practice water conservation and adhere to the restrictions on nonessential water uses, defined in Section 18.08.009.

(B) Demand management measures. The City will contact wholesale water customers to discuss water supply and/or production conditions and will request that wholesale water customers initiate voluntary measures to reduce water use.

(2) Stage 2–Moderate water shortage conditions. The goal for Stage 2 of the Plan is to reduce and maintain maximum daily water demand below eighty percent (80%) to ninety percent (90%) of system capacity.

(A) Water use restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

(i) Water customers shall be required to limit outdoor water use by participating in the two day per week watering schedule for outdoor water use. Outdoor water use shall only occur on a designated outdoor watering day, which shall be two days per week. The two day per week watering schedule will be determined and distributed by the City.

(aa) Residential customer watering days:

1. Last digit of their street address ending in a 0, 2, 4, 6, or 8: Thursday and Sunday.

2. Last digit of their street address ending in a 1, 3, 5, 7, 9: Wednesday and Saturday.

(bb) Commercial customer watering days: Tuesday and Friday.

(ii) Outdoor water use is prohibited between the hours of 10:00 a.m. and 7:00 p.m. except with handheld hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or handheld buckets. The time restrictions do not apply to:

(aa) The irrigation of commercial plant nurseries;

(bb) Irrigation using auxiliary source;

(cc) New landscape installation during installation and the first ten (10) days; and

(dd) The testing of new irrigation systems or existing irrigation systems being tested or under repair.

(iii) The washing of automobiles, trucks, motorbikes, boats, trailers, airplanes or other vehicle is prohibited except on designated watering days. Washing is prohibited between the hours of 10:00 a.m. and 7:00 p.m. Such washing when allowed, shall be done with a handheld bucket or a handheld hose equipped with a positive shutoff nozzle for quick rinses. The washing of individual vehicles may be done at any time on the immediate premises of a commercial carwash or commercial service station. Further, this restriction does not apply to the washing of vehicles or any other type of mobile equipment (such as garbage trucks and vehicles to transport food and perishables) when the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing. Charity carwashes are prohibited.

(iv) Use of water to fill, refill, or add to any swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days. This water use is prohibited between the hours of 10:00 a.m. and 7:00 p.m.

(v) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(vi) Use of water from fire hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under written permission from the City. (See Section 18.08.013 of this Plan.)

(vii) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days. Such irrigation may not take place between the hours of 10:00 a.m. and 7 p.m. These restrictions do not apply to the irrigation of any golf course which uses an auxiliary source.

(viii) All restaurants are prohibited from serving water to its patrons except when requested.

(ix) The following uses constitute a waste of water and are prohibited:

(aa) Washing sidewalks, walkways, driveways, parking lots, tennis courts, patios or other hard-surfaced areas except to alleviate immediate health or safety hazards.

(bb) Use of water for dust control except for health and safety concerns or extreme nuisance circumstances.

(cc) Allowing water to run off a property or allowing water to pond in the street or parking.

(dd) Operating a permanently installed irrigation system with broken heads, with heads that are out of adjustment that spray more than 10% of the spray on street or parking lots, or that is misting.

(ee) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(ff) Washing an automobile, truck, trailer, boat, airplane, or other mobile equipment with a handheld hose not equipped with a pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used.

(B) Demand management measures.

(i) The City will initiate contact with wholesale water customers to discuss water supply and/or production conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.

(ii) The City will request wholesale water customers to initiate mandatory measures to reduce nonessential water use (e.g., implement Stage 2 of the customer's drought contingency plan).

(iii) The City will initiate preparations for the implementation of pro rata water curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for the wholesale customer according to the procedures specified in Section 18.08.012 of the Plan.

(iv) The City will provide a report to news media with information regarding current water supply and/or production conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measure and practices as needed.

(3) Stage 3—Severe water shortage conditions. The goal for Stage 3 of the Plan is to reduce and maintain maximum daily water demand at or below eighty percent (80%) of system capacity.

(A) Water use restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

(i) All requirements of Sstage 2 shall remain in effect during Sstage 3 except:

(ii) Water customers shall be required to participate in the one day per week watering schedule for outdoor water use. Outdoor water use shall only occur on a designated outdoor watering day, which shall be one day every seven days. The one day per week watering schedule will be determined and distributed by the Ccity.

(aa) Residential customer watering days:

1. Last digit of their street address ending in a 0 or 2: Thursday.
2. Last digit of their street address ending in a 4, 6 or 8: Sunday.
3. Last digit of their street address ending in a 1 or 3: Wednesday.
4. Last digit of their street address ending in a 5, 7, or 9: Saturday.

(bb) Commercial customer watering days:

1. Last digit of their street address ending in 0, 2, 4, 6, 8: Tuesday.
2. Last digit of their street address ending in 1, 3, 5, 7, 9: Friday.

(B) Demand management measures. The demand management measure for Sstage 2 will apply.

(4) Stage 4—Extreme water shortage conditions. The goal for Sstage 4 of the Pplan is to reduce and maintain maximum daily water demand at a pro-rata curtailment amount determined at the time by the Lower Colorado River Authority Board.

(A) Supply management measures. The Ccity will cease the flushing of water mains except when necessary for reasons of health or safety. All Ccity departments will discontinue irrigating public landscaped areas except when such areas are irrigated with auxiliary water.

(i) Water use restrictions. All requirements of Sstage 3 shall remain in effect during Sstage 4 except:

(aa) Outdoor water use by use of handheld hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used or handheld buckets may occur only between the hours of 6:00 a.m. to 10:00 a.m. and 7:00 p.m. and 10:00 p.m. on designated outdoor water use days. The use of permanently installed irrigation systems, drip irrigation systems, and hose end irrigation is prohibited.

(bb) The watering of golf course tees is prohibited unless the golf course utilizes an auxiliary water source.

(cc) The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment not occurring on the immediate premises of a commercial carwash or a commercial service station and not in the immediate interest of the public health, safety, and welfare are prohibited. The washing of such vehicles under public safety and health situations may only occur between 6 a.m. and 10 a.m.

(dd) Commercial plant nurseries may use only handheld hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used or handheld buckets.

(ee) The filling, refilling, or adding of potable water to swimming or wading pools is prohibited.

(ff) No new landscapes of any type may be installed.

(gg) The use of water for construction purposes from designated fire hydrants under written permission from the city shall be discontinued.

(B) Demand management measures.

(i) The City Manager will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce nonessential water use (e.g., implement Stage 3 or 4 of the customer's drought contingency plan).

(ii) The City Manager will initiate pro rata water curtailment of water diversions and/or deliveries for each wholesale customer according to the procedures specified in Section 18.08.012 of the Plan.

(iii) The City Manager will provide a report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

(C) In the event that severe water shortage conditions persist (Stage 4) for an extended period of time, the City Manager may order water rationing and/or terminate service to selected users of the system in accordance with the following sequence:

(i) Commercial yard meters.

(ii) Commercial users.

(iii) Residential users.

(iv) Hospitals, public health and safety facilities.

(v) Additional measures. Through a contractual agreement with the Lower Colorado River Authority (LCRA), the LCRA may interrupt or curtail the water supplied to the Ceity in accordance with the LCRA's drought management plan.

Sec. 18.08.012 Pro ~~rate-rata~~ water allocation

Every wholesale water contract entered into or renewed by the Ceity after the effective date of this Pplan, including contract extensions, shall provide that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code §11.309 and the provisions of this ~~drought-contingency-p~~Pplan.

Sec. 18.08.013 Variances

(a) The Ceity Mmanager may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Pplan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

(1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Pplan is in effect.

(2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(b) Persons requesting an exemption from the provisions of this Aarticle shall file a petition for variance with the Ceity Mmanager within 5 days after the Pplan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Ceity Mmanager and shall include the following:

(1) Name and address of the petitioner(s);

(2) Purpose of water use;

(3) Specific provision(s) of the plan from which the petitioner is requesting relief;

(4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Pplan;

(5) Description of the relief requested;

(6) Period of time for which the variance is sought;

(7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Pplan and the compliance date; and

(8) Other pertinent information.

(c) Variances granted by the Ceity Mmanager shall be subject to the following conditions, unless waived or modified by the Ceity Mmanager or his/her designee:

(1) Variances granted shall include a timetable for compliance; and

(2) Variances granted shall expire when the Pplan is no longer in effect, unless the petitioner has failed to meet specified requirements.

(d) No variance shall be retroactive or otherwise justify any violation of this Pplan occurring prior to the issuance of the variance.

Sec. 18.08.014 Enforcement

(a) No person or entity shall ~~knowingly or intentionally allow the use of or benefit from the use of~~ water from the Ceity for ~~residential, commercial, industrial, agricultural, governmental, or~~ any other purpose in a manner contrary to any provision of this Pplan, or in an amount in excess of that permitted by the Ddrought Rresponse Sstage in effect at the time pursuant to action taken by the Ceity, in accordance with provisions of this Pplan.

(be) Any person or entity, ~~including a person classified as a water customer of the city,~~ in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person or entity's property shall constitute a rebuttable presumption that the person or entity in apparent control of the property committed the violation, but any such person or entity shall have the right to show that he/she/it did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Pplan and that the parent could not have reasonably known of the violation. Each day that one or more of the provisions in this Plan is violated shall constitute a separate violation/offense.

(cb) Administrative Violation. Except as otherwise stated herein, each violation of this Plan may be enforced as an administrative violation, pursuant to the following: The City is authorized to assess one or more administrative fees on the water bill of any customer presumed to have violated this Drought Contingency Plan. In the event the City of Cedar Park determines a violation has occurred, the customer assessed the administrative fee by the City is prima facie presumed to have violated the Drought Contingency Plan for the purpose of assessment of the fee. Administrative fees may be assessed as follows:

<u>Violation</u>	<u>Residential Customer</u>	<u>Commercial Customer</u>
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<u>First Violation</u>	<u>Warning Letter</u>	<u>Warning Letter</u>
<u>Second Violation within 12-month period (rolling) from date of first immediately preceding violation</u>	<u>\$50.00</u>	<u>\$200.00</u>
<u>Third Violation within 12-month period from date of immediately preceding first violation (rolling)</u>	<u>\$100.00</u>	<u>\$400.00</u>
<u>Fourth & Subsequent Violations within 12-month period from date of immediately preceding first violation (rolling)</u>	<u>\$200.00</u>	<u>\$1,000.00</u>

(1) First Violation. If the City Manager or his/her designee reasonably believes that a person or entity has violated this Plan, he/she may forward to the person or entity alleged to be in violation of this Plan a Notice of First Violation. The Notice of First Violation shall be in writing, contain the name and address of the alleged violator (if known), provide a location and brief description of the alleged violation, provide a warning for this first violation and inform him/her of the administrative fees and consequences for subsequent violations, and be forwarded to the alleged violator's utility billing address via first class mail.

(2) Second (and/or Subsequent) Violation. If the City Manager or his/her designee reasonably believes that a person or entity has violated this Plan again subsequent to and within the 12-month period immediately following the date of the preceding violation, he/she shall forward to the person or entity alleged to be in violation of this Plan a Notice of Second Violation. The Notice of Second Violation shall be in writing, contain the name and address of the alleged violator (if known), provide a location and brief description of the alleged violation, inform him/her of the administrative fee that will be added to the alleged violator's next monthly utility bill and the administrative fees and consequences for subsequent violations, and be forwarded to the alleged violator's utility billing address via first class mail.

(d) Appeal of Administrative Violation; Effect on Payment, Hearing Procedure. Any alleged violator shall be entitled to appeal an administrative violation under this Article as set forth in this Subsection. The request or pendency of an appeal under this Subsection shall not suspend or delay an alleged violator's obligation to pay current outstanding utility fees and/or administrative fines assessed under this Article. Upon successful appeal of an alleged administrative violation, the City shall refund all administrative fines paid by or on behalf of an alleged violator pursuant to this Article.

At the alleged violator's discretion, any appeal or final review hearing hereunder this Subsection may be conducted via scheduled telephone conference involving the alleged offender, hearing officer(s), City Manager or their designee, and any testifying witnesses. Prior to the commencement of any telephone conference under this Subsection, each testifying witness' name, address, telephone number, and relationship to the alleged violator shall be submitted to

the City Manager prior to commencement of such telephone conference, along with any documentary or physical evidence to be presented in such telephone conference. No unidentified witness or unsubmitted evidence shall be considered at the hearing.

If the alleged violator shall fail to attend a scheduled appeal or final review hearing for any reason, it shall be the alleged violator's responsibility to contact the City Manager to reschedule within three (3) working days of the unattended hearing; failure to do so, or failure to attend the rescheduled hearing for any reason shall constitute a default, render final the pending administrative violation and any assessed administrative fines, and waive the alleged violator's right to appeal.

(1) Within fifteen (15) business days of the date of a Notice of Violation, an alleged violator may appeal the administrative violation and fee by submitting a written request to the City Manager. Within ten (10) business days of the City Manager's receipt of such request, the City Manager shall appoint one or more hearing officers and an appeal hearing ("Appeal Hearing") shall be held. At the Appeal Hearing, the alleged violator shall present relevant evidence and bear the burden of proof to show by the majority of the evidence why he/she should not be held in violation of the Plan or the administrative fee should not be assessed. The hearing officer(s) shall consider all relevant evidence presented and render a decision in writing within five (5) business days of the conclusion of the appeal hearing ("Appeal Hearing Decision"). A copy of the Appeal Hearing Decision shall be forwarded to the alleged violator's utility billing address via first class mail.

(2) A customer may appeal the Appeal Hearing Decision by submitting a written request to the City Manager within five (5) business days of forwarding the Appeal Hearing Decision. Within five (5) business days of receipt of the alleged violator's timely appeal of the Appeal Hearing Decision, the City Manager or their designee shall conduct a final review hearing ("Final Review Hearing"). At the Final Review Hearing, the alleged violator shall present relevant evidence and bear the burden of proof to show by the majority of the evidence why he/she should not be held in violation of the Plan or the administrative fee should not be assessed. The City Manager or their designee shall consider all relevant evidence presented and render a decision in writing within five (5) business days of the conclusion of the Final Review Hearing ("Final Review Hearing Decision"). A copy of the Final Review Hearing Decision shall be forwarded to the alleged violator's utility billing address via first class mail. The Final Review Hearing Decision by the City Manager or their designee is final and binding.

(e) Notices. All notices regarding alleged administrative violations under this Article, including without limitation Notices of Violation, Appeal Hearing Decisions, and Final Review Hearing Decisions, shall be in writing and forwarded to the alleged violator via first class mail and/or certified mail, return receipt requested, to the alleged violator's current billing address. All notices forwarded in such manner shall be deemed received by the alleged violator within three (3) days of the mailing's postmark. At an Appeal Hearing and/or Final Review Hearing under this Article, an alleged violator may present evidence that a required notice was not received.

~~(f) Class C Misdemeanor. Alternatively, and at the City Manager's discretion, third and subsequent violations within the 12-month period from the date of the alleged violator's immediately preceding violation may be treated as Class C Misdemeanor offenses. Any person or entity who violates alleged to have violated this Pplan may be cited is guilty of a misdemeanor to appear in Municipal Court for such offense, and, upon conviction, shall be punished by a fine in accordance with the general penalty provision found in Section 1.01.009 of this Ceode. Each day that one or more of the provisions in this plan is violated shall constitute a separate offense.~~

~~(g) Termination of Service. Upon a person or entity's second or subsequent violation within the 12-month period immediately following the date of the preceding violation and if a person violates this Ordinance four or more times, the city shall, upon due notice to the person or entity as set forth herein, customer, the City shall be authorized to discontinue water service to the premises where such violations occur. The City shall be so authorized regardless of whether such violation is being simultaneously enforced administratively, under Subsection (c), or criminally, under Subsection (f). Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at fifty dollars (\$50.00), and any all other costs incurred by the Ceity in discontinuing service. In addition, suitable assurance must be given to the Ceity that the same action shall not be repeated while the Pplan is in effect. Compliance with this Pplan may also be sought through injunctive relief in a court of proper jurisdiction the district court. This Subsection shall not be construed to reduce, diminish, or in any manner restrict the City's right to terminate utility service for nonpayment of fees and fines.~~

~~(e) Any person, including a person classified as a water customer of the city, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this plan and that the parent could not have reasonably known of the violation.~~

~~(d) A customer who believes that an administrative fee was unwarranted may request a hearing in writing to the City Manager before a hearing officer(s) appointed by the City Manager within fifteen (15) business days after the date on the Notice of Violation. The hearing officer(s) shall evaluate all information offered by the petitioner at the hearing. The customer shall bear the burden of proof to show why, by preponderance of evidence, the administrative fee should not be assessed. The hearing officer(s) will render a decision in writing within five (5) business days of the conclusion of the hearing. A customer may appeal the decision from the hearing officer(s) in writing to the City Manager or Assistant City Manager within three (3) business days of receipt~~

~~of the hearing officer(s) decision. The decision by the City Manager or Assistant City Manager is final and binding.~~

~~(de) Any employee of the city, police officer, code enforcement officer or other employee designated by the city manager, may issue a citation notice of violation to a person he/she reasonably believes to be in violation of this article. The citation notice of violation shall be prepared in duplicate and shall will contain the name and address of the alleged violator, if known, the offense charged, and direct him/her to appear in the city municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued inform him/her of the administrative fee that will be added to the next water bill. The alleged violator shall will be served mailed via certified mail a copy of the citation notice of violation and associated administrative fee. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in the city municipal court to enter a plea of guilty or not guilty for the violation of this plan. If the alleged violator fails to appear in the city municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in the city municipal court before all other cases.~~

Sec. 18.08.015 Severability

It is hereby declared to be the intention of the Ccity that the Ssections, paragraphs, sentences, clauses, and phrases of this Aarticle are severable and, if any phrase, clause, sentence, paragraph, or Ssection of this Pplan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and Ssections of this Pplan, since the same would not have been enacted by the Ccity without the incorporation into this Pplan of any such unconstitutional phrase, clause, sentence, paragraph, or Ssection.



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. D.1

A Resolution Authorizing And Directing The City Manager To Execute A Change Order With Cash Construction Company Under The New Hope Drive (Bagdad Road To Lakeline Blvd.) Reconstruction Project In The Amount Of \$69,895.

Commentary:

The New Hope Drive (Bagdad Rd. to Lakeline Blvd.) Reconstruction Project is a 2010 G.O. Bond project. During the design stages of the project, City staff and the City's engineering consultant, URS, held utility relocation meetings with Pedernales Electric Cooperative (PEC) to discuss relocations and improvements to existing overhead electric utilities along the New Hope Drive corridor between Bagdad Rd. and Lakeline Blvd. Numerous options were discussed and a final design that includes undergrounding seven (7) existing overhead road crossings was agreed upon. The construction plans for the roadway were revised and a change order was sent to the City's construction contractor, Cash Construction Co. for pricing.

Cash Construction has submitted a change order request in the amount of \$69,895. Staff has reviewed the change order and is recommending authorizing and directing the City Manager to execute the change order. Funding for this change order will come from the original project budget.

Director

Fiscal Impact

Account No.: 506-56-35-6340-360

Budget

Budget/Expended: \$5,276,000/\$3,918,413

Finance Director Review

Legal Certifications

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH CASH CONSTRUCTION CO. UNDER NEW HOPE DRIVE (BAGDAD RD. TO LAKELINE BLVD.) RECONSTRUCTION PROJECT IN THE AMOUNT OF \$69,895; 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, existing overhead PEC electric lines need be relocated to eliminate conflicts with proposed roadway improvements; and

WHEREAS, it is the City's intent to make improvements to existing aerial roadway crossings by relocating them underground; and

WHEREAS, Cash Construction Co. has submitted a proposed change order in the amount of \$69,895.

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

SECTION 1. The City Manager is hereby authorized and directed to execute a change order with Cash Construction Co. under the New Hope Drive (Bagdad Rd. to Lakeline Blvd.) reconstruction project in the amount of \$69, 895.

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 25th day of August, 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:8-25-2011

Subject: Agenda Item No. D.2
A Resolution Approving The Proposed 2011 Operating Budget For The Brushy Creek Regional Utility Authority.

Commentary:

The City of Cedar Park is participating in a regional water treatment and distribution project with the cities of Leander and Round Rock. The contracts between the member cities and the Brushy Creek Regional Utility Authority ("Authority") require that the cities approve the Authority's Operating Budget. The Authority operates on a fiscal year that ends on September 30. The Proposed Operating Budget being considered applies to the twelve months ending September 30, 2011.

City Manager's Remarks

Fiscal Impact

The City of Cedar Park's allocation of the Authority's FY11 budget is \$1,206,740.12. Of that amount, \$38,112.06 is for operational costs, and \$1,168,628.06 is related to payments on debt service.

Budget

Budget/Expended:

Legal Certifications

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, APPROVING THE OPERATING BUDGET OF THE BRUSHY CREEK REGIONAL UTILITY AUTHORITY FOR THE TWELVE MONTHS ENDING SEPTEMBER 30, 2011; 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 City of Cedar Park, Texas (the "City") is a participating and founding member of the Brushy Creek Regional Utility Authority, Inc., (the "BCRUA"); and

WHEREAS, the City has approved and executed the Brushy Creek Regional Utility Authority System Operating Agreement between the Member Cities and the BCRUA; pursuant to that contract will submit a detailed budget to the Operations Committee, comprised of representatives from the member cities; and

WHEREAS, the BCRUA has submitted said budget for consideration by the cities for the four months ending September 30, 2011;

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

SECTION 1. The BCRUA Operating Budget for the twelve months ended September 30, 2011 is hereby approved.

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

PASSED AND APPROVED this the 22nd day of August 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

**Brushy Creek Regional Utility Authority
Proposed Annual Operating Budget
Fiscal Year Ending September 30, 2011**

	<u>Proposed FY 2011</u>	<u>Cedar Park</u>	<u>Leander</u>	<u>Round Rock</u>
Total FY 2011 O&M Budget	189,477.62	38,112.06	89,006.97	62,358.59
FY 2011 Debt Service Budget	8,485,296.56	1,168,628.06	4,285,480.90	3,031,187.60
Total FY 2011 BCRUA Annual Operating Budget	\$ 8,674,774.18	\$ 1,206,740.12	\$ 4,374,487.87	\$ 3,093,546.19



CITY COUNCIL AGENDA
Date:8-25-2011

Subject: Agenda Item No. D.3
A Resolution Authorizing Payment To Pedernales Electric Cooperative In The Amount Of \$49,381.14 For Utility Relocations For The New Hope Drive (Bagdad Rd. to Lakeline Blvd.) Reconstruction Project.

Commentary:

This is a 2010 GO Bond project for reconstruction of New Hope Drive from a 2-lane to a 4-lane arterial roadway from Lakeline Boulevard to Bagdad Road. Pedernales Electric Cooperative (PEC) has an overhead distribution line in an easement adjacent to the southern ROW line that has seven (7) aerial service line crossings for the properties on the north side of the roadway. Staff has been working with PEC for several months on a utility relocation plan to underground the aerial service line crossings and to relocate the utility poles that conflict with the roadway alignment. PEC will pay for the aerial relocation of facilities that lie within the ROW, however, the City of Cedar Park is responsible for the additional cost of relocating those facilities underground.

The purpose of this resolution is to authorize payment to PEC in the amount of \$49,381.14 for the undergrounding of the electrical service line crossings along New Hope Drive. A copy of the invoice is included for reference.

Director

Fiscal Impact

Account No.: 506-56-35-6340-360

Budget

Budget/Expended: \$5,276,000/\$3,891,473.94

Finance Director Review

Legal Certifications

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING PAYMENT TO PEDERNALES ELECTRIC COOPERATIVE (PEC) FOR UTILITY RELOCATIONS FOR THE NEW HOPE DRIVE (BAGDAD RD. TO LAKELINE BLVD.) RECONSTRUCTION PROJECT IN THE AMOUNT OF \$49,381.14; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the New Hope Drive project consists of the construction a four lane divided roadway with raised median and associated improvements; and

WHEREAS, PEC has an overhead distribution line in an easement adjacent to the southern ROW line that has seven (7) aerial service line crossings for the properties on the north side of the roadway; and

WHEREAS, PEC will pay for the aerial relocation of facilities that lie within the ROW, however, the City of Cedar Park is responsible for the additional cost of relocating those facilities underground; and

WHEREAS, PEC has submitted an invoice in the amount of \$49,381.14 for the undergrounding of the electrical service line crossings along New Hope Drive.

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

SECTION 1. Payment is hereby authorized to PEC for the New Hope Drive (Bagdad Rd. to Lakeline Blvd.) Reconstruction Project in the amount of \$49,381.14.

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 25th day of August, 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



P.O. Box 2620 • 1949 W. Whitestone • Cedar Park, Texas 78630-2620
512) 331-8883 • 1-888-554-4732
www.pec.coop
Se habla español.

August 5, 2011

Mr. Garrett Bonn
City of Cedar Park
600 North Bell Boulevard
Cedar Park, Texas 78613

Dear Mr. Bonn:

Enclosed is a *Conveyance of Conduit* form for three phase underground electric facilities crossing West New Hope Road. The total estimated cost for the project is \$26,764.49. This estimate is valid for the next 90 days.

Please sign this document, and return it along with your payment so that we can prepare your work order. It will be your responsibility to contact and coordinate with other utilities for the relocation of their facilities.

We appreciate the opportunity to serve you. If you have any questions, please contact Cherie Bartosh at 1-888-554-4732, Extension 7421, Monday through Friday between 8 a.m. and 5 p.m.

Sincerely,

A handwritten signature in cursive script that reads 'DiAnn Hamilton'.

DiAnn Hamilton
District Planning Supervisor

DH:cb
Y76/4
W.O. No. 62817 \$26,764.49

Enclosure

ORIGINAL

ATTACHMENT A - Conveyance of Conduit

Pedernales Electric Cooperative, Inc.
P. O. Box 1
Johnson City, Texas 78636

Re: Conveyance of Conduit from City of Cedar Park

to Pedernales Electric Cooperative, Inc.

To Whom It May Concern:
City of Cedar Park

_____ a member _____, with its principal place of business located at 600 North Bell Boulevard, Cedar Park, Texas 78613, ("Grantor"), owns certain conduit and related electrical equipment described on Exhibit A attached hereto and made a part for all purposes (the "Conduit").

Grantor wishes to irrevocably grant, give, and transfer, and does hereby irrevocably grant, give, and transfer to Pedernales Electric Cooperative, Inc., a Texas corporation ("Grantee"), and its successors and assigns all of Grantor's right, title, and interest in and to the Conduit, to have and to hold forever, and Grantor shall warrant and forever defend, all and singular, title to the Conduit unto Grantee and its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof. Possession of and title to the Conduit shall pass to Grantee on the date of this letter.

Grantor warrants to Grantee that Grantor is the legal and true owner of the Conduit and that Grantor has the right to convey the Conduit. Furthermore, Grantor warrants that Conduit is free from any lien, security interest or other encumbrance.

The conveyance of the Conduit shall be governed by, construed, and enforced in accordance with the laws of the State of Texas, exclusive of conflicts of law provisions. There are no other agreements, written or oral, between Grantor and Grantee regarding the conveyance of the Conduit from Grantor to Grantee.

Sincerely,

Name: _____

Title: _____

Inspected and accepted by Pedernales Electric Cooperative, Inc. on the _____ day of

Name: _____

Title: _____

Exhibit A - Conveyance of Conduit

DESCRIPTION AND LOCATION OF CONDUIT

Section 1 (To be completed by PEC upon initial signing of Underground Agreement)

Include project name, property description, and location:

West New Hope Road, Cedar Park, Williamson County, Texas

Section 2 (To be completed by PEC upon inspection of conduit)

Actual Conduit Footage:

4" primary footage 1,392'

3" primary footage 363'

3" secondary footage 0'

Inspected by: _____

Title: _____

Date: _____

Section 3 (To be completed by PEC when conduit is recorded on monthly Summary of Donated Conduit worksheet)

Month included on conduit worksheet: _____



P.O. Box 2620 • 1949 W. Whilstone • Cedar Park, Texas 78630-2620
512) 331-8883 • 1-888-554-4732
www.pec.coop
Se habla español.

August 5, 2011

Mr. Garrett Bonn
City of Cedar Park
600 North Bell Boulevard
Cedar Park, Texas 78613

Dear Mr. Bonn:

Enclosed is a *Conveyance of Conduit* form for single phase underground electric facilities crossing West New Hope Road. The total estimated cost for the project is \$22,616.65. This estimate is valid for the next 90 days.

Please sign this document, and return it along with your payment so that we can prepare your work order. It will be your responsibility to contact and coordinate with other utilities for the relocation of their facilities.

We appreciate the opportunity to serve you. If you have any questions, please contact Cherie Bartosh at 1-888-554-4732, Extension 7421, Monday through Friday between 8 a.m. and 5 p.m.

Sincerely,

DiAnn Hamilton
District Planning Supervisor

DH:cb
Y76/4
W.O. No. 62421 \$22,616.65

Enclosure

ORIGINAL

ATTACHMENT A - Conveyance of Conduit

Pedernales Electric Cooperative, Inc.
P. O. Box 1
Johnson City, Texas 78636

Re: Conveyance of Conduit from City of Cedar Park

to Pedernales Electric Cooperative, Inc.

To Whom It May Concern:
City of Cedar Park

a member _____, with its principal place
of business located at 600 North Bell Boulevard, Cedar Park, Texas 78613
_____, ("Grantor"), owns
certain conduit and related electrical equipment described on Exhibit A attached hereto and made a part
for all purposes (the "Conduit").

Grantor wishes to irrevocably grant, give, and transfer, and does hereby irrevocably grant, give, and
transfer to Pedernales Electric Cooperative, Inc., a Texas corporation ("Grantee"), and its successors and
assigns all of Grantor's right, title, and interest in and to the Conduit, to have and to hold forever, and
Grantor shall warrant and forever defend, all and singular, title to the Conduit unto Grantee and its
successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any
part thereof. Possession of and title to the Conduit shall pass to Grantee on the date of this letter.

Grantor warrants to Grantee that Grantor is the legal and true owner of the Conduit and that Grantor has
the right to convey the Conduit. Furthermore, Grantor warrants that Conduit is free from any lien,
security interest or other encumbrance.

The conveyance of the Conduit shall be governed by, construed, and enforced in accordance with the laws
of the State of Texas, exclusive of conflicts of law provisions. There are no other agreements, written or
oral, between Grantor and Grantee regarding the conveyance of the Conduit from Grantor to Grantee.

Sincerely,

Name: _____

Title: _____

Inspected and accepted by Pedernales Electric Cooperative, Inc. on the _____ day of

_____, _____

Name: _____

Title: _____

Exhibit A - Conveyance of Conduit

DESCRIPTION AND LOCATION OF CONDUIT

Section 1 (To be completed by PEC upon initial signing of Underground Agreement)

Include project name, property description, and location:

West New Hope Road, Cedar Park, Williamson County, Texas

Section 2 (To be completed by PEC upon inspection of conduit)

Actual Conduit Footage:

4" primary footage 0'

3" primary footage 1,309'

3" secondary footage 0'

Inspected by: _____

Title: _____

Date: _____

Section 3 (To be completed by PEC when conduit is recorded on monthly Summary of Donated Conduit worksheet)

Month included on conduit worksheet: _____



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. D.4

A Resolution Authorizing And Directing The City Manager To Execute A Facilities Rental Service Agreement In The Amount Of \$49,872.41 With Pedernales Electric Cooperative, Inc. For The Installation Of An Automatic Transfer Switch Located At The Dies Pumping Station.

Commentary:

Last July, the Dies Booster Station experienced a power failure that lasted several hours due to a malfunction with the electrical service to the facility. This item calls for the installation of an Automatic Transfer Switch, which will provide a secondary electrical service to the facility in the event of a power failure in the primary service. Staff recommends the City enter into a Facilities Rental Service Agreement with Pedernales Electric Cooperative (PEC) in order to rent an Automatic Transfer Switch for the Dies Pumping Station. The addition of this Automatic Transfer Switch will provide emergency power to the Dies Pumping Station, which in the event of a power outage switches the electrical power for the Dies Pumping Station to a separate PEC substation. The rental agreement covers the capital item of the Automatic Transfer Switch itself and any maintenance related to the Switch, including the replacement of the Switch if needed. Staff is recommending the City enter into a Rental Service Agreement rather than purchasing the Switch in order to manage the costs of this special equipment. This agreement allows the City to pay for the Automatic Transfer Switch over the seven (7) year agreement period instead of one lump sum payment due at installation, which would not include maintenance. The total cost of the Rental Service Agreement is \$49,872.41 with a monthly rental rate of \$648.34.

Staff believes this Agreement will be advantageous because PEC will maintain and assume the costs and expenses associated with operation of the transfer switch during the agreement period.

Fiscal Impact

Account No.: 202-34-20-5420

Budget

Budget/Expended: \$49,872.41/\$0

Finance Director Review

Legal Certifications

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A FACILITIES RENTAL SERVICE AGREEMENT IN THE AMOUNT OF \$49,872.41 WITH PEDERNALES ELECTRIC COOPERATIVE, INC. FOR THE INSTALLATION OF AN AUTOMATIC TRANSFER SWITCH LOCATED AT THE DIES PUMPING STATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, The addition of an Automatic Transfer Switch will provide emergency power to the Dies Pumping Station; and

WHEREAS, it is more cost-effective to enter into a Facilities Rental Service Agreement for the cost and maintenance of an Automatic Transfer Switch than for the City to purchase and maintain one; and

WHEREAS, the Facilities Rental Service Agreement allows the City to pay for the Automatic Transfer Switch over a seven (7) year period; and

WHEREAS, the cost of the Facilities Rental Service Agreement is \$49,872.41 to be paid in monthly rental fees of \$648.34.

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

SECTION 1. The City Manager is hereby authorized and directed to execute a Facilities Rental Service Agreement with Pedernales Electric Cooperative in the amount of \$49,872.41 to be paid over a seven year period.

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 25th day of August, 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

FACILITIES RENTAL SERVICE AGREEMENT

Account Number: 0103-5278-00
 Member Name: City of Cedar Park
 Service Address: 600 North Bell Boulevard
Cedar Park, Texas 78613

1. This Facilities Rental Service Agreement ("Agreement") is for services to be provided under Pedernales Electric Cooperative, Inc.'s ("Cooperative") Facilities Rental Rider.
2. This Agreement between Member and Cooperative shall continue for a term of seven years and thereafter shall continue until the Member provides the Cooperative with a 90day advance written notice of termination.
3. Cooperative agrees to lease to Member the electric equipment and facilities as set forth in Exhibit A attached hereto and made a part hereof ("Facilities") used in providing electric connection service to Member.
4. Member shall pay Cooperative a "Monthly Facilities Rental Charge" calculated as follows:

Calculated Installed Cost of Facilities (Times)		Monthly Facilities Rental Rate (Equals)		Monthly Facilities Rental Charges
\$49,872.41	x	0.013	=	\$648.34

5. In the event Member requests that any Facilities constructed, owned, maintained, or operated by Cooperative be removed or upon the termination of this Agreement without the execution of a superseding Agreement that provides for the continuation of rental payments by a Member, Cooperative will remove such Facilities within a reasonable time at Member's expense. The removal charge shall include the labor and construction equipment usage cost to Cooperative of removing such Facilities less the salvage or reclamation value of the Facilities, whichever is higher, and shall be calculated in accordance with generally accepted accounting principles. In addition to removal costs net of salvage, Member shall also pay to the Cooperative the undepreciated value of the assets being removed (including installation, labor, and facilities). Such payment shall be made to Cooperative promptly after such removal is completed.
6. Cooperative will maintain the Facilities installed by it and rented to Member in good operating condition and assumes all costs and expenses in connection therewith except for repairs due to any damages or destruction of the Facilities caused by Member. Maintenance expenses to Cooperative other than repair of damages caused by Member will in no way increase the monthly rentals which Member will pay Cooperative, provided that should all or any part of the Facilities being rented require replacement during the term of this Agreement, the monthly rental charges will be re-computed based on the provisions in the Cooperative's applicable Facilities Rental Rider.

7. Cooperative will endeavor to perform inspection or maintenance of the Facilities during time periods which will minimize any impact on Member's operation.
8. Member will protect Cooperative property located on Member's premises from persons not authorized to have access to Cooperative's property.

ACCEPTED BY:

Member

Official Capacity

ACCEPTED:

Pedernales Electric Cooperative, Inc.

Diana Hamilton

By _____ Date _____

District Planning Supervisor

Title

Exhibit A

Description of Facilities

Install automatic transfer switch for the Dies Pumping Station at 2415 Cypress Creek Road.



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. D.5

A Resolution Authorizing And Directing The City Manager To Execute A Facilities Rental Service Agreement In The Amount Of \$65,800.35 With Pedernales Electric Cooperative, Inc. For The Replacement Of The Automatic Transfer Switch Located At The Water Reclamation Facility.

Commentary:

This item is related to Staff's recommendation to enter into a Facilities Rental Service Agreement with Pedernales Electric Cooperative (PEC) in order to rent an Automatic Transfer Switch for the Water Reclamation Facility (WRF). Emergency power is provided to the WRF by means of an Automatic Transfer Switch which in the event of a power outage switches the electrical power for the WRF to a separate PEC substation. The rental agreement covers the capital item of the Automatic Transfer Switch itself and any maintenance related to the Switch, including the replacement of the Switch if needed. Staff is recommending the City enter into a Rental Service Agreement rather than purchasing the Switch in order to manage the costs of this special equipment. This agreement allows the City to pay for the Automatic Transfer Switch over the seven (7) year agreement period instead of one lump sum payment due at installation, which would not include maintenance. The total cost of the Rental Service Agreement is \$65,800.35 with a monthly rental rate of \$855.40.

Staff believes this Agreement will be advantageous because PEC will maintain and assume the costs and expenses associated with operation of the transfer switch during the agreement period.

Fiscal Impact

Account No.: 202-36-20-5420

Budget

Budget/Expended: \$65,800.35/\$0

Finance Director Review

Legal Certifications

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A FACILITIES RENTAL SERVICE AGREEMENT IN THE AMOUNT OF \$65,800.35 WITH PEDERNALES ELECTRIC COOPERATIVE, INC. FOR THE REPLACEMENT OF THE AUTOMATIC TRANSFER SWITCH LOCATED AT THE WATER RECLAMATION FACILITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, emergency power is provided to the Water Reclamation Facility by means of an Automatic Transfer Switch; and

WHEREAS, it is more cost-effective to enter into a Facilities Rental Service Agreement for the cost and maintenance of an Automatic Transfer Switch than for the City to purchase and maintain one; and

WHEREAS, the Facilities Rental Service Agreement allows the City to pay for the Automatic Transfer Switch over a seven (7) year period; and

WHEREAS, the cost of the Facilities Rental Service Agreement is \$65,800.35 to be paid in monthly rental fees of \$855.40.

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

SECTION 1. The City Manager is hereby authorized and directed to execute a Facilities Rental Service Agreement with Pedernales Electric Cooperative in the amount of \$65,800.35 to be paid over a seven year period.

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 25th day of August, 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

FACILITIES RENTAL SERVICE AGREEMENT

Account Number: 1230-4788-00
 Member Name: City of Cedar Park
 Service Address: 2315 183A Toll Road-Wastewater Treatment Plant

1. This Facilities Rental Service Agreement ("Agreement") is for services to be provided under Pedernales Electric Cooperative, Inc.'s ("Cooperative") Facilities Rental Rider.
2. This Agreement between Member and Cooperative shall continue for a term of seven years and thereafter shall continue until the Member provides the Cooperative with a 90day advance written notice of termination.
3. Cooperative agrees to lease to Member the electric equipment and facilities as set forth in Exhibit A attached hereto and made a part hereof ("Facilities") used in providing electric connection service to Member.
4. Member shall pay Cooperative a "Monthly Facilities Rental Charge" calculated as follows:

Calculated Installed Cost of Facilities (Times)	Monthly Facilities Rental Rate (Equals)	Monthly Facilities Rental Charges
\$65,800.35	x 0.013	= \$855.40

5. In the event Member requests that any Facilities constructed, owned, maintained, or operated by Cooperative be removed or upon the termination of this Agreement without the execution of a superseding Agreement that provides for the continuation of rental payments by a Member, Cooperative will remove such Facilities within a reasonable time at Member's expense. The removal charge shall include the labor and construction equipment usage cost to Cooperative of removing such Facilities less the salvage or reclamation value of the Facilities, whichever is higher, and shall be calculated in accordance with generally accepted accounting principles. In addition to removal costs net of salvage, Member shall also pay to the Cooperative the undepreciated value of the assets being removed (including installation, labor, and facilities). Such payment shall be made to Cooperative promptly after such removal is completed.
6. Cooperative will maintain the Facilities installed by it and rented to Member in good operating condition and assumes all costs and expenses in connection therewith except for repairs due to any damages or destruction of the Facilities caused by Member. Maintenance expenses to Cooperative other than repair of damages caused by Member will in no way increase the monthly rentals which Member will pay Cooperative, provided that should all or any part of the Facilities being rented require replacement during the term of this Agreement, the monthly rental charges will be re-computed based on the provisions in the Cooperative's applicable Facilities Rental Rider.

7. Cooperative will endeavor to perform inspection or maintenance of the Facilities during time periods which will minimize any impact on Member's operation.
8. Member will protect Cooperative property located on Member's premises from persons not authorized to have access to Cooperative's property.

ACCEPTED BY:

Member

Official Capacity

ACCEPTED:

Pedernales Electric Cooperative, Inc.

Dianna Hamilton 6-27-11
By Date

District Planning Supervisor
Title

Exhibit A

Description of Facilities

Replacement of automatic transfer switch located at the wastewater treatment plant on 183A Toll Road as requested by the City of Cedar Park.



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. D.6
Authorization To Excuse The Absence Of Councilmember Fuller From The Regular Scheduled Meeting Of August 11, 2011.

Commentary:



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. E.1
(OA-11-003) First Reading And Public Hearing On An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Article 11.10 Boards And Commissions, Division 3 Zoning Changes And Amendments To Add A New Section Regarding An Applicant's Summary Of Neighborhood Communications For Zoning Changes. The Planning And Zoning Commission voted 5-0 To Recommend Approval Of The Amendment.

Commentary:

Staff is proposing an amendment to Chapter 11 Zoning to provide for a Summary of Neighborhood Communications for zoning changes. This proposal is to assist in encouraging communication between zoning change applicants and neighborhoods.

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on July 19, 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 require that a summary of neighborhood communications accompany a rezoning request.

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

Opposed:

Absent: Jon Lux, Sandy Trujillo

Public Information Plan:

June 9, 2011: Notice appears in the Cedar Park Citizen
June 21, 2011: Planning and Zoning Commission meeting and public hearing – case was postponed until July 19, 2011
July 19, 2011: Planning and Zoning Commission meeting and public hearing
August 4, 2011: Notice of City Council public hearing appears in the Cedar Park Citizen
August 25, 2011: Public Hearing and 1st Reading at City Council

Director

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, ARTICLE 11.10 BOARDS AND COMMISSIONS, DIVISION 3 ZONING CHANGES AND AMENDMENTS TO ADD A NEW SECTION REGARDING AN APPLICANT'S SUMMARY OF NEIGHBORHOOD COMMUNICATIONS FOR ZONING CHANGES. 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 25th day of August, 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

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

EXHIBIT A

**Amendment to Chapter 11 Zoning, Article 11.10 Boards and Commissions, Division 3
Zoning Changes and Amendments**

Sec. 11.10.027 Applicant's Summary of Neighborhood Communications for Zoning Changes

A neighborhood communication summary will be required for all properties located within 300' of a single family zoned property. The purpose of the neighborhood communication summary is to educate the applicant and the neighborhood about each other's interests, to attempt to resolve issues in a manner that respects those interests and to identify unresolved issues. This process seeks to enhance communications with the neighborhood but does not mandate a neighborhood meeting.

- 1) **Applicability:** The neighborhood communication requirements of this section apply to all zoning applications for properties within 300 feet of single family zoned property. If there are no single family zoned properties within 300 feet of the property under consideration, the applicant is exempt from neighborhood communication summary requirements.
- 2) **Summary Report**
 1. Prior to the public hearing, the applicant must submit a summary report to the Planning Director by 5pm the day prior to the scheduled public hearing. The summary report must describe:
 - A. Efforts, if any, to notify neighborhoods about the proposal (how and when notification occurred, and who was notified);
 - B. How information about the proposal was shared with neighborhoods (mailings, workshops or meetings, open houses, flyers, door-to-door handouts, etc.);
 - C. Who was involved in the discussions;
 - D. Suggestions and concerns raised by the neighborhoods; and
 - E. What specific conditions were added to or modified within the zoning request in response to concerns raised at the meeting.
 2. The applicant must present the summary report to the authorized decision-making body at the public hearing.

Numbering changes to existing Code sections will result from this proposed addition as noted below.

- | | |
|--------------------------------------|---|
| Sec. 11.10.02 7 <u>8</u> | Procedure before the Planning and Zoning Commission |
| Sec. 11.10.02 8 <u>9</u> | Procedure before the City Council |
| Sec. 11.10.0 29 <u>30</u> | Fees for requesting a change in zoning |
| Sec. 11.10.03 0 <u>1</u> | Withdrawal of a Zoning Application |



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. E.2
(Z-11-007) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Open Space Recreation (OSR) On Approximately 4.038 Acres Of Land Located At 1400 Treeline (City Of Cedar Park-City Initiated Zoning) The Planning And Zoning Commission Voted 4-0 To Recommend Approval Of The Assignment Of Original Zoning Of Open Space Recreation (OSR) On The Subject Tract.

Commentary:

The purpose of this agenda item is to assign original zoning of Open Space Recreation (OSR) to approximately 4.038 acres for property located at 1400 Treeline.

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 4-0 to recommend approval of Open Space Recreation (OSR) zoning for this tract.

In favor: Alan Yore, Nicholas Kauffman, Stephen Thomas, and Lorena Echeverria

Opposed: None

Absent: Sandy Trujillo, Jon Lux, and Thomas Balestiere

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on July 19, 2011. No public testimony was received.

Background:

Owner: City of Cedar Park

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

July 7, 2011: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.

July 8, 2011: 31 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

July 19, 2011: Planning Commission Public Hearing

August 4, 2011: Public notice of the City Council public hearing published in the Cedar Park Citizen

August 25, 2011: City Council 1st Reading of ordinance and public hearing

Director

Fiscal Impact
Account No.:

Budget
Budget/Expended:

Finance Director Review

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO ASSIGN ORIGINAL ZONING OF OPEN SPACE RECREATION (OSR) TO APPROXIMATELY 4.038 ACRES OF LAND LOCATED AT 1400 TREELINE, IN WILLIAMSON COUNTY (Z-11-007); 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 Open Space Recreation (OSR) on approximately 4.038 acres of land otherwise 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 indicate 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 25th day of August, 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 _____, 2008, 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:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

Legal Description:

Cedar Park One Section 1, Block AQ, Lot 2, 4.038 acres in the Official Records of Williamson County.

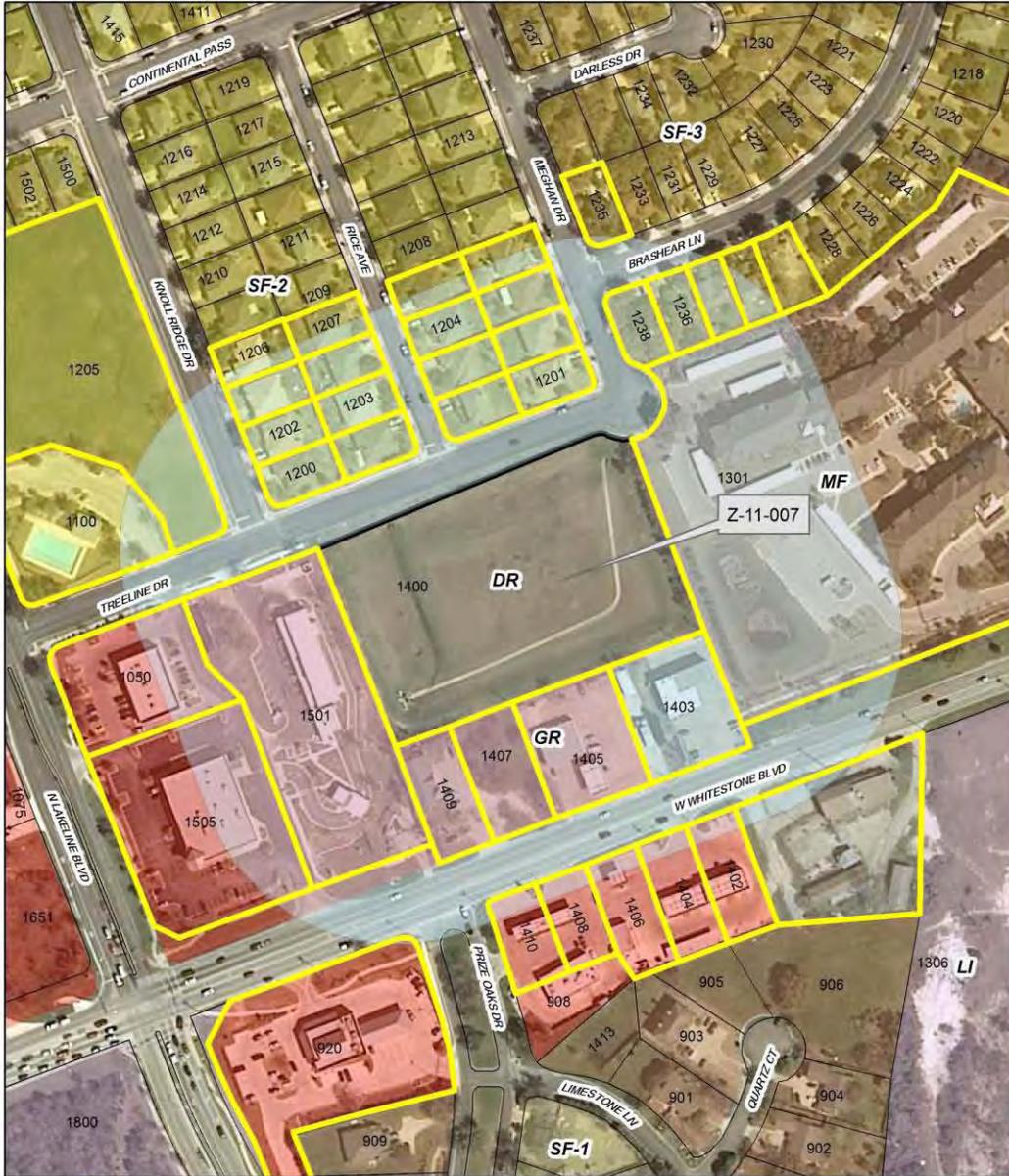
EXHIBIT A



Z-11-007



EXHIBIT B



Z-11-007



NOTIFICATION AREA

July 19, 2011

Planning and Zoning Commission

Item:

Zoning

**City Initiated Zoning
1400 Treeline**

8A/9A

Case Number: # Z-11-007

OWNER: City of Cedar Park

STAFF: Emily Barron, 401-5054, emily.barron@cedarparktx.us

LOCATION: 1400 Treeline

COUNTY: Williamson

AREA: 4.038 acres

EXISTING ZONING: Development Reserve (DR)

PROPOSED ZONING: Open Space Recreation (OSR)

STAFF RECOMMENDATION: Open Space Recreation (OSR)

FUTURE LAND USE PLAN EXISTING: Parks and Open Space

FUTURE LAND USE PLAN PROPOSED: Parks and Open Space

This zoning is being initiated by the City in order to provide assignment of original zoning to a currently designated Development Reserve (DR) tract. This item, along with many others, are being brought forward as a request by the City Council to reflect actual land uses on properties, promote economic development, and to indicate the highest and best use of property as designated on the Future Land Use Plan.

This property, 1400 Treeline, is currently developed and serves as an area for passive recreational sports as well as its primary purpose as a detention pond for a portion of the Carriage Hills neighborhood.

Site:





PURPOSE OF REQUESTED ZONING DISTRICT:

The Open Space Recreation District, OSR, is established to implement the goals of the Comprehensive Plan to develop and implement a system of parks and recreational opportunities throughout the community that responds to the broad variety of recreational needs of the different age groups and interests of people residing in all areas of the City.

Permitted uses within the Open Space Recreation (OSR) zoning district include:

- Historic Landmarks, limited (buildings and or structures only) Sec. 11.12.002
- Passive outdoor sports and recreation
- Parking lot, accessory (Publicly owned parking areas constructed only for public access to a greenbelt or park area)
- Utility services, local
- Outdoor sports and recreation
- Parks, playgrounds, community buildings, recreation centers and other public recreational facilities and activities
- Public restrooms, storage facilities, (as part of the principal building and/or in separate buildings as accessory uses to the principal permitted use only)
- Retention, detention and water quality ponds, see Sec. 11.02.248C
- Temporary buildings, Sec. 11.01.010
- Accessory structures, Sections 11.04.001–11.04.004

COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for Parks and Open Space with compatible zoning districts of Open Space Greenbelt (OSG) and Open Space Recreation (OSR).

The request is consistent with the following goals of the Comprehensive Plan:

4.1.4 Parks and Open Space Goals

- Establish a viable park, recreation and open space system for the City where residents and visitors can enjoy the natural beauty of the Hill Country.
- Develop a system of parks and open spaces that address the needs of the residents of Cedar Park as well as draw visitors and businesses to Cedar Park.

SITE INFORMATION:

Corridor Overlay:

This property is within the Corridor Overlay.

Transportation:

Treeline serves as a neighborhood collector roadway.

Subdivision:

This site is currently subdivided.

Setback Requirements:

Front Setback	25'
Side Setback	12'
Rear Setback	10'

Architectural Requirements:

All exterior walls shall be finished in the following materials: brick, stone, cast stone, precast concrete panels, split-faced concrete masonry units, brick or stone veneers, fiber/cement board (e.g. Hardiplank), solid wood planking (tongue in groove or ship-lap planking), or stucco. EIFS shall not be used for exterior wall areas.

Staff Recommendation:

Staff recommends that this site be assigned original zoning of Open Space Recreation (OSR).

PUBLIC NOTICE: July 7, 2011 Cedar Park Citizen

PUBLIC INPUT: Staff has received no public input at the time of publication of this report

PROPOSED CITY COUNCIL HEARINGS: August 25, 2011 ~ Public Hearing/1ST Reading
September 8, 2011 ~ 2ND Reading



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. E.3
(Z-11-008) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Open Space Recreation (OSR) On Approximately 8.63 Acres Of Land Located At 1900 N. Lakeline (City Of Cedar Park-City Initiated Zoning). The Planning And Zoning Commission Voted 4-0 To Recommend Approval Of The Assignment Of Original Zoning Of Open Space Recreation (OSR) On The Subject Tract.

Commentary:

The purpose of this agenda item is to assign original zoning of Open Space Recreation (OSR) to approximately 8.63 acres for property located at 1900 N. Lakeline.

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 4-0 to recommend approval of Open Space Recreation (OSR) zoning for this tract.

In favor: Alan Yore, Nicholas Kauffman, Stephen Thomas, and Lorena Echeverria

Opposed: None

Absent: Sandy Trujillo, Jon Lux, and Thomas Balestiere

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on July 19, 2011. No public testimony was received.

Background:

Owner: City of Cedar Park

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

July 7, 2011: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.

July 8, 2011: 60 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

July 19, 2011: Planning Commission Public Hearing
August 4, 2011: Public notice of the City Council public hearing published in the Cedar Park Citizen
August 25, 2011: City Council 1st Reading of ordinance and public hearing

Director

Fiscal Impact
Account No.:

Budget
Budget/Expended:

Finance Director Review

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO ASSIGN ORIGINAL ZONING OF OPEN SPACE RECREATION (OSR) TO APPROXIMATELY 8.63 ACRES OF LAND LOCATED AT 1900 N. LAKELINE, IN WILLIAMSON COUNTY (Z-11-008); 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 Open Space Recreation (OSR) on approximately 8.63 acres of land otherwise 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 indicate 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 25th day of August, 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

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

Legal Description:

Cedar Park One Section 1, Block U, Lot 12, 8.63 acres in the Official Records of Williamson County.

EXHIBIT A



Z-11-008



EXHIBIT B



Z-11-008



NOTIFICATION AREA

July 19, 2011

Zoning

Planning and Zoning Commission
City Initiated Zoning
1900 N. Lakeline

Item:
8B/9B

Case Number: # Z-11-008

OWNER: City of Cedar Park

STAFF: Emily Barron, 401-5054, emily.barron@cedarparktx.us

LOCATION: 1900 N Lakeline

COUNTY: Williamson

AREA: 8.63 acres

EXISTING ZONING: Development Reserve (DR)

PROPOSED ZONING: Open Space Recreation (OSR)

STAFF RECOMMENDATION: Open Space Recreation (OSR)

FUTURE LAND USE PLAN EXISTING: Parks and Open Space

FUTURE LAND USE PLAN PROPOSED: Parks and Open Space

This item has been initiated by the City in order to provide assignment of original zoning to a currently designated Development Reserve (DR) tract. This item, along with many others, are being brought forward as a request by the City Council to reflect actual land uses on properties, promote economic development of areas, and to indicate the highest and best use of a property as designated on the Future Land Use Plan.

This property, 1900 N. Lakeline, is currently developed and serves as an area for passive recreational sports, known as New Hope Park, as well as serving its primary purpose as a detention pond for a northern portion of the Carriage Hills neighborhood.

Site:



The Open Space Recreation District, OSR, is established to implement the goals of the Comprehensive Plan to develop and implement a system of parks and recreational opportunities throughout the community that responds to the broad variety of recreational needs of the different age groups and interests of people residing in all areas of the City.

Permitted uses within the Open Space Recreation (OSR) zoning district include:

- Historic Landmarks, limited (buildings and or structures only) Sec. 11.12.002
- Passive outdoor sports and recreation
- Parking lot, accessory (Publicly owned parking areas constructed only for public access to a greenbelt or park area)
- Utility services, local
- Outdoor sports and recreation
- Parks, playgrounds, community buildings, recreation centers and other public recreational facilities and activities
- Public restrooms, storage facilities, (as part of the principal building and/or in separate buildings as accessory uses to the principal permitted use only)
- Retention, detention and water quality ponds, see Sec. 11.02.248C
- Temporary buildings, Sec. 11.01.010
- Accessory structures, Sections 11.04.001–11.04.004

COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for Parks and Open Space with compatible zoning districts of Open Space Greenbelt (OSG) and Open Space Recreation (ORR).

The request is consistent with the following goals of the Comprehensive Plan:

4.1.4 Parks and Open Space Goals

- Establish a viable park, recreation and open space system for the City where residents and visitors can enjoy the natural beauty of the Hill Country.
- Develop a system of parks and open spaces that address the needs of the residents of Cedar Park as well as draw visitors and businesses to Cedar Park.

SITE INFORMATION:

Corridor Overlay:

This property is within the Corridor Overlay.

Transportation:

New Hope Drive and Lakeline Boulevard are both classified as arterial roadways and abut the site to the north and west, respectively. Timberview Lane serves as a neighborhood collector roadway and abuts the eastern property line.

Subdivision:

This site currently is currently subdivided.

Setback Requirements:

Front Setback	25'
Side Setback	12'
Rear Setback	10'

Architectural Requirements:

All exterior walls shall be finished in the following materials: brick, stone, cast stone, precast concrete panels, split-faced concrete masonry units, brick or stone veneers, fiber/cement board (e.g. Hardiplank), solid wood planking (tongue in groove or ship-lap planking), or stucco. EIFS shall not be used for exterior wall areas.

Staff Recommendation:

Staff recommends that this site be assigned original zoning of Open Space Recreation (OSR).

PUBLIC NOTICE: July 7, 2011 Cedar Park Citizen

PUBLIC INPUT: Staff has received no public input at the time of publication of this report

PROPOSED CITY COUNCIL HEARINGS: August 25, 2011 ~ Public Hearing/1ST Reading
September 8, 2011 ~ 2ND Reading



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. E.4
(Z-11-016) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of General Retail (GR) On Approximately 1.34 Acres Of Land Located at 1400 West Whitestone Boulevard. (City of Cedar Park-City Initiated Zoning). The Planning And Zoning Commission Voted 5-0 To Recommend Approval Of The Assignment of Original Zoning Of General Retail (GR) On The Subject Tract.

Commentary:

The purpose of this agenda item is to assign original zoning of General Retail (GR) to approximately 1.34 acres located at 1400 West Whitestone Boulevard.

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 5-0 to recommend approval of General Retail (GR) zoning for this tract.

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

Opposed: None

Absent: Sandy Trujillo, Jon Lux, and

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on July 19, 2011. No public testimony was received.

Background:

Owner: City of Cedar Park

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

July 7, 2011: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.

July 8, 2011: 11 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

July 19, 2011: Planning Commission Public Hearing
August 4, 2011: Public notice of the City Council public hearing published in the Cedar Park Citizen
August 25, 2011: City Council 1st Reading of ordinance and public hearing

Director

Fiscal Impact
Account No.:

Budget
Budget/Expended:

Finance Director Review

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 1.34 ACRES OF LAND LOCATED AT 1400 WEST WHITESTONE BOULEVARD, IN WILLIAMSON COUNTY (Z-11-016); 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 1.34 acres of land otherwise 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 indicate 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 25th day of August, 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

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

Legal Description:

Lot 1, Willko Addition, recorded in Document Number 2001024122 of the Official Records of Williamson County.

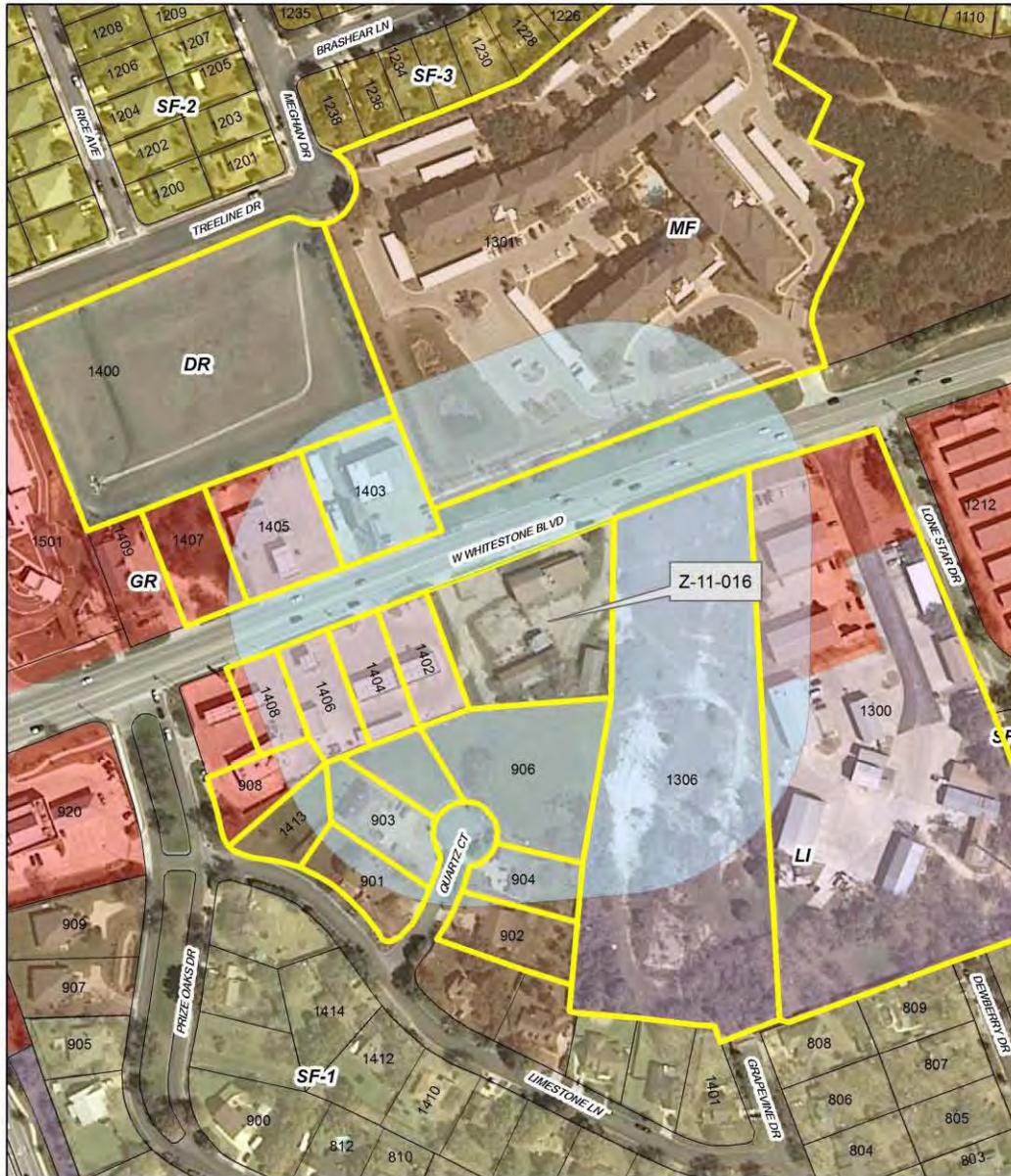
EXHIBIT A



Z-11-016



EXHIBIT B



Z-11-016



NOTIFICATION AREA

July 19, 2011

Zoning

Planning and Zoning Commission
City Initiated Zoning
1400 West Whitestone Boulevard

Item:
8E/9E

Case Number: # Z-11-016

OWNER: City of Cedar Park

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

LOCATION: 1400 West Whitestone Boulevard

COUNTY: Williamson

AREA: 1.34 acres

EXISTING ZONING: Development Reserve (DR)

PROPOSED ZONING: General Retail (GR)

STAFF RECOMMENDATION: General Retail (GR)

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

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

This zoning is being initiated by the City in order to provide assignment of original zoning to a currently designated Development Reserve (DR) tract. This item, along with many others, are being brought forward as a request by the City Council to reflect actual land uses on properties, promote economic development of areas, and to indicate the highest and best use of property as designated on the Future Land Use Plan.

The former City Police Station site, located at 1400 West Whitestone Boulevard, is currently vacant. Existing structures on the tract were recently demolished in preparation for sale of the lot.

Existing Site:



SURROUNDING LAND USES



PURPOSE OF REQUESTED ZONING DISTRICT:

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

FUTURE LAND USE PLAN:

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

A Future Land Use Amendment will be accompanying this request.

COMPREHENSIVE PLAN

The request is 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:

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

SITE INFORMATION:

Corridor Overlay:

This property is within the Corridor Overlay.

Transportation:

West Whitestone Boulevard is currently classified as a four lane undivided major arterial. The 2010 traffic count along West Whitestone between Lakeline Boulevard and Bagdad Road was 27,688 vehicles per day.

Subdivision:

This property is currently subdivided.

Setback Requirements:

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

Architectural Requirements:

Each exterior wall area of a site built in this district shall have a minimum of 75% masonry construction exclusive of doors and windows, as it is located fully within the Corridor Overlay.

Staff Recommendation:

Staff recommends that this site be assigned original zoning of General Retail (GR). Although the request does not currently comply with the FLUP, the designation of GR is consistent with adjacent GR zoned tracts, is compatible with other surrounding land uses, and is supported by the purpose statement of the district.

PUBLIC NOTICE: July 7, 2011 Cedar Park Citizen
11 letter notices were sent to property owners within 300 feet of the tract

PUBLIC INPUT: To date, no public input has been received regarding this request.

CITY COUNCIL HEARINGS: August 25, 2011 ~ Public Hearing/1ST Reading
September 8, 2011 ~ 2ND Reading



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. E.5
(Z-11-018) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Public Service (PS) On Approximately 1.0 Acres Of Land Located At 1570 Cypress Creek Road (City Of Cedar Park-City Initiated Zoning). The Planning And Zoning Commission Voted 5-0 To Recommend Approval Of The Assignment Of Original Zoning Of Public Service (PS) On The Subject Tract.

Commentary:

The purpose of this agenda item is to assign original zoning of Public Service (PS) to approximately 1570 Cypress Creek Road.

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 5-0 to recommend approval of Open Space Recreation (OSR) zoning for this tract.

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

Opposed: None

Absent: Sandy Trujillo and Jon Lux

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on July 19, 2011. No public testimony was received.

Background:

Owner: City of Cedar Park

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

July 7, 2011: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.

July 8, 2011: 5 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

July 19, 2011: Planning Commission Public Hearing
August 4, 2011: Public notice of the City Council public hearing published in the Cedar Park Citizen
August 25, 2011: City Council 1st Reading of ordinance and public hearing

Director

Fiscal Impact
Account No.:

Budget
Budget/Expended:

Finance Director Review

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO ASSIGN ORIGINAL ZONING OF PUBLIC SERVICE TO APPROXIMATELY 1.0 ACRES OF LAND LOCATED AT 1570 CYPRESS CREEK ROAD, IN WILLIAMSON COUNTY (Z-11-018); 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 Public Service (PS) on approximately 1.0 acres of land otherwise 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 indicate 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 25th day of August, 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

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

Legal Description:

Being 1.0 acres of land out of the Richard Duty Survey, Abstract No. 183, Williamson County, Texas

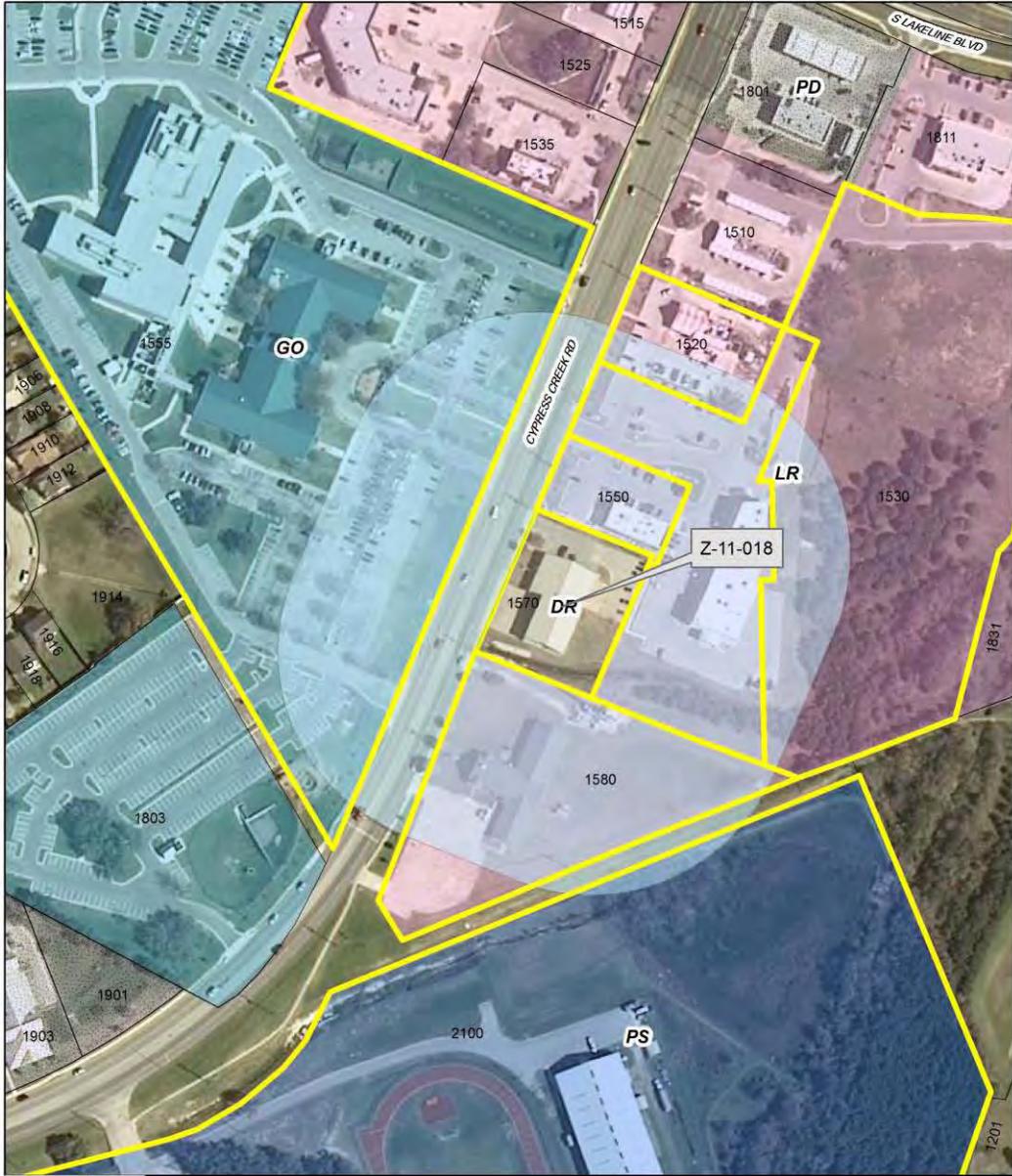
EXHIBIT A



Z-11-018



EXHIBIT B



Z-11-018



NOTIFICATION AREA

Zoning

**City Initiated Zoning
1570 Cypress Creek Road**

8F/9F

Case Number: # Z-11-018

OWNER: City of Cedar Park

STAFF: Emily Barron, 401-5054, emily.barron@cedarparktx.us

LOCATION: 1570 Cypress Creek Road

COUNTY: Williamson

AREA: 1.02 acres

EXISTING ZONING: Development Reserve (DR)

PROPOSED ZONING: Public Service (PS)

STAFF RECOMMENDATION: Public Service (PS)

FUTURE LAND USE PLAN EXISTING: Institutional/Public Utility

FUTURE LAND USE PLAN PROPOSED: Institutional/Public Utility

This zoning is being initiated by the City in order to provide assignment of original zoning to a currently designated Development Reserve (DR) tract. This item, along with many others, are being brought forward as a request by the City Council to reflect actual land uses on properties, promote economic development of areas, and to indicate the highest and best use of property as designated on the Future Land Use Plan.

This property, located at 1570 Cypress Creek Road, is currently developed and is home to Fire Station #2.

Site:





PURPOSE OF REQUESTED ZONING DISTRICT:

The Public Services District, PS, is established to create a district that includes public buildings, facilities, and services. The District may be located throughout the community to provide for public need. The PS district may provide a transitional land use between neighborhoods and more intensive commercial and regional activities.

Permitted uses within the Public Service (PS) zoning district include:

- Cemeteries
- Parks, playgrounds (owned and/or operated by the city or other governmental agency)
- Public buildings, uses
- Public elementary and secondary schools
- Safety services
- Seasonal businesses, Article 11.07 [11.06] Division 2 [Chapter 6, Article 6.02.]
- Temporary buildings for uses incidental to construction work on the premises, Sec. 11.01.010
- Colleges or Universities
- Vocational or trade schools
- Utility services, major
- Accessory structures, Sections 11.04.001–11.04.004

FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for Institutional/Public/Utility and is suitable for any zoning district.

SITE INFORMATION:

Corridor Overlay:

This property is within the Corridor Overlay.

Transportation:

Cypress Creek Road is classified as an arterial roadway and abuts the site to the north.

Subdivision:

This site has a legal lot status.

Setback Requirements:

Front Setback	25'
Side Setback	12'
Rear Setback	15'

Architectural Requirements:

Each exterior wall area of a site built in this district shall have a minimum of fifty (50) percent masonry construction exclusive of doors and windows.

Staff Recommendation:

Staff recommends that this site be assigned original zoning of Public Service (PS).

PUBLIC NOTICE: July 5, 2011 Cedar Park Citizen

PUBLIC INPUT: Staff has received no public input at the time of publication of this report

PROPOSED CITY COUNCIL HEARINGS: August 25, 2011 ~ Public Hearing/1ST Reading
September 8, 2011 ~ 2ND Reading



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. E.6

(Z-11-015) First Reading And Public Hearing On An Ordinance To Assign Rezone Approximately 79.06 Acres From General Retail (GR) To 22.02 Acres From General Retail (GR) To General Retail With A Conditional Overlay (GR-CO); 20.52 Acres From General Retail (GR) To Single Family Residential, Urban Lot (SF-3); 22.51 Acres From General Retail (GR) To General Office (GO); And 14.01 Acres From General Retail (GR) To Light Industrial (LI) Located On 183A Northeast Of The Intersection Of 183A And Scottsdale, In Williamson County, Texas. The Planning And Zoning Commission Voted 4-1 To Recommend Approval Of The Applicant's Request.

Commentary:

The purpose of this agenda item is to rezone approximately 79.06 acres from General Retail to 22.02 acres from General Retail (GR) to General Retail with a Conditional Overlay (GR-CO) to only permit the following uses: administrative offices, medical offices, software development, food sales (limited), research and development activity (software only), day care center (incidental), professional offices, art galleries with retail sales, personal services (general), retail gift store, studios/art studio, dance, music, drama; personal improvement services, automobile parts/accessories sales, banks w/ or wo/ drive thru, convenience store, golf (amusement), hardware store, drugstore, retail stores, restaurant (limited), equipment rental, sales, service, repair; hotel (including extended stay), motel, software sales, computer hardware sales, automated teller machine, bakery (retail), consumer repair shop (including bicycles), dry cleaning and/or laundry on site, food sales (general), liquor store, restaurant (general), veterinary services, bar, cocktail lounge, furniture store, office/showrooms, theaters (indoor); 20.52 acres from General Retail (GR) to Single Family Residential, Urban Lot (SF-3); 22.51 acres from General Retail (GR) to General Office (GO); and 14.01 acres from General Retail (GR) to Light Industrial (LI).

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 4-1 to recommend approval of Open Space Recreation (OSR) zoning for this tract.

In favor: Alan Yore, Stephen Thomas, Lorena Echeverria and Thomas Balestiere

Opposed: Nicholas Kauffman

Absent: Sandy Trujillo, Jon Lux,

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on July 19, 2011. No public testimony was received.

Background:

Owner: Pecan Grove, SPVEF, L.P.

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

- July 7, 2011:* Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.
- July 8, 2011:* 12 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
- July 19, 2011:* Planning Commission Public Hearing
- August 4, 2011:* Public notice of the City Council public hearing published in the Cedar Park Citizen
- August 25, 2011:* City Council 1st Reading of ordinance and public hearing

Director

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Finance Director Review

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO REZONE APPROXIMATELY 79.06 ACRES FROM GENERAL RETAIL TO 22.02 ACRES FROM GENERAL RETAIL (GR) TO GENERAL RETAIL WITH A CONDITIONAL OVERLAY (GR-CO) TO ONLY PERMIT THE FOLLOWING USES: ADMINISTRATIVE OFFICES, MEDICAL OFFICES, SOFTWARE DEVELOPMENT, FOOD SALES (LIMITED), RESEARCH AND DEVELOPMENT ACTIVITY (SOFTWARE ONLY), DAY CARE CENTER (INCIDENTAL), PROFESSIONAL OFFICES, ART GALLERIES WITH RETAIL SALES, PERSONAL SERVICES (GENERAL), RETAIL GIFT STORE, STUDIOS/ART STUDIO, DANCE, MUSIC, DRAMA; PERSONAL IMPROVEMENT SERVICES, AUTOMOBILE PARTS/ACCESSORIES SALES, BANKS W/ OR WO/ DRIVE THRU, CONVENIENCE STORE, GOLF (AMUSEMENT), HARDWARE STORE, DRUGSTORE, RETAIL STORES, RESTAURANT (LIMITED), EQUIPMENT RENTAL, SALES, SERVICE, REPAIR; HOTEL (INCLUDING EXTENDED STAY), MOTEL, SOFTWARE SALES, COMPUTER HARDWARE SALES, AUTOMATED TELLER MACHINE, BAKERY (RETAIL), CONSUMER REPAIR SHOP (INCLUDING BICYCLES), DRY CLEANING AND/OR LAUNDRY ON SITE, FOOD SALES (GENERAL), LIQUOR STORE, RESTAURANT (GENERAL), VETERINARY SERVICES, BAR, COCKTAIL LOUNGE, FURNITURE STORE, OFFICE/SHOWROOMS, THEATERS (INDOOR); 20.52 ACRES FROM GENERAL RETAIL (GR) TO SINGLE FAMILY RESIDENTIAL, URBAN LOT (SF-3); 22.51 ACRES FROM GENERAL RETAIL (GR) TO GENERAL OFFICE (GO); AND 14.01 ACRES FROM GENERAL RETAIL (GR) TO LIGHT INDUSTRIAL (LI) LOCATED ON THE EAST SIDE OF 183A NORTHEAST OF THE INTERSECTION OF SCOTTSDALE AND 183A, IN WILLIAMSON COUNTY (Z-11-015); 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 79.06 acres from General Retail to 22.02 acres from General Retail (GR) to General Retail with a Conditional Overlay (GR-CO) to only permit the following uses: administrative offices, medical offices, software development, food sales (limited), research and development activity (software only), day care center (incidental), professional offices, art galleries with retail sales, personal services (general), retail gift store, studios/art studio, dance, music, drama; personal improvement services, automobile parts/accessories sales, banks w/ or wo/ drive thru, convenience store, golf (amusement), hardware store, drugstore, retail stores, restaurant (limited), equipment rental, sales, service, repair; hotel (including extended stay), motel, software sales, computer hardware sales, automated teller machine, bakery (retail), consumer repair shop (including bicycles), dry cleaning and/or laundry on site, food sales (general), liquor store, restaurant (general), veterinary

services, bar, cocktail lounge, furniture store, office/showrooms, theaters (indoor); 20.52 acres from General Retail (GR) to Single Family Residential, Urban Lot (SF-3); 22.51 acres from General Retail (GR) to General Office (GO); and 14.01 acres from General Retail (GR) to Light Industrial (LI) otherwise 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 indicate 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 25th day of August, 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 _____, 2008, 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:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

Parcel 1 – 22.02 ac. GR-CO

Beginning for reference at a point in the eastern right-of-way line of U.S. Highway 183 Alternate, being the northwestern corner of the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, and proceeding along the eastern right of way line of U.S. Highway 183 Alternate, the following two bearings and distances:

1. S 26°55'22" E 490.96' to a point of tangency,
2. Along a curve to the right, the long chord of which bears S 25°53'27" E, having an arc length of 110.33', a chord length of 110.32', a delta of 02°03'49", and a radius of 3,061.92' to the northwestern corner of Parcel 1 and the POINT OF BEGINNING.

Thence, proceeding across the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract and generally with the one hundred year floodplain of Block House Creek, the following twenty eight bearings and distances:

1. S 64°36'15" E 137.49'
2. S 86°55'28" E 82.69'
3. S 81°26'55" E 31.24'
4. S 71°00'29" E 14.86'
5. S 61°31'55" E 19.56'
6. N 88°44'25" E 52.72'
7. N 73°36'56" E 34.05'
8. N 74°24'43" E 27.52'
9. N 81°18'05" E 24.28'
10. N 89°00'41" E 35.84'
11. N 89°10'27" E 38.12'
12. S 88°42'17" E 24.92'
13. S 74°24'03" E 7.69'
14. S 39°18'55" E 13.00'
15. S 27°38'03" E 27.37'
16. S 35°52'55" E 22.44'
17. S 51°28'44" E 20.17'
18. S 43°42'33" E 18.62'
19. S 64°36'14" E 18.46'
20. S 86°06'00" E 10.36'
21. N 38°29'39" E 8.67'
22. N 03°44'37" E 55.22'
23. N 23°48'35" W 13.48'
24. N 46°35'10" W 11.94'
25. N 06°32'39" W 10.90'
26. N 41°42'14" E 16.08'
27. N 58°20'02" E 20.74'
28. N 65°14'46" E 23.55' to an angle point, being also the northeastern corner of Parcel 1.

Thence, continuing across the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, S 20°04'58" E 1,283.50' to an angle point, being the southeastern corner of Parcel 1.

Thence, continuing across the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, the following two bearings and distances:

1. S 37°29'53" W 334.68'
2. S 78°11'04" W 469.12' to an angle point, being a point in the eastern right of way of U.S. Highway 183 Alternate and also the southwestern corner of Parcel 1.

Thence, continuing with the eastern right of way of U.S. Highway 183 Alternate, the following three bearings and distances:

1. N 12°19'36" W 308.69'
2. N 12°18'35" W 669.02' to a point of tangency
3. Along a curve to the left, the long chord of which bears N 18°35'09" W, having an arc length of 671.07", a chord length of 669.73', a delta of 12°33'23", and a radius of 3,061.92' to the POINT OF BEGINNING, and containing 22.02 acres, more or less.

EXHIBIT A

Parcel 2 – 20.52 ac. SF-3

Beginning for reference at a point in the eastern right-of-way line of U.S. Highway 183 Alternate, being the southwestern corner of the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, and proceeding along the southern boundary of the said 128.70 acre tract, N 70°24'14" E 1,675.89' to an angle point, being also the southeastern corner of the said 128.70 acre tract.

Thence, continuing with the eastern boundary of the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, N 19°47'30" W 709.53' to an angle point.

Then, leaving the eastern boundary of the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract and proceeding across said 128.70 acre tract, the following two bearings and distances:

1. S 70°24'05" W 50.00' to an angle point,
2. N 19°59'48" W 1,328.93' to the southeastern corner of Parcel 2 and the POINT OF BEGINNING.

Thence, continuing across the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, the following two bearings and distances:

1. S 74°18'03" W 284.28'
2. S 41°37'39" W 520.90' to an angle point, being also the southwestern corner of Parcel 2.

Thence, continuing across the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, the following three bearings and distances:

1. N 71°18'30" W 196.62'
2. N 37°29'53" E 334.68'
3. N 20°04'58" W 1,283.50' to an angle point, being also the northwestern corner of Parcel 2.

Thence, continuing across the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract and proceeding generally with the one hundred year floodplain of Block House Creek, the following nineteen bearings and distances:

1. N 56°42'34" E 16.56'
2. N 37°50'44" E 6.01'
3. N 52°40'10" E 68.68'
4. N 67°36'38" E 50.32'
5. N 59°04'57" E 59.94'
6. N 43°48'49" E 22.96'
7. N 58°13'06" E 37.04'
8. S 88°47'53" E 11.36'
9. S 79°01'03" E 19.56'
10. S 88°42'17" E 11.29'
11. S 71°03'24" E 10.86'
12. S 63°46'38" E 59.11'
13. S 75°56'54" E 25.55'

14. S 87°10'39" E 35.28'
15. N 89°17'13" E 59.79'
16. S 85°38'40" E 31.93'
17. N 80°47'59" E 79.72'
18. N 68°12'00" E 38.93'
19. N 65°24'49" E 18.62' to an angle point, being the northeastern corner of Parcel 2.

Thence, continuing across the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, the following two bearings and distances:

1. S 19°59'38" E 701.71'
2. S 19°59'48" E 576.01' to the POINT OF BEGINNING, and containing 20.52 acres, more or less.

EXHIBIT A

Parcel 3 – 22.51 ac. GO

Beginning for reference at a point in the eastern right-of-way line of U.S. Highway 183 Alternate, being the southwestern corner of the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, the following three bearings and distances.

Along the southern boundary of the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, N 70°24'14" E, a distance of 1,675.89', to an angle point, being also the southeastern corner of said Plat.

Thence, continuing with the eastern boundary of the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, N 19°47'30" W 709.53'.

Thence, departing the eastern boundary of the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract and proceeding across said Plat, S 70°24'05" W 50.00' to the southeastern corner of Parcel 3 and the POINT OF BEGINNING.

Thence, continuing across the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, S 70°24'05" W 859.49' to an angle point, being the southwestern corner of Parcel 3.

Thence, continuing across the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, the following two bearings and distances:

1. N 08°51'49" W 495.72'
2. N 17°56'10" W 610.71' to an angle point, being the northwestern corner of Parcel 3.

Thence, continuing across the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, the following two bearings and distances:

1. N 41°37'39" E 520.90'
2. N 74°18'03" E 284.28' to an angle point, being the northeastern corner of Parcel 3.

Thence, continuing across the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, S 19°59'48" E 1,328.93' to the POINT OF BEGINNING, and containing 22.51 acres, more or less.

EXHIBIT A

Parcel 4 – 14.01 ac. LI

Beginning for reference at a point in the eastern right-of-way line of U.S. Highway 183 Alternate, being the southwestern corner of the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract,

Thence, proceeding along the southern boundary of the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract N 70°24'14" E, a distance of 765.66' to an angle point and the POINT OF BEGINNING.

Thence, departing the southern boundary of the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract and proceeding across said Plat, N 19°43'35" W 709.53' to an angle point, being also the northwestern corner of Parcel 4.

Thence, continuing across the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, N 70°24'05" E 859.49' to an angle point, being also the northeastern corner of Parcel 4.

Thence, continuing across the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, S 19°47'30" E 709.57' to an angle point, being a point in the southern boundary of said Plat and also the southeastern corner of Parcel 4 as well as the southeastern corner of said Plat.

Thence, continuing with the southern boundary of the Survey Plat for the Pecan Grove Commerce Park 128.70 acre tract, S 70°24'14" W 860.23' to the POINT OF BEGINNING, and containing 14.01 acres, more or less.

EXHIBIT A



Z-11-015



EXHIBIT B



Z-11-015



NOTIFICATION AREA

July 19, 2011	<i>Planning and Zoning Commission</i>	Item: 8D and 9D
Zoning	Pecan Grove	
Case Number: Z-11-015		

OWNER/APPLICANT: Pecan Grove – SPVEF, L.P.

AGENT: Paul Linehan, Land Strategies

STAFF: Emily Barron, 401-5054, emily.barron@cedarparktx.us

LOCATION: Located on 183A east of the intersection of Scottsdale and 183A

COUNTY: Williamson County

AREA: 79.06 acres

EXISTING ZONING: General Retail (GR)

PROPOSED ZONING: Tract 1 – General Retail with a Conditional Overlay (GR-CO) condition is listed below.

Tract 2 – Urban Single-Family Residential District (SF-3)

Tract 3 – General Office (GO)

Tract 4 – Light Industrial (LI)

STAFF RECOMMENDATION: Applicant's Request

FUTURE LAND USE PLAN EXISTING: Tract 1 – Regional Office/Retail/Commercial
Tracts 2-4 – Neighborhood Office/Retail/Commercial

FUTURE LAND USE PLAN PROPOSED: Tract 1 – Regional Office/Retail/Commercial
Tract 2 – Low Density Residential
Tract 3 – Regional Office/Retail/Commercial
Tract 4 – Industrial

SUMMARY OF APPLICANT'S REQUEST:

The applicant's request is to rezone approximately 79.06 acres from General Retail (GR) to 22.02 acres of General Retail with a Conditional Overlay (GR-CO)(tract 1) to only permit the

following uses: administrative offices, medical offices, software development, food sales (limited), research and development activity (software only), day care center (incidental), professional offices, art galleries with retail sales, personal services (general), retail gift store, studios/art studio, dance, music, drama; personal improvement services, automobile parts/accessories sales, banks w/ or wo/ drive thru, convenience store, golf (amusement), hardware store, drugstore, retail stores, restaurant (limited), equipment rental, sales, service, repair; hotel (including extended stay), motel, software sales, computer hardware sales, automated teller machine, bakery (retail), consumer repair shop (including bicycles), dry cleaning and/or laundry on site, food sales (general), liquor store, restaurant (general), veterinary services, bar, cocktail lounge, furniture store, office/showrooms, theaters (indoor); 20.52 acres of Single Family-Urban Lot (SF-3)(tract 2); 22.51 acres of General Office (GO)(tract 3); and 14.01 acres of Light Industrial (LI)(Tract 4).



PURPOSE OF REQUESTED ZONING DISTRICTS:

The **Urban Single-Family Residential District, SF-3**, is established to provide for standard urban sized lots that allow for low density single-family residential developments at a more compact urban scale. Nonresidential uses permitted in this district are considered to be compatible with single-family residences that act to preserve the value, and integrity of the residential neighborhood.

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.

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

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

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

COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for Regional Office/Retail/Commercial and Neighborhood Office/Retail/Commercial, with compatible zoning districts of General Office (GO), General Retail (GR), Local Retail (LR), Transitional Office (TO), Transitional Commercial (TC) and Mixed Use (MU). Tracts 1 and 3 are both in compliance with the Future Land Use Plan.

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

4.1.1 Quality of Life/Civic Character Goals

- Create a complete community where residents not only sleep, but also work, shop, eat, exercise, play and pray.

4.1.3 Housing Goals

- Provide new housing opportunities for current and future residents of Cedar Park.

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.

4.2.3 Transportation

- Develop a transportation network that enhances Cedar Park and offers alternate modes of transport.

SITE INFORMATION:

Corridor Overlay:

183A is within the corridor overlay

Setback Requirements:

	SF-3	GO	GR-CO	LI
Front Setback	25'	25'	25'	25'
Side Setback	5'	12'	12'	25'
Rear Setback	10'	5'	5'	40'

Subdivision:

A subdivision will be required for this site.

Architectural Requirements:

This site is subject to masonry requirements of 50% with the exception of the portion located within the corridor overlay and then 75% masonry will be required.

Transportation:

183A is classified as a toll road and carries approximately 28,121 vehicles per day. The expansion of 183A is currently under way and the ultimate cross section from New Hope Drive north to Highway 29 will match section south of New Hope.

The collector plan calls for Scottsdale to be extended into this site and turn to the south to eventually connect to Cottonwood Creek Boulevard as indicated below with the dark orange line.



Case History:

Case Number	Request	P&Z Recommendation	CC Action
Z-06-031	Original Zoning 109.64 acres of GR and 19.08 acres of OSG	Approve	Approve
Z-08-020	Rezone from GR to GR with a conditional use of manufacturing processing and assembly light for 21.55 acres	Approve staff recommendation of GR-CU and maintain the 50' OSG buffer	Approve P&Z recommendation
Z-11-005	Rezone from 19.54 acres GR to SF-3	Postponed – Applicant later withdrew the application	N/A

STAFF ANALYSIS:

The applicant has requested to rezone approximately 79.06 acres from General Retail (GR) to 22.02 acres of General Retail with a Conditional Overlay (GR-CO)(tract 1); 20.52 acres of Single Family-Urban Lot (SF-3)(tract 2), 22.51 acres of General Office (GO)(tract 3), 14.01 acres of Light Industrial (LI). Tracts 1 and 3 are in compliance with the Future Land Use Plan and meet the goals of the Comprehensive Plan outlined above.

Tract 1 – GR-CO The proposed CO is being utilized in order to promote uses that will provide a viable tax base and/or employment generation. The intent of the CO is to help compensate for the reduced commercial area proposed with Tract 2. The conditional overlay limits the uses to the following:

administrative offices
 medical offices
 software development
 food sales (limited)
 research and development activity (software only)

day care center (incidental),
 professional offices
 art galleries with retail sales,
 personal services (general)
 retail gift store

studios/art studio, dance,
 music, drama
 personal improvement services
 automobile parts/accessories sales

banks w/ or wo/ drive thru
 convenience store
 golf (amusement)
 hardware store,
 drugstore,
 retail stores,
 restaurant (limited)
 equipment rental, sales,
 service, repair
 hotel (including extended
 stay)

motel
 software sales
 computer hardware sales
 automated teller machine
 bakery (retail)
 consumer repair shop
 (including bicycles)
 dry cleaning and/or laundry
 on site
 food sales (general)
 liquor store

restaurant (general)
 veterinary services
 bar
 cocktail lounge
 furniture store
 office/showrooms
 theaters (indoor)

For your use attached is a list of what is permitted in GR versus what is listed above.

Tract 2 - SF-3 This request is not in compliance with the Future Land Use Plan. However, when considering some of the goals of the Comprehensive Plan as well as the concessions made for Tract 1 regarding the limitations on uses, the residential component could be a viable use at this location.

Tract 3 – GO This request meets the designation on the Future Land Use Plan as well as the goals of the Comprehensive Plan. The GO request also serves as an appropriate transition from the requested SF-3 on Tract 2 to the LI request on Tract 4.

Tract 4 – LI The request for LI is also not in compliance with the Future Land Use plan however, does meet many of the employment and economic development goals outlined in the Comprehensive Plan and will help to promote a variety of employment opportunities in this area.

All tracts listed above meet the purpose statements of their perspective districts.

STAFF RECOMMENDATION:

Based on the information provided above, staff recommends the applicant’s request for:

Tract 1 – General Retail with a Conditional Overlay (GR-CO) to limit the permitted uses to the following:

administrative offices
 medical offices
 software development
 food sales (limited)
 research and development
 activity (software only)
 day care center (incidental),
 professional offices
 art galleries with retail sales,
 personal services (general)
 retail gift store
 studios/art studio, dance, music,
 drama
 personal improvement services
 automobile parts/accessories
 sales
 banks w/ or wo/ drive thru

convenience store
 golf (amusement)
 hardware store,
 drugstore,
 retail stores,
 restaurant (limited)
 equipment rental,
 sales, service, repair
 hotel (including
 extended stay)
 motel
 software sales
 computer hardware
 sales
 automated teller
 machine
 bakery (retail)

consumer repair
 shop (including
 bicycles)
 dry cleaning and/or
 laundry on site
 food sales (general)
 liquor store
 restaurant (general)
 veterinary services
 bar
 cocktail lounge
 furniture store
 office/showrooms
 theaters (indoor)

Tract 2 – Urban Single-Family Residential District (SF-3)

Tract 3 – General Office (GO)

Tract 4 – Light Industrial (LI)

If the applicant's request is recommended, a Future Land Use Plan amendment will be required for Tracts 2 to allow for SF-3 and for Tract 4 to allow for LI.

PUBLIC NOTICE: July 7, 2011 Cedar Park Citizen; Notices were mailed to the 15 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: August 25, 2011 ~ 1ST Reading
September 8, 2011 ~ 2ND Reading

Permitted uses within the GR District

Bold uses are proposed as the only uses permitted per the Conditional Overlay

Accessory structures	Laundromat
Administrative offices	Liquor store
Art galleries	Medical offices
Art galleries with retail sales	Motel
Art studios	Movie and music rental, sales
Automated teller machine	Non-Emergency Medical Transport Service
Automobile parts and accessories sales	Nonprofit seasonal fundraisers
Automobile repair shop	Office/showrooms
Automobile sales, new	Office/warehouse
Automotive sales, used	Personal improvement services
Automotive tire stores	Personal services
Bank	Pet grooming
Bar, Cocktail Lounge	Place of worship
Bed and breakfast	Professional offices
Car washes; all types	Public buildings, uses
Civic clubs and fraternal organizations	Public elementary and secondary schools
Commercial parking lots	Reception hall
Community center	Rental libraries for sound and video recordings
Consumer repair shop	Research and development activities
Convenience store	Restaurant general
Day care center, adult	Restaurant limited
Day care center, child	Retail bakery
Day care center, incidental	Retail gift store
Drugstores	Retail stores
Dry cleaning and/or laundry on site	Software development
Equipment rental, sales, service and/or repair	Software sales, computer hardware sales
Food sales general	Special events
Food sales, limited	studios/art studio, dance, music, drama
Funeral home	Temporary buildings
Furniture store	Theatres, indoor
Gasoline service station limited	Theatres, outdoor
Gasoline service stations, general	Transit station
Golf amusement	Utility services, general
Hardware stores	Veterinary services
Home improvement center (with portable building sales as an accessory use only)	Vocational or trade school
Hotel	Wireless communication facilities
Hotel, extended stay	
Indoor sports and recreation	
Instant print copy service	
Landscape nursery and supply store, retail	

LAND STRATEGIES INC.

PAUL LINEHAN & ASSOCIATES

June 20, 2011

Attn: Rawls Howard
Director of Planning & Development Services
City of Cedar Park
600 N. Bell Boulevard
Cedar Park, Texas 78613

Re: Pecan Grove Commerce Park
Zoning Submittal

Dear Rawls:

Land Strategies, Inc., on behalf of the landowner, respectfully submit this request for a Zoning Change for the Pecan Grove Commerce Park property, located at the intersection of Highway 183A and Scottsdale Road, in the full-purpose jurisdiction of the City of Cedar Park, Williamson County, Texas. The area to be rezoned consists of 79.06 acres, currently zoned GR (General Retail). Note that a portion of the property currently zoned GR, as well as the portion of the property currently zoned OSG (Open Space Greenbelt), are not included in this rezoning request. We request to zone this 79.06 acres as follows:

Parcel One: GR-CO

22.02 acres from GR to **GR-CO** (General Retail-Conditional Overlay) with conditional overlay for **commercial land uses**

Parcel Two: SF-3

20.52 acres from GR to **SF-3** (Single-Family Residential, Urban Lot)

Parcel Three: GO

22.51 acres from GR to **GO** (General Office)

Parcel Four: LI

14.01 acres from GR to **LI** (Light Industrial)

Conditional Overlay Descriptions

The Conditional Overlay associated with the 22.02-acre Parcel One GR district is specific to restrictions on commercial land uses allowed under the GR base district. As per discussions with the landowner and City staff, we request that the following land uses be permitted under the 22.02-acre GR-CO district:

Administrative offices	Day care center, incidental
Medical offices	Professional offices
Software development	Art galleries with retail sales
Food sales, limited	Personal services, general
Research/Devel. activity (software only)	Retail gift store

DEVELOPMENT, PLANNING CONSULTANTS & LANDSCAPE ARCHITECTURE

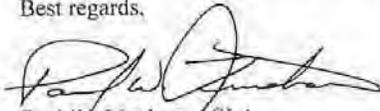
1010 LAND CREEK COVE, SUITE 100 • AUSTIN, TEXAS 78746 • (512) 328-6050 • FAX: (512) 328-6172

Studios/art studio, dance, music, drama	Software sales, computer hardware sales
Personal improvement services	Automated Teller Machines
Automobile parts/accessories sales	Bakery, retail
Banks (w/ or w/out drive-thru facility)	Consumer repair shop (including bicycles)
Convenience store	Dry cleaning and/or laundry, on-site
Golf, amusement	Food sales, general
Hardware store	Liquor store
Drugstore	Restaurant, general
Retail stores	Veterinary services
Restaurant, limited	Bar, cocktail lounge
Equipment rental, sales, service, repair	Furniture store
Hotel	Hotel, extended stay
Motel	Office/showrooms
Personal improvement services, general	Theaters, indoor

It is difficult to market a property of this size (overall approximately 131 acres), with only one zoning classification. We feel that amending the zoning of the property to a mix of zoning classifications provides greater flexibility in land uses, thus promoting the opportunity for a live-work-play activity node for this area of Cedar Park.

Please feel free to contact me with any questions or should you require additional information.

Best regards,



Paul W. Linehan, ASLA
President

PWL:enw

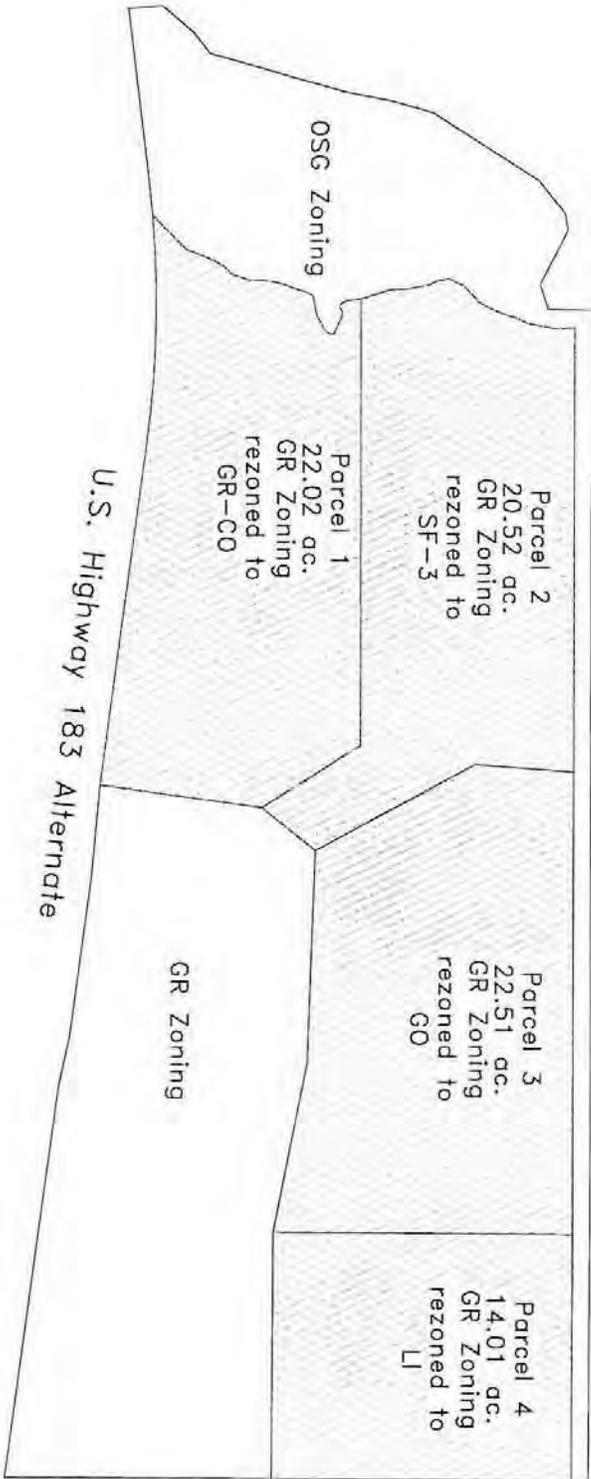
Attachments:

cc: Dennis McDaniel - Managing Partner, Pecan Grove-SPVEF, L.P.

Overall Rezoning
Initial zoning as shown
Areas being rezoned:



Pecan Grove Commerce Park
Rezoning



Scale: 1" = 300'





CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. E.7

First Reading And Public Hearing On An Ordinance Reducing And Revising The Boundaries Of Reinvestment Zone Number One, City Of Cedar Park, Texas, A Tax Increment Reinvestment Zone Created Pursuant To Chapter 311 Of The Texas Tax Code, As Amended, As Established By City Of Cedar Park, Texas Ordinance No. D-01-12-20-10.B; Approving The Third Amendment To The Amended Final Project Plan And Reinvestment Zone Financing Plan; Providing For Severability; And Ordaining Other Provisions Related To The Subject Matter Thereof.

Commentary:

Initiating Dept: Assistant City Manager, Public Works and Utilities

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

This Ordinance will further reduce the boundaries of the zone by 207 acres resulting in a revised zone boundary of approximately 264 acres (see Exhibit A of Ordinance) and will approve the third amendment to the amended final project plan and reinvestment zone financing plan as required by the Chapter 311 of the Texas Tax Code. The boundary reduction is being done pursuant to provisions in a development agreement between Cedar Park, V-S Cedar Park, Ltd., and Continental Homes which required V-S Cedar Park to develop at least \$50 million in taxable assessed value of non-residential improvements within the downtown district of the zone by January 1, 2010. The non-residential development was not completed within the required time frame and as a result the City is exercising actions authorized in the agreement which include revising the boundaries of the Zone. The Texas Tax Code requires that the boundary revisions be made by Ordinance including a public hearing.

Director

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Finance Director Review

Associated Information: Ordinance Attached

ORDINANCE NO. _____

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

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

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

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

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

WHEREAS, the Developer of the Zone has failed to develop at least \$50 million in taxable assessed value of non-residential improvements within the downtown district of the zone by January 1, 2010 as required pursuant to a Development Agreement between the City and the Developer, and

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

WHEREAS, pursuant to the Development Agreement, the City of Cedar Park is revising the boundaries of the Zone to remove approximately 207 acres resulting in a revised Zone boundary of approximately 264 acres, and

WHEREAS, a notice of the August 25, 2011, public hearing on the reduction of the Zone boundaries was published on August 18, 2011, in the Cedar Park Citizen, a newspaper of general circulation in the City, as required pursuant to Chapter 311 of the Texas Tax Code, and

WHEREAS, at the public hearing on August 25, 2011, interested persons were allowed to speak for or against the reduction of the zone boundaries to remove said 208 acres from the Zone as required pursuant to Chapter 311 of the Texas Tax Code.

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

SECTION 1: That the boundaries of the Zone are hereby reduced by approximately 207 acres and the revised boundaries being approximately 264 acres are more particularly described

by metes and bounds in Exhibit "A" attached hereto and incorporated herein and the areas removed from the Zone are hereby released from the Zone and from all restrictions, burdens, and servitudes associated with and/or arising from the Zone and the TIRZ Ordinance.

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

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

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

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

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

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 25th day of August, 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 September, 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.

APPROVED this ___ day of September, 2011.

Robert S. Lemon, Mayor

ATTEST:

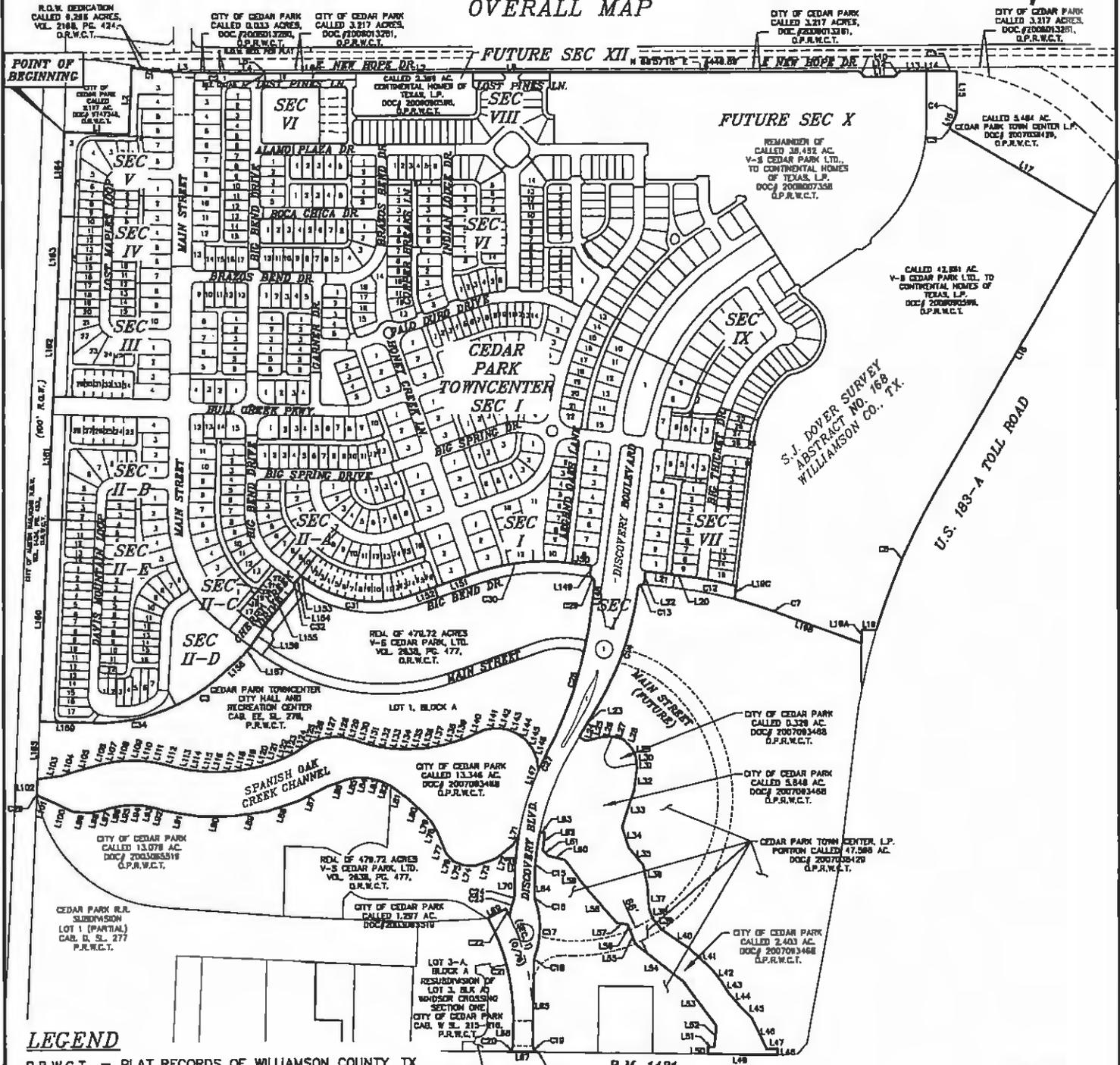
LeAnn Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles Rowland
City Attorney

EXHIBIT A

TO ACCOMPANY METES & BOUNDS DESCRIPTION OF A 264.05 ACRE TRACT OVERALL MAP



LEGEND

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

- NOTES:
1. THIS DRAWING IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION.
 2. BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON RECORD PLATS AND DEEDS.
 3. INTERIOR LOT/TRACT LINES ARE SHOWN FROM GIS INFORMATION FOR REFERENCE PURPOSES ONLY AND MAY NOT BE ACCURATE AS TO SCALED DIMENSIONS.
 4. REFER TO ENLARGED VIEWS ON PAGES 3 THROUGH 9 FOR CLARITY.

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

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

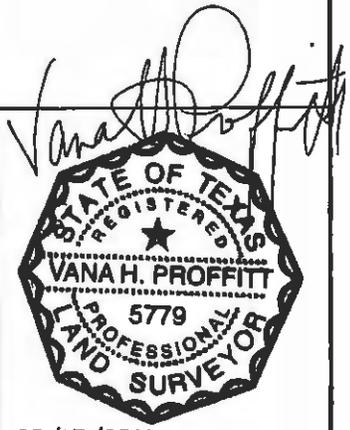


EXHIBIT A
TO ACCOMPANY METES & BOUNDS DESCRIPTION
OF A 264.05 ACRE TRACT
LINE AND CURVE TABLES

LINE TABLE		
LINE	BEARING	LENGTH
L1	N71°24'58"E	294.52'
L2	N18°34'00"W	302.23'
L3	N71°27'58"E	130.56'
L4	N68°57'18"E	153.09'
L5	N21°04'55"W	0.28'
L6	N68°57'18"E	415.10'
L7	N68°57'18"E	526.00'
L8	N68°57'18"E	348.00'
L9	N68°57'18"E	1402.22'
L10	S66°02'42"E	35.36'
L11	N68°57'18"E	140.31'
L12	N23°36'28"E	35.15'
L13	N68°57'18"E	119.27'
L14	N68°57'18"E	47.23'
L15	S21°02'42"E	170.78'
L16	S09°12'52"W	36.02'
L17	S80°47'08"E	753.81'
L18	S09°17'13"W	1417.36'
L19	S69°45'48"W	67.44'
L19A	S20°05'10"E	61.34'
L19B	S88°54'04"W	457.36'
L19C	N14°04'08"W	58.56'
L20	S75°55'52"W	34.02'
L21	S75°55'52"W	132.00'
L22	S13°56'26"E	58.00'
L23	S10°14'11"W	158.66'
L24	S79°45'49"E	35.40'
L25	N54°29'06"E	75.00'
L26	N66°29'22"E	50.00'
L27	N84°49'14"E	50.00'
L28	S68°32'43"E	50.00'
L29	S46°55'26"E	50.00'
L30	S26°20'00"E	29.16'
L31	S26°20'02"E	20.82'
L32	S12°57'51"E	100.00'
L33	S02°32'07"E	175.00'
L34	S39°08'17"E	100.00'
L35	S61°41'46"E	100.00'
L36	S32°37'06"E	100.00'
L37	S23°06'52"E	100.00'
L38	S39°59'13"E	43.98'
L39	S60°20'57"E	66.41'
L40	S78°31'27"E	157.74'
L41	S67°45'18"E	133.06'
L42	S58°26'54"E	68.44'
L43	S52°41'24"E	61.40'
L44	S61°51'56"E	85.90'
L45	S66°03'07"E	65.74'
L46	S46°48'39"E	158.28'
L47	N62°54'12"E	49.33'
L48	S20°16'00"E	28.89'
L49	S69°44'00"W	313.77'
L50	N20°16'48"W	29.40'
L51	N68°06'37"E	28.37'
L52	N15°05'12"W	95.24'
L53	N57°18'43"W	251.12'
L54	N73°11'40"W	276.34'
L55	N41°48'48"W	66.05'

LINE TABLE		
LINE	BEARING	LENGTH
L56	N43°36'45"W	26.69'
L57	S77°50'12"W	50.12'
L58	N62°54'30"W	206.31'
L59	N58°42'23"W	165.00'
L60	S82°00'59"W	75.00'
L61	N65°35'26"W	37.16'
L62	N15°10'07"W	78.61'
L63	S80°43'15"W	22.07'
L64	S20°16'43"E	70.48'
L65	S20°16'43"E	383.59'
L66	S69°44'00"W	2.00'
L67	S69°43'58"W	139.98'
L68	N20°16'43"W	113.56'
L69	N40°56'08"E	90.00'
L70	N20°16'43"W	70.48'
L71	S11°19'22"W	50.00'
L72	S29°52'46"W	100.00'
L73	S50°13'50"W	100.00'
L74	S72°24'46"W	50.00'
L75	N89°59'04"W	50.00'
L76	N61°29'21"W	50.00'
L77	N43°53'12"W	100.00'
L78	N49°37'59"W	50.00'
L79	N59°53'04"W	50.00'
L80	N67°44'02"W	100.00'
L81	N73°20'50"W	100.00'
L82	N86°39'09"W	50.00'
L83	S83°50'12"W	50.00'
L84	S74°19'32"W	50.00'
L85	S59°11'12"W	50.00'
L86	S50°30'35"W	100.00'
L87	S42°39'56"W	150.00'
L88	S51°12'32"W	150.00'
L89	S61°15'28"W	150.00'
L90	S68°36'52"W	150.00'
L91	S78°38'27"W	150.00'
L92	S86°00'08"W	50.00'
L93	S80°15'07"W	50.00'
L94	S73°09'10"W	50.00'
L95	S66°03'14"W	50.00'
L96	S58°57'18"W	50.00'
L97	S52°17'56"W	50.00'
L98	S60°29'18"W	50.00'
L99	S71°38'43"W	75.00'
L100	N85°02'02"W	90.00'
L101	N87°05'11"W	92.14'
L102	N18°32'12"W	66.29'
L103	N60°55'01"E	114.30'
L104	N52°10'13"E	50.00'
L105	N53°40'11"E	100.00'
L106	N55°14'37"E	50.00'
L107	N59°02'19"E	50.00'
L108	N64°43'36"E	50.00'
L109	N68°31'17"E	50.00'
L110	N74°12'35"E	50.00'

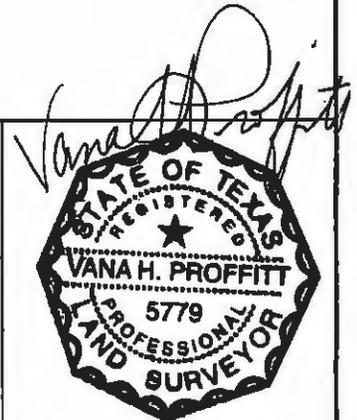
LINE TABLE		
LINE	BEARING	LENGTH
L111	N78°00'16"E	50.00'
L112	N83°41'34"E	77.35'
L113	N80°23'29"E	50.00'
L114	N76°44'59"E	50.00'
L115	N73°06'29"E	50.00'
L116	N69°27'58"E	50.00'
L117	N65°49'28"E	50.00'
L118	N62°10'57"E	50.00'
L119	N58°32'27"E	50.00'
L120	N54°53'57"E	50.00'
L121	N51°05'51"E	50.00'
L122	N46°38'58"E	50.00'
L123	N42°10'24"E	50.00'
L124	N34°35'58"E	50.00'
L125	N40°29'42"E	38.59'
L126	N51°19'00"E	50.00'
L127	N62°08'18"E	50.00'
L128	N72°57'36"E	50.00'
L129	N83°46'53"E	50.00'
L130	N87°17'09"E	50.00'
L131	N81°57'59"E	50.00'
L132	N78°01'26"E	50.00'
L133	N74°04'53"E	50.00'
L134	N70°08'19"E	50.00'
L135	N66°11'46"E	50.00'
L136	N62°15'12"E	50.00'
L137	N58°18'39"E	50.00'
L138	N54°22'05"E	50.00'
L139	N50°25'32"E	50.00'
L140	N45°37'56"E	100.00'
L141	N61°12'33"E	50.00'
L142	N75°42'58"E	50.00'
L143	S88°42'25"E	50.00'
L144	S74°12'00"E	50.00'
L145	S58°37'23"E	50.00'
L146	S44°06'58"E	50.00'
L147	S28°32'21"E	48.79'
L148	N14°04'08"W	122.62'
L149	N14°10'52"W	50.01'
L150	S75°55'52"W	102.02'
L151	S49°57'40"W	194.51'
L152	S49°57'40"W	105.90'
L153	N72°04'21"W	2.39'
L154	S22°05'26"W	50.13'
L155	S17°55'39"W	215.00'
L156	S12°18'27"W	112.54'
L157	S17°55'39"W	46.25'
L158	S27°16'38"W	149.74'
L159	S70°46'02"W	249.46'
L160	N18°32'12"W	907.14'
L161	N18°32'12"W	555.95'
L162	N18°32'12"W	445.35'
L163	N18°32'12"W	360.00'
L164	N18°32'12"W	378.44'
L165	N18°32'12"W	259.57'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CB	CD
C1	5°40'26"	1663.00'	164.68'	N75°36'00"E	164.62'
C2	2°31'23"	3335.17'	146.88'	N70°13'00"E	146.86'
C3	5°25'06"	940.00'	88.89'	N71°40'01"E	88.86'
C4	30°15'20"	80.66'	42.59'	S05°54'55"E	42.10'
C5	89°58'58"	15.00'	23.56'	S35°47'08"E	21.21'
C6	13°05'35"	3064.79'	700.36'	S02°44'25"W	698.84'
C7	4°57'18"	1771.00'	153.16'	S86°25'30"W	153.11'
C12	7°45'38"	1829.00'	247.73'	S79°48'41"W	247.55'
C13	89°14'24"	25.00'	36.94'	S31°18'16"W	35.12'
C14	23°33'30"	1375.00'	565.36'	S01°32'34"E	561.38'
C15	10°59'58"	1154.00'	221.54'	S14°46'44"E	221.20'
C16	20°32'30"	50.00'	17.93'	S30°32'49"E	17.83'
C17	41°04'24"	365.33'	261.89'	S20°16'43"E	256.32'
C18	20°32'30"	50.00'	17.93'	S10°00'38"E	17.83'
C19	89°59'17"	25.00'	39.26'	S65°16'22"E	35.35'
C20	89°52'52"	25.00'	39.22'	N24°44'58"E	35.32'
C21	28°48'17"	955.00'	480.11'	N34°39'44"W	475.07'
C22	1°59'52"	1045.00'	36.44'	S48°03'56"E	36.44'
C23	11°47'28"	365.33'	75.18'	S05°38'18"E	75.05'
C24	20°32'29"	50.00'	17.93'	N10°00'38"W	17.83'
C25	9°23'02"	1246.00'	204.07'	N15°35'12"W	203.84'
C26	0°29'09"	618.82'	5.25'	S28°48'33"E	5.25'
C27	4°08'43"	1246.00'	90.15'	N05°19'35"E	90.13'
C28	21°28'04"	1800.00'	674.43'	N03°20'06"W	670.50'
C29	90°00'54"	25.00'	39.28'	N59°04'08"W	35.36'
C30	25°58'12"	950.00'	430.60'	S62°56'46"W	426.92'
C31	57°57'59"	525.00'	531.14'	S78°56'40"W	508.78'
C32	90°00'00"	15.00'	23.56'	S27°04'21"E	21.21'
C33	16°28'06"	800.00'	229.94'	S35°30'43"W	229.15'
C34	27°01'16"	800.00'	377.29'	S57°15'24"W	373.80'

- NOTES:
1. THIS DRAWING IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION.
 2. BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON RECORD PLATS AND DEEDS.
 3. INTERIOR LOT/TRACT LINES ARE SHOWN FROM GIS INFORMATION FOR REFERENCE PURPOSES ONLY AND MAY NOT BE ACCURATE AS TO SCALED DIMENSIONS.
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P/N 22337 PLAT NO. A-4461 FB./PG. N/A DRAFT DATE 08/17/2011
 FILE 22337-EXH-PLATS TAB A-4461 DWN BY SRM F/N FNO1 SURVEYED NONE

08/17/2011

EXHIBIT B

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

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

DOWNTOWN DISTRICT

August 25, 2011

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

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

TABLE OF EXHIBITS AND APPENDICES

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

I

INTRODUCTION.

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

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

The original boundary of the Zone included approximately 479 acres of land and is located entirely in Williamson County (the “County”) and within the corporate limits of the (see Exhibit B). In 2006 the zone boundaries were reduced by 8.429 acres to facilitate an economic development agreement with Triad Hospitals, Inc. for construction of a 250,000 square foot acute care hospital. In 2011 the boundaries of the Zone are being revised to remove approximately 207 acres as a result of the failure of the Developer to comply with a performance

Third Amendment To Amended Final Project Plan And

Reinvestment Zone Financing Plan

requirement of the Development agreement related to developing at least \$50 million in taxable assessed value of non-residential improvements within the downtown district of the zone by January 1, 2010. The agreement authorizes the City to take specific actions for failure to comply with the performance criteria including revising the boundaries of the Zone. The reduced and revised Zone boundary includes approximately 264 acres of land, and is generally bounded by New Hope Road on the north, Discovery Blvd., to the south, Big Thicket Drive on the east and Capital Metro railroad right-of-way on the west (see Exhibit C). The duration of the Zone is a 30-year period, ending December 31, 2031. The owners of a majority of the property within the Zone are D. R. Horton Homes, V-S Cedar Park, Ainbinder Corporation, City of Cedar Park and various residential property owners.

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

II PROJECT PLAN

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

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

Third Amendment To Amended Final Project Plan And

Reinvestment Zone Financing Plan

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

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

The City Council passed Ordinance No. 2-01-12-20-10.C. (The “TIRZ Zoning Ordinance,”) pursuant to which Chapter 12, Article 12.200 Zoning Ordinance of the City of Cedar Park was amended to add “Section 15: Downtown District.” As of the date of this Third Amendment to the Amended Final Project Plan, the zoning regulations for the Downtown District are contained in Chapter 11, Exhibit “A”, Downtown District of the City’s zoning ordinance. The Downtown District zoning ordinance contains land use and development standards called the “Urban Code” and “Regulating Plan” which control development on the majority of the Property within the Zone. Subsequent to the original TIRZ Zoning Ordinance the Downtown District has been amended to reflect requests by the Developer as noted in previous amendments to the Project Plan.

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

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

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

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

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

III

FINANCING PLAN

A. Estimated Project Costs And Location of Project Improvements.

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

B. Economic Feasibility Study

The original economic feasibility study which was conducted with the creation of the Zone in 2001 is shown in Exhibit E. Since the revised Zone boundaries are comprised of mainly residential land uses there is no need to update the feasibility. As of the date of this amendment the land within the revised zone boundaries is approximately seventy five (75%) built out and should be fully built out in the next 3 to 5 years.

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

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

D. Timing of Monetary Obligations

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

E. Methods of Financing

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

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

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

F. Current Appraised Value

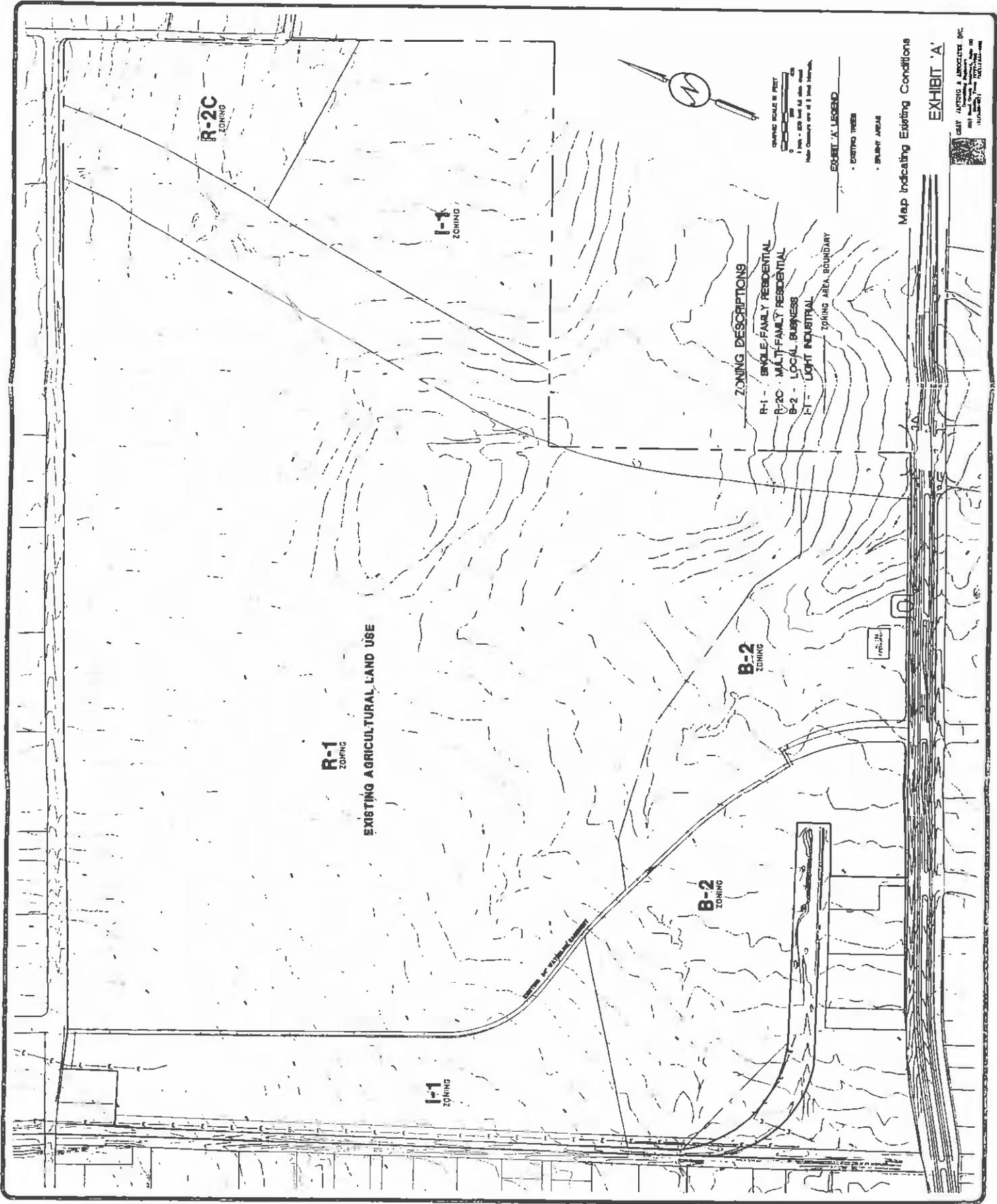
The base value, from which captured appraised value is calculated, was the total assessed taxable value of all property within the Zone on January 1, 2001, as shown on the rolls of the Williamson County Appraisal District. On January 1, 2001, the total appraised value of all taxable real property in the Zone was \$7,665,403, and the assessed value was \$390,715. The current estimated assessed value of the Zone as amended is \$93,715,425 which equates to \$74,972,340 at the 80% participation level.

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

Fiscal Year & Tax Year	Estimated Value	Estimated Revenues
FY11 / TY 10	74,659,768	369,566
FY12 / TY 11	79,414,687	393,103
FY13 / TY 12	85,376,874	422,616
FY14 / TY 13	115,428,495	571,371
FY15 / TY 14	137,930,889	682,758
FY16 / TY 15	144,770,820	716,616
FY17 / TY 16	151,713,349	750,981
FY18 / TY 17	153,989,049	762,246
FY19 / TY 18	156,298,885	773,679
FY20 / TY 19	158,643,368	785,285
FY21 / TY 20	158,643,368	785,285
FY22 / TY 21	158,643,368	785,285
FY23 / TY 22	158,643,368	785,285
FY24 / TY 23	158,643,368	785,285
FY25 / TY 24	158,643,368	785,285
FY26 / TY 25	158,643,368	785,285
FY27 / TY 26	155,470,501	769,579
FY28 / TY 27	152,361,091	754,187
FY29 / TY 28	149,313,869	739,104
FY30 / TY 29	146,327,592	724,322
FY31 / TY 30	143,401,040	709,835

The undersigned, Chairman of the Board of Directors of the Zone, hereby certifies that this Third Amendment to the Amended Final Project Plan and Reinvestment Zone Financing Plan was adopted by said Board of Directors on August 25, 2011.

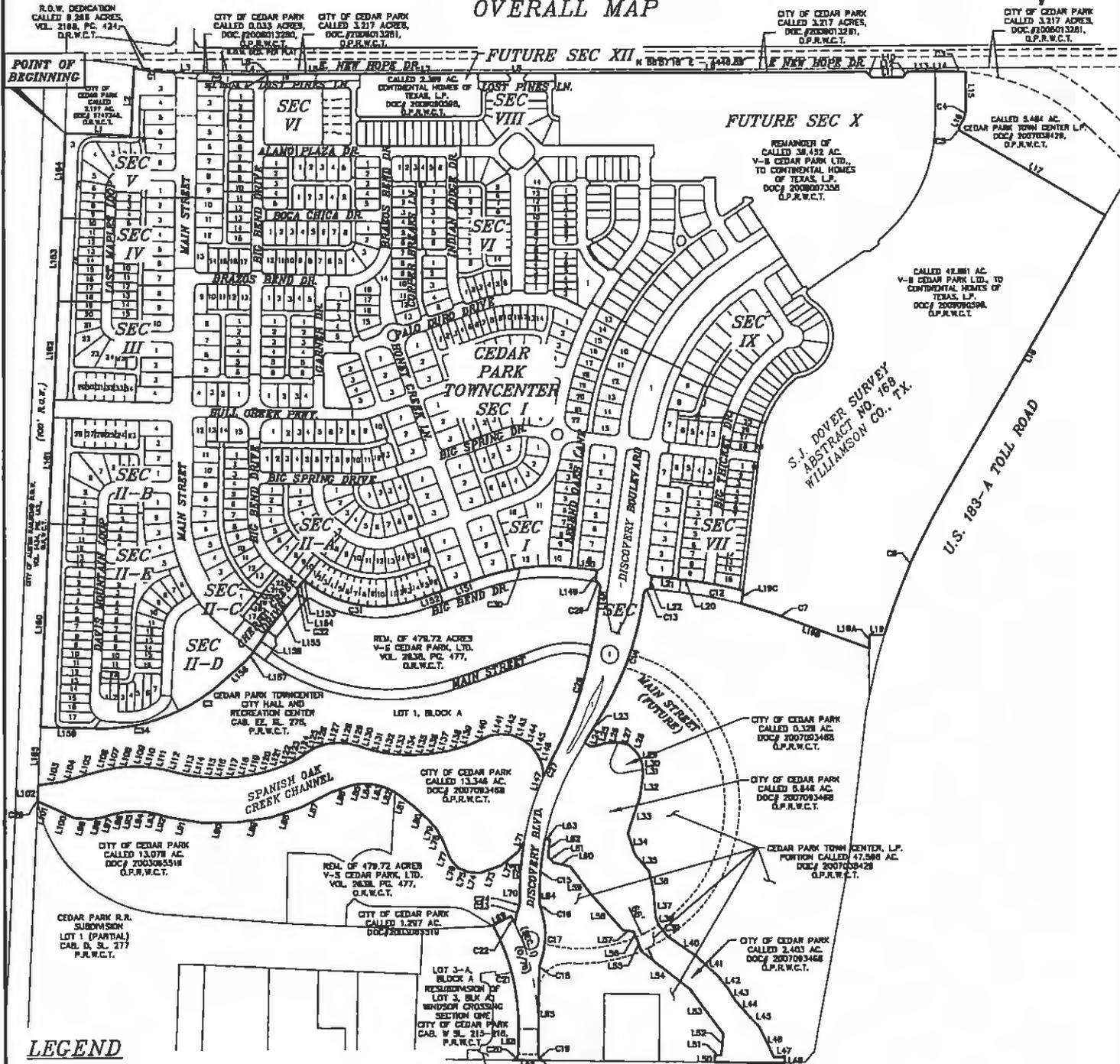
Robert S. Lemon, Chairman



GARY HANCOCK & ASSOCIATES, INC.
 1000 W. 10th Street, Suite 100
 Lincoln, NE 68502-1000
 (402) 441-1111

EXHIBIT C

TO ACCOMPANY METES & BOUNDS DESCRIPTION OF A 264.05 ACRE TRACT OVERALL MAP



LEGEND

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

- NOTES:
1. THIS DRAWING IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION.
 2. BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON RECORD PLATS AND DEEDS.
 3. INTERIOR LOT/TRACT LINES ARE SHOWN FROM GIS INFORMATION FOR REFERENCE PURPOSES ONLY AND MAY NOT BE ACCURATE AS TO SCALED DIMENSIONS.
 4. REFER TO ENLARGED VIEWS ON PAGES 3 THROUGH 9 FOR CLARITY.

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 Waco ■ Killeen ■ Dallas ■ Round Rock

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

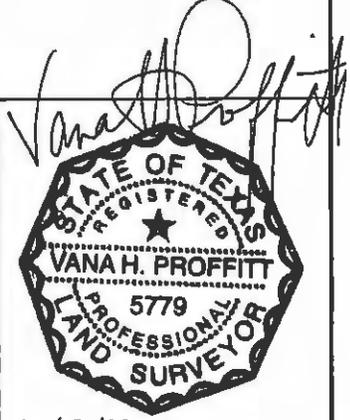


EXHIBIT C
TO ACCOMPANY METES & BOUNDS DESCRIPTION
OF A 264.05 ACRE TRACT
LINE AND CURVE TABLES

LINE TABLE		
LINE	BEARING	LENGTH
L1	N71°24'58"E	294.52'
L2	N18°34'00"W	302.23'
L3	N71°27'58"E	130.56'
L4	N68°57'18"E	153.09'
L5	N21°04'55"W	0.28'
L6	N68°37'18"E	415.10'
L7	N68°57'18"E	526.00'
L8	N68°57'18"E	348.00'
L9	N68°57'18"E	1402.22'
L10	S66°02'42"E	35.36'
L11	N68°57'18"E	140.31'
L12	N23°36'28"E	35.15'
L13	N68°57'18"E	119.27'
L14	N68°57'18"E	47.23'
L15	S21°02'42"E	170.78'
L16	S09°12'52"W	36.02'
L17	S80°47'08"E	753.81'
L18	S09°17'13"W	1417.36'
L19	S69°45'48"W	87.44'
L19A	S20°05'10"E	61.34'
L19B	S88°54'04"W	457.36'
L19C	N14°04'08"W	58.56'
L20	S75°55'52"W	34.02'
L21	S75°55'52"W	132.00'
L22	S13°56'26"E	58.00'
L23	S10°14'11"W	158.66'
L24	S79°45'49"E	35.40'
L25	N54°29'06"E	75.00'
L26	N86°29'22"E	50.00'
L27	N84°49'14"E	50.00'
L28	S68°32'43"E	50.00'
L29	S46°55'26"E	50.00'
L30	S26°20'00"E	29.18'
L31	S26°20'02"E	20.82'
L32	S12°57'51"E	100.00'
L33	S02°32'07"E	175.00'
L34	S39°08'17"E	100.00'
L35	S81°41'46"E	100.00'
L36	S32°37'06"E	100.00'
L37	S25°06'52"E	100.00'
L38	S39°59'13"E	43.98'
L39	S60°20'57"E	66.41'
L40	S76°31'27"E	157.74'
L41	S67°45'18"E	133.06'
L42	S58°28'54"E	68.44'
L43	S52°41'24"E	61.40'
L44	S61°51'56"E	85.90'
L45	S66°03'07"E	65.74'
L46	S46°48'39"E	158.28'
L47	N62°54'12"E	49.33'
L48	S20°16'00"E	28.89'
L49	S69°44'00"W	313.77'
L50	N20°16'48"W	29.40'
L51	N68°08'37"E	28.37'
L52	N15°05'12"W	95.24'
L53	N57°18'43"W	251.12'
L54	N73°11'40"W	276.34'
L55	N41°48'48"W	66.05'

LINE TABLE		
LINE	BEARING	LENGTH
L56	N43°36'45"W	26.69'
L57	S77°50'12"W	50.12'
L58	N62°54'30"W	206.31'
L59	N58°42'23"W	165.00'
L60	S82°00'59"W	75.00'
L61	N65°35'26"W	37.16'
L62	N15°10'07"W	78.61'
L63	S80°43'15"W	22.07'
L64	S20°16'43"E	70.48'
L65	S20°16'43"E	383.59'
L66	S69°44'00"W	2.00'
L67	S69°43'58"W	139.98'
L68	N20°16'43"W	113.56'
L69	N40°56'08"E	90.00'
L70	N20°16'43"W	70.48'
L71	S11°19'22"W	50.00'
L72	S29°52'46"W	100.00'
L73	S50°13'50"W	100.00'
L74	S72°24'46"W	50.00'
L75	N89°59'04"W	50.00'
L76	N61°29'21"W	50.00'
L77	N43°53'12"W	100.00'
L78	N49°37'59"W	50.00'
L79	N59°53'04"W	50.00'
L80	N67°44'02"W	100.00'
L81	N73°20'50"W	100.00'
L82	N86°39'09"W	50.00'
L83	S83°50'12"W	50.00'
L84	S74°19'32"W	50.00'
L85	S59°11'12"W	50.00'
L86	S50°30'35"W	100.00'
L87	S42°39'56"W	150.00'
L88	S51°12'32"W	150.00'
L89	S61°15'28"W	150.00'
L90	S68°36'52"W	150.00'
L91	S78°38'27"W	150.00'
L92	S86°00'08"W	50.00'
L93	S80°15'07"W	50.00'
L94	S73°09'10"W	50.00'
L95	S66°03'14"W	50.00'
L96	S58°57'18"W	50.00'
L97	S52°17'56"W	50.00'
L98	S60°29'18"W	50.00'
L99	S71°38'43"W	75.00'
L100	N85°02'02"W	90.00'
L101	N87°05'11"W	92.14'
L102	N18°32'12"W	66.29'
L103	N60°55'01"E	114.30'
L104	N52°10'13"E	50.00'
L105	N53°40'11"E	100.00'
L106	N55°14'37"E	50.00'
L107	N59°02'19"E	50.00'
L108	N64°43'36"E	50.00'
L109	N68°31'17"E	50.00'
L110	N74°12'35"E	50.00'

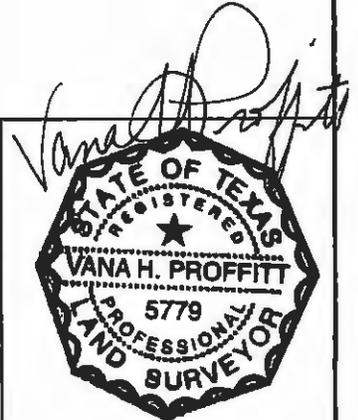
LINE TABLE		
LINE	BEARING	LENGTH
L111	N78°00'16"E	50.00'
L112	N83°41'34"E	77.35'
L113	N80°23'29"E	50.00'
L114	N76°44'59"E	50.00'
L115	N73°06'29"E	50.00'
L116	N69°27'58"E	50.00'
L117	N65°49'28"E	50.00'
L118	N62°10'57"E	50.00'
L119	N58°32'27"E	50.00'
L120	N54°53'57"E	50.00'
L121	N51°05'51"E	50.00'
L122	N46°38'58"E	50.00'
L123	N42°10'24"E	50.00'
L124	N34°35'58"E	50.00'
L125	N40°29'42"E	38.59'
L126	N51°19'00"E	50.00'
L127	N62°08'18"E	50.00'
L128	N72°57'36"E	50.00'
L129	N83°46'53"E	50.00'
L130	N87°17'09"E	50.00'
L131	N81°57'59"E	50.00'
L132	N78°01'26"E	50.00'
L133	N74°04'53"E	50.00'
L134	N70°08'19"E	50.00'
L135	N66°11'46"E	50.00'
L136	N62°15'12"E	50.00'
L137	N58°18'39"E	50.00'
L138	N54°22'05"E	50.00'
L139	N50°25'32"E	50.00'
L140	N45°37'56"E	100.00'
L141	N61°12'33"E	50.00'
L142	N75°42'58"E	50.00'
L143	S88°42'25"E	50.00'
L144	S74°12'00"E	50.00'
L145	S58°37'23"E	50.00'
L146	S44°06'58"E	50.00'
L147	S28°32'21"E	48.79'
L148	N14°04'08"W	122.62'
L149	N14°10'52"W	50.01'
L150	S75°55'52"W	102.02'
L151	S49°57'40"W	194.51'
L152	S49°57'40"W	105.90'
L153	N72°04'21"W	2.39'
L154	S22°05'26"W	50.13'
L155	S17°55'39"W	215.00'
L156	S12°18'27"W	112.54'
L157	S17°55'39"W	46.25'
L158	S27°16'38"W	149.74'
L159	S70°46'02"W	249.46'
L160	N18°32'12"W	907.14'
L161	N18°32'12"W	555.95'
L162	N18°32'12"W	445.35'
L163	N18°32'12"W	360.00'
L164	N18°32'12"W	378.44'
L165	N18°32'12"W	259.57'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CB	CD
C1	5°40'26"	1663.00'	164.68'	N75°36'00"E	164.62'
C2	2°31'23"	3335.17'	146.88'	N70°13'00"E	146.86'
C3	5°25'06"	940.00'	88.89'	N71°40'01"E	88.86'
C4	30°15'20"	80.66'	42.59'	S05°54'55"E	42.10'
C5	89°58'58"	15.00'	23.56'	S35°47'08"E	21.21'
C6	13°05'35"	3064.79'	700.36'	S02°44'25"W	698.84'
C7	4°57'18"	1771.00'	153.16'	S86°25'30"W	153.11'
C12	7°45'38"	1829.00'	247.73'	S79°48'41"W	247.55'
C13	89°14'24"	25.00'	38.94'	N31°18'16"W	35.12'
C14	23°33'30"	1375.00'	565.36'	S01°32'34"E	561.38'
C15	10°59'58"	1154.00'	221.54'	S14°46'44"E	221.20'
C16	20°32'30"	50.00'	17.93'	S30°32'49"E	17.83'
C17	41°04'24"	365.33'	261.89'	S20°16'43"E	256.32'
C18	20°32'30"	50.00'	17.93'	S10°00'38"E	17.83'
C19	89°59'17"	25.00'	39.26'	S65°16'22"E	35.35'
C20	89°52'52"	25.00'	39.22'	N24°44'58"E	35.32'
C21	28°48'17"	955.00'	480.11'	N34°39'44"W	475.07'
C22	1°59'52"	1045.00'	36.44'	S48°03'56"E	36.44'
C23	11°47'28"	365.33'	75.18'	S05°38'18"E	75.05'
C24	20°32'29"	50.00'	17.93'	N10°00'38"W	17.83'
C25	9°23'02"	1246.00'	204.07'	N15°35'12"W	203.84'
C26	0°29'09"	618.82'	5.25'	S28°48'33"E	5.25'
C27	4°08'43"	1246.00'	90.15'	N05°19'35"E	90.13'
C28	21°28'04"	1800.00'	674.43'	N03°20'06"W	670.50'
C29	90°00'54"	25.00'	39.28'	N59°04'08"W	35.36'
C30	25°58'12"	950.00'	430.60'	S62°56'46"W	426.92'
C31	57°57'59"	525.00'	531.14'	S78°56'40"W	508.76'
C32	90°00'00"	15.00'	23.56'	S27°04'21"E	21.21'
C33	18°28'06"	800.00'	229.94'	S35°30'43"W	229.15'
C34	27°01'16"	800.00'	377.29'	S57°15'24"W	373.80'

- NOTES:
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CEDAR PARK TOWN CENTER

Exhibit IV-1

OPPORTUNITY MATRIX FOR WINDSOR CROSSING ASSUMING NEW URBANISM DEVELOPMENT PROGRAM

	OFFICE	INDUSTRIAL/FLEX	HIGHWAY RETAIL	TOWN CENTER RETAIL	RENTAL APARTMENTS	FOR-SALE HOUSING
CURRENT TRENDS	Office market experienced very strong absorption in 1999. Momentum is expected to carry through 2000. Core is emerging around Four Points/River Place/Grandview Hills area (620 @ FM 2222).	Market strong over last several years. Strongest growth in north and northwest (along IH-35), prior to huge employees. Airport area seeing strong distribution growth.	Continuing growth along Highway 183, especially around Lakeline Mall, particularly for big boxes. Also increasing growth around Round Rock, 1411, and 620.	There is a national trend toward town center developments. To date, no such development exists in the market.	Strong construction and leasing activity due to strong job growth. Job growth projected to moderate although apartment construction activity remains still strong. Potential for softening market conditions.	Cedar Park at heart of strong growth area. Most area communities are Starter to Move-Up (up to \$250K) and are selling well. Most have amenities.
IMPACT ON SUBJECT PROPERTY	Currently lacks prestige, executive housing necessary for Class A office. Cedar Park is not in an office core. Infrastructure already in place for office growth in other directions.	Cedar Park represents price alternative to Round Rock and Four Points/620 @ FM 2222. Thru location may positively impact Cedar Park area.	Growth in Cedar Park area expected to be primarily residential, resulting in increased demand for neighborhood/community serving retail.	An opportunity to capitalize on national trends and create a sense of place for the community.	Market likely to correct itself by 2004, when project starts. Increased demand potential from Gen-Y at that time. Land pricing and rental rates expected to flatten out.	Strong residential growth continuing around Cedar Park. Home prices now pushing \$250,000.
OPPORTUNITY	X - Local Serving	XX - Flex Space	XXX	XXX	XXX	XXX
POSITIONING	Local serving office, should be at the top of the local office market.	Should initially be positioned competitively to La Jata and Quest.	Retail space should be positioned below competitive retail properties around Lakeline Mall, comparable to above existing centers on Hwy 183.	Rents may initially need to be equal to local market to seed development. With strong design and theater anchor, can gain positioning above the local market.	For TND product, should initially be competitively with Farmer Lane apartment projects. Traditional garden positioned below.	Residential product above \$180,000 should be positioned (lot and home size) competitively with actively selling Cedar Park area communities. Product below \$180,000 should position above market.
TIMING	Short to Mid-Term	Short-Term to Mid-Term	Mid-Term to Long-Term	Short-Term	Short-Term to Mid-Term	Short-Term
KEY CONSIDERATIONS	Provide spec space opportunities, including in the town center. Market to local serving professionals, government, and medical.	Space should be flexibly designed to accommodate service users and small tech firms. Consider working with the U. of Texas to create high-tech incubator.	Market won't evolve until closer to completion of relocated Highway 183. Should be located along Highway 1431 at the relocated 183.	Town center should be highly visible from outside of project. Anchor with theater and civic uses. Establish residential component first. Possibly incorporate grocery to town center.	Apartments should be developed both garden-style (in a new urbanism style) and over retail as the retail core is developed.	Development of a "New Urbanist" housing village with distinct architecture. Will set tone for town center. Develop separate enclave for high-end residents.
RENTS	Should be at the top of the local market, \$15 - \$16 today.	Price alternative to Round Rock - \$8.00 - \$8.50/s.f.	Approximately \$14 to \$16 per square foot, positioned competitively with newer centers in the area.	Approximately \$14 - \$16 per s.f. initially, increasing above market once established and anchored.	\$8.00 to \$11.00 per square foot	Unit (Single Family, Townhome, and Cottage) prices should range in price from \$90,000 to \$250,000.
LAND PRICING	Developer should develop and lease.	\$2.25 to \$2.75, competitive with Quest and La Jata.	\$4.00 - \$4.50 for retail tract, \$9.00 - \$11.00 for pad sites (per square foot), comparable to competitive properties in the area.	Developer should build and lease retail spaces.	\$6,000 to \$7,000 per unit	Lots should be priced from \$24,000 to \$40,000.

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

ROBERT CHARLES LESSER & CO.

Page 1 of 1

EXHIBIT E

Ex IV-1 Opp Analysis-Exhibit IV-1
04-7/198.01
3/10/00

CEDAR PARK TOWN CENTER

Exhibit IV-2

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

Land Use/Product Type	Initial Pricing (\$/ unit or acre)	Lot Size/ Density	Gross Dev. Acres	Support- able SF	Support- able Units	Dev. Timing	Average										Absorption		
							Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10			
Residential					1,138		228	86	194	245	236	228	149	0	0	0	0	0	0
Town Center Townhomes	\$90,000 - \$120,000	11.5	124.0		60	1	24	12	24	24									
Town Center Townhomes	\$120,000 - \$140,000	18.0	3.3		72	2	16	16	16	16	16	8							
Village Homes	\$100,000 - \$150,000	9.7	63.1		611	1	58	58	116	116	116	116	80						
Town Center Townhomes	\$150,000 - \$180,000	18.0	4.0		72	3	16	8	16	16	16	16	16						
Village Homes	\$150,000 - \$180,000	7.3	29.2		212	1	52	30	52	52	52	26							
Village Homes	\$180,000 - \$210,000	6.1	10.4		63	2	34			13	20	20	10						
Village Homes	\$210,000 - \$250,000	4.8	9.9		48	2	16			8	16	16	8						
Estate Homes	\$250,000 - \$300,000	4.3	0.0		0	5	12												
Annual For-Sale Residential							228	86	194	245	236	228	149	0	0	0	0	0	0
Cumulative Detached For-Sale					934		58	204	393	597	801	934	934	934	934	934	934	934	934
Cumulative Attached For-Sale					204		28	76	132	164	188	204	204	204	204	204	204	204	204
Cumulative For-Sale Residential		11.5	124		1,138		228	86	280	525	761	989	1,138	1,138	1,138	1,138	1,138	1,138	1,138
Town Center & Adjacent				25	1,328,600	1													
Retail					312,000														
Office					283,000														
Hotel					50,000														
Civic					133,600														
Rental Apartments				18	200,000	200													
Rental Apartments (Adj.)	\$120,000 - \$160,000				350,000	350													
Neighborhood/Highway				8	160,000	5													
Retail (grocery anchored)	\$174,000 \$196,000				160,000														
Industrial/Flex Space				55.4	554,000	1													
	\$98,000 - \$120,000						72	72	72	72	72	72	72	72	72	72	72	72	72
Total Cumulative Residential Units (Apartments and For-sale Units)					1,688														
Total Resident Population (2.5 persons per hh std & 1.75 per hh m)					3,655														
Parks, Institutional Space, ROW					179.0														
Non-Core Institutional Space					10.6														
Highway 183A/New Hope Road ROW					37.0														
TOTAL				459.9	2,042,600	1,688													

Ex. IV-2.3 CPTC phas ana--total FINAL--Annual Phasing--Total
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EXHIBIT E

Page 1 of 1

ROBERT CHARLES LESSER & CO.

CEDAR PARK TOWN CENTER

Exhibit IV-4

CEDAR PARK TOWN CENTER OVERALL DEVELOPMENT RECOMMENDATIONS TOWN CENTER RECOMMENDATIONS

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

CEDAR PARK TOWN CENTER

Exhibit IV-4

CEDAR PARK TOWN CENTER OVERALL DEVELOPMENT RECOMMENDATIONS RESIDENTIAL RECOMMENDATIONS

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

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

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

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

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

CEDAR PARK TOWN CENTER

Exhibit IV-4

CEDAR PARK TOWN CENTER OVERALL DEVELOPMENT RECOMMENDATIONS TOWN CENTER RECOMMENDATIONS

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

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

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

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

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

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

EXECUTIVE SUMMARY

PROJECT BACKGROUND

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

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

SITE ASSESSMENT

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

Site Strengths:

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



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

Site Challenges:

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

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

COMPETITIVE ASSESSMENT

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

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

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



EXHIBIT E

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

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

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

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

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

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



CONFIDENTIAL E

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

TRADE AREA DELINEATION AND CHARACTERISTICS

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

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

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

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

TARGET MARKETS AND EXPENDITURE POTENTIAL

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

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

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

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

PROJECTED SALES AND WARRANTED FLOORSPACE

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

PROJECTED SALES AND WARRANTED FLOORSPACE

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

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



EXHIBIT E

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

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

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

EXHIBIT F

Cedar Park Downtown Tax Increment Reinvestment Zone No. 1

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

APPENDIX I

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

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

* * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

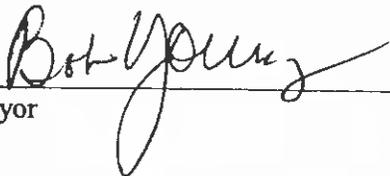
Section 8. Severability. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining provisions of this Ordinance or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

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

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

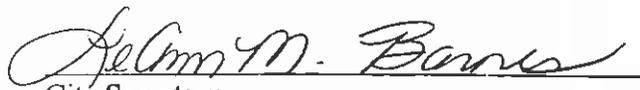
READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 20th day of December, 2001, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this 20th day of December, 2001.



Mayor

ATTEST:



City Secretary



Exhibit "A"
Page 1 of 3

STATE OF TEXAS:
COUNTY OF WILLIAMSON:

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

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

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

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

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

MARBLE FALLS SURVEYING & MAPPING

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

Exhibit "A"
Page 2 of 3

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

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

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

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

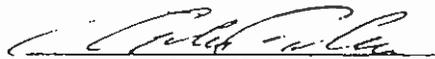
- 1) N17°20'20"W (called N18°36'42"W) with the east line of said Lot No. 2 of the "The Railyard" and the west line of said Lot No. 3 of "Windsor Crossing, Section One", a distance of 387.13 feet (called 387.27 feet) to a 1/2" iron rod found in a southerly line of said 479.720 acre tract and the southerly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

Exhibit "A"
Page 3 of 3

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

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

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



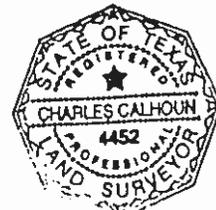
Charles Calhoun

Registered Professional Land Surveyor No. 4452

October 3, 2001

Job No: 1091

Office: CH Calhoun



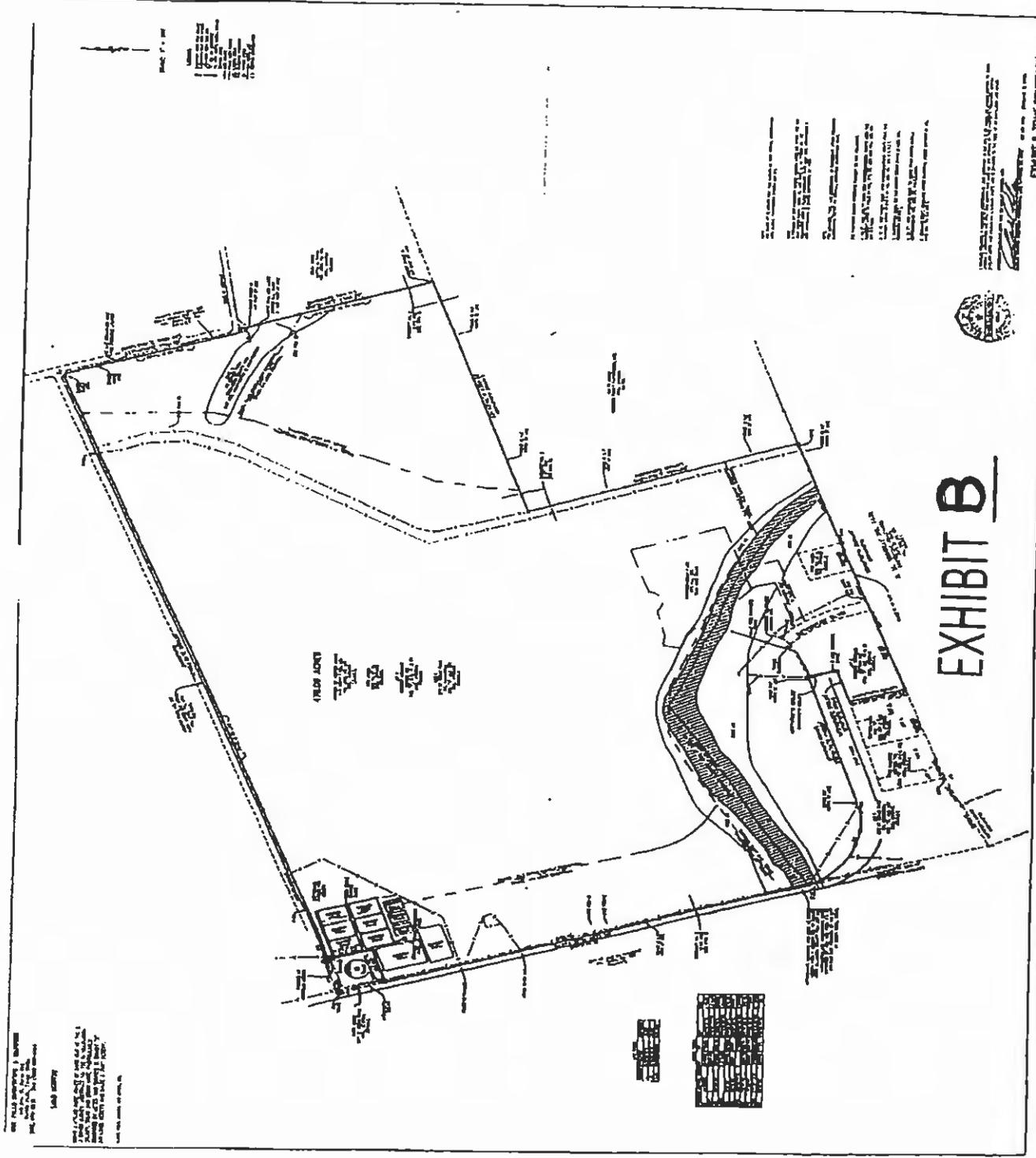


EXHIBIT B

EXHIBIT B ZONE BOUNDARY MAP

ALL PLANS SHOWN ARE SUBJECT TO THE CITY OF LOS ANGELES ZONING ORDINANCES AND ANY AMENDMENTS THEREOF.

SCALE: AS SHOWN

THE CITY ENGINEER'S OFFICE HAS REVIEWED THIS MAP AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES ZONING ORDINANCES AND ANY AMENDMENTS THEREOF.

DATE: 10/15/2010

LEGEND

- Zone Boundary
- Proposed Zone Boundary
- Existing Zone Boundary
- Proposed Lot Line
- Existing Lot Line
- Proposed Street
- Existing Street
- Proposed Right-of-Way
- Existing Right-of-Way
- Proposed Easement
- Existing Easement
- Proposed Encroachment
- Existing Encroachment
- Proposed Structure
- Existing Structure
- Proposed Utility
- Existing Utility
- Proposed Fencing
- Existing Fencing
- Proposed Landmark
- Existing Landmark
- Proposed Signage
- Existing Signage
- Proposed Other
- Existing Other

THIS MAP IS A PRELIMINARY MAP AND IS SUBJECT TO THE CITY OF LOS ANGELES ZONING ORDINANCES AND ANY AMENDMENTS THEREOF. THE CITY ENGINEER'S OFFICE HAS REVIEWED THIS MAP AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES ZONING ORDINANCES AND ANY AMENDMENTS THEREOF.





CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. E.8

First Reading and Public Hearing On An Ordinance Amending Chapter 1 General Administration, Article 1.10 Parks and Recreation, Of The City Of Cedar Park Code Of Ordinances, Deleting Conflicting Provisions Regarding Number of Members, Appointment Of Auxiliary Members, And Officer Elections and Terms; Providing For Seven Members; Providing For Severability; And Providing For Repealer.

Commentary:

The current Parks & Recreation Advisory Board Ordinance, at CPCC § 1.10.001(e), requires the Board to “adopt by-laws regulating its activities... and elect officers to more efficiently conduct its business.” Also, the current Ordinance, at CPCC § 1.10.005, states: “The board shall elect officers annually from its members at its first meeting after January 1st of each year.” As such, they present somewhat of a conflict with respect to the scope of ceded authority, term of Board appointments by Council, and Board Bylaws and practice. The current Ordinance’s contemplated January-December officer terms are problematic in light of the Council’s appointments to this Board, which run from August-July, and the Board’s Bylaws, which contemplate August officer elections for September-August terms.

Further, the current Ordinance, at CPCC § 1.10.001(a) and (b), references Board composition of “nine (9) members” and appointment of “up to six (6) auxiliary members who shall act in an advisory capacity to the board”. Currently, the Board has seven (7) member positions, with each being appointed by a Councilmember, and the Board does not utilize any auxiliary members.

The proposed revision seeks to:

- (a) Delete CPCC § 1.10.005 and clarify the scope of the Board’s authority to “adopt by-laws regulating its activities,” as stated in CPCC § 1.10.001(e);
- (b) Re-number current CPCC § 1.10.006 as CPCC § 1.10.005;
- (c) Amend references to “nine (9) members”, at CPCC § 1.10.001(a), to reflect the Board’s current composition of seven (7) members;
- (d) Delete CPCC § 1.10.001(b) re: appointment of auxiliary members; and

- (e) Add provisions re: Council's appointment of replacement members upon removal or resignation (at CPCC § 1.10.002) and compliance with the Open Meetings Act (at CPCC § 1.10.003).

Please see the attached red-lined version attached hereto as Exhibit A.

Director

Fiscal Impact
Account No.:

Budget
Budget/Expended:

Finance Director Review

Legal Certification

Approved as to form and content:

Yes

No **City Attorney**

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING CHAPTER 1 GENERAL ADMINISTRATION, ARTICLE 1.10 PARKS AND RECREATION, OF THE CITY OF CEDAR PARK CODE OF ORDINANCES, DELETING CONFLICTING PROVISIONS REGARDING NUMBER OF MEMBERS, APPOINTMENT OF AUXILIARY MEMBERS, AND OFFICER ELECTIONS AND TERMS; PROVIDING FOR SEVEN MEMBERS; 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.

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

SECTION 1. That Chapter 1 General Administration, Article 1.10 Parks and Recreation 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 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. This Ordinance shall be and remain in full force and effect from and after the date of approval.

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 _____ 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.

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

ARTICLE 1.10 PARKS AND RECREATION ADVISORY BOARD

Sec. 1.10.001 ~~Establishment, ratification, and confirmation of bBoard~~

(a) There is hereby established the ~~pParks and rRecreation~~ Advisory bBoard of the ~~eCity (the "Board")~~ which shall be composed of ~~nine (9)seven (7)~~ members, all of whom shall be residents of the ~~eCity~~, appointed by the ~~eCity eCouncil~~, to advise the Cedar Park City Council and the Parks & Recreation Director on matters pertaining to the acquisition, development, sound management, maintenance and use of parks, recreation facilities and leisure services owned or controlled by the City of Cedar Park. The members shall serve staggered two-year terms with odd-numbered seats running from August 1 through July 31 of odd-numbered years and even-numbered seats running from August 1 to July 31 of even-numbered years and until their successors have been appointed and qualified.

~~(b) The board may appoint up to six (6) auxiliary members who shall act in an advisory capacity to the board. The auxiliary members shall not vote, shall not be counted for the purposes of establishing a quorum of the board, and shall be nonresidents of the city. The auxiliary members shall serve for such terms as designated by the board, and all vacancies of auxiliary members shall be filled by the board.~~

~~(eb) A bBoard position shall become vacant if the bBoard member fails to attend three (3) consecutive bBoard meetings without being excused by the bBoard.~~

~~(dc) It is the public policy of the eCity that the bBoard reflect a make-up of our community and be balanced according to expertise, interest and geography. Board appointments will be made without regard to race, sex, religion or national origin.~~

~~(ed) The bBoard shall adopt by-laws regulating its activities and may elect officers to more efficiently conduct its business. (1998 Code, sec. 8.101)~~

Sec. 1.10.002 ~~Appointment of board~~

~~The members of the parks and recreation board, heretofore appointed pursuant to action of the city council on June 5, 1979, and who are presently serving on such board, are hereby confirmed to constitute the first board under this section. Those members shall continue to serve until their term shall expire. (1998 Code, sec. 8.102)~~

Sec. 1.10.002 ~~Vacancies; Removal~~

~~When vacancies occur on the Board, the City Council shall appoint, by majority vote, a replacement to serve the remainder of the term. Each Board member serves at the pleasure of the City Council and may be removed at the discretion of the City Council.~~

Sec. 1.10.003 ~~Open Meetings.~~

~~All meetings of the Parks and Recreation Advisory Board shall be held in conformance with the Texas Open Meetings Act, as amended. The minutes of each Board meeting shall be filed with the office of the City Secretary.~~

Sec. 1.10.003 ~~Appointments of board replacements~~

~~The city council shall appoint replacements for, or shall reappoint members of the parks and recreation board whose terms expire January 1, 1982, and annually thereafter so make appointments. Appointment hereunder shall be for two (2) years. (1998 Code, sec. 8.103)~~

Sec. 1.10.004 ~~Filling of board vacancies~~

~~Vacancies on the board shall be filled by council appointment to complete the term vacated. (1998 Code, sec. 8.104)~~

~~Sec. 1.10.005 — Election of board officers~~

~~The board shall elect officers annually from its members at its first meeting after January 1st of each year. (1998 Code, sec. 8.105)~~

Sec. 1.10.006~~4~~ Youth pProgram sStandards of eCare

The eCity Council hereby adopts the eCity pParks and rRecreation yYouth pPrograms sStandards of eCare duly filed with the eCity sSecretary's office. (Ordinance CO47-09-05-14-C1, sec. 2, adopted 5/14/09)



CITY COUNCIL AGENDA
Date:8-25-2011

Subject: Agenda Item No. E.9
First Reading And Public Hearing On An Ordinance Adopting A Municipal Operating Budget For The Fiscal Year Beginning October 1, 2011, And Ending September 30, 2012; Adopting A Municipal Capital Budget For The Fiscal Year Beginning October 1, 2011, And Ending September 30, 2012; Appropriating Funds In Accordance With The Budget; Providing For Effective Date And Ordaining Other Related Matters.

Commentary:

This is the first of two public hearings on the budget. The Second Hearing and possible adoption of the Budget will be held on September 8, 2011 at a regular Council Meeting. The FY 2011-2012 Proposed Budget was published on August 5, 2011 and is available to the Public at City Hall, the Library and on the City's website.

This budget will raise more total property taxes than last year's budget by \$674,118 or 3.4%, and of that amount \$695,274 is tax revenue to be raised from new property added to the tax roll this year.

City Manager's Remarks

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Legal Certifications

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, ADOPTING A MUNICIPAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012; ADOPTING A MUNICIPAL CAPITAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012; APPROPRIATING FUNDS IN ACCORDANCE WITH THE BUDGET; PROVIDING FOR EFFECTIVE DATE AND ORDAINING OTHER RELATED MATTERS.

WHEREAS, the City Manager of the City of Cedar Park, Texas, has submitted to the City Council a proposed budget for the fiscal year beginning October 1, 2011, and ending September 30, 2012; and

WHEREAS, the proposed budget sets out in detail the resources and estimated revenues of each fund, together with the proposed expenditures within each such fund, all in accordance with the applicable provisions of the Home Rule Charter; and

WHEREAS, notice having been first given in the manner provided by law, the City Council did conduct public hearings upon such proposed budget; and

WHEREAS, the City Council has considered the proposed budget and made such changes as it considers warranted by law and in the best interest of the municipal taxpayers:

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

SECTION 1. That such proposed budget, including the estimated revenues and proposed expenditures within each Fund is hereby approved and adopted as the Municipal Budget for the Fiscal Year beginning October 1, 2011 and ending September 30, 2012.

SECTION 2.

- a. That, as provided in Subsection (b) of this section, the monies hereinafter set out within each fund are hereby appropriated out of each such respective Fund for the payment of expenses lawfully attributable to such Fund, all as itemized in the budget.
- b. That the following funds are hereby appropriated:

OPERATING BUDGET:		
General Fund	\$30,606,113	General Obligation Debt Service
Fund \$XXX,XXX		
General Obligation Debt Service Fund	\$12,886,066	

Utility Fund	\$37,677,363
Solid Waste Fund	\$2,853,105
Utility Debt Service Fund	\$7,189,167
Vehicle and Equipment Service Fund	\$1,623,569
Hidden Valley Fund	\$10,000
Restricted and Grant Funds	\$143,000
Law Enforcement Fund	\$41,121
TIRZ Fund	\$964,045
Occupancy Tax Fund	\$ 309,500
4A Sales Tax Fund	\$4,310,648
4B Sales Tax Fund	\$6,002,023
Public Art Fund	\$82,268
Municipal Court Fund	\$295,185
CPTV-10 / Cable Fund	\$97,339

TOTAL OPERATING APPROPRIATION \$105,090,512

CAPITAL BUDGET:

Parks Projects	\$-	General Obligation Debt Service Fund	
	\$XXX,XXX		
Transportation Projects	\$1,380,000		
Municipal Projects			\$-
Water Projects			\$8,450,000
Wastewater Projects			\$6,105,000

TOTAL CAPITAL APPROPRIATION \$15,935,000

SECTION 3. That the budget may be amended from time to time as provided by law for the proposes of authorizing emergency expenditures or for municipal purposes, provided however, no obligation shall be incurred or any expenditure made except in conformity with the budget.

SECTION 4. That the Director of Finance may, at any time with the consent of the City Manager, transfer any unencumbered appropriation from one line item to another line item within the same Department, provided however, that no unencumbered appropriation may be transferred from one Department or Fund to another except upon the express approval of the City Council.

SECTION 5. That this ordinance shall be effective immediately of and from adoption.

SECTION 6. That it is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public 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 ____ day of August, 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 September, 2010, 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



CITY COUNCIL AGENDA
Date:8-25-2011

Subject: Agenda Item No. E.10
First Reading And Public Hearing On An Ordinance To Consider A Tax Rate Of \$0.493501; Increase The Total Tax Revenues Of The City Of Cedar Park; And Levy Taxes For The Year 2011/2012.

Commentary:

This is the first reading of an ordinance to consider a proposed tax rate of \$0.493501/\$100 of valuation, with \$0.26173858/\$100 applied to Operations and Maintenance and \$0.23176242/\$100 for Interest and Sinking. A second reading and possible adoption of the rate will be held on September 8, 2011. In accordance with the Tax Code, two public hearings on the tax rate are required if the City is to adopt a rate higher than the effective or rollback rate. The proposed rate is lower than the effective rate (\$0.501673) and the rollback rate (\$0.500989). While not required, Public Hearings have been scheduled for August 26, 2010 and September 9, 2010 to allow Citizens an opportunity to comment on the proposed rate.

Due to Truth-in-Taxation rules, the Interest and Sinking Rate of \$0.23176242 which was published on August 18, 2011 must be adopted unless a new rate is published. Without publishing a new debt rate, only changes to the Operations and Maintenance portion of the tax rate may be made. Below is a breakdown of the FY 2011-2012 tax rates.

	FY 2009-10 Adopted	FY 2010-11 Adopted	FY 2011-12 Effective	FY 2011-12 Rollback	FY 2011-12 Proposed
M&O	\$0.248783	\$0.251408	\$0.249284	\$0.269227	\$0.261739
I&S (Debt)	\$0.240218	\$0.242093	\$0.252389	\$0.231762	\$0.231762
Total	\$0.489001	\$0.493501	\$0.501673	\$0.500989	\$0.493501

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

City Manager's Remarks

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, LEVYING TAXES FOR THE FISCAL YEAR 2011-2012; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, there came to be considered the matter of establishing and setting the tax rates to be levied on taxable property within the City of Cedar Park, Texas which is to be recorded on the 2011 Tax Rolls; and

WHEREAS, the City Council has heretofore approved and adopted the tax rolls of the City; the total valuation of all taxable property rendered for taxation for the year 2011 estimated at \$3,828,538,990.

WHEREAS, the City has determined the maximum amount of the various total budget requirements of the City and it is now necessary to establish the tax rate for the current year.

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

SECTION 1: TOTAL TAX RATE

A total tax rate aggregating \$0.493501 shall be levied on each one hundred dollar (\$100.00) valuation of all taxable property located in the City of Cedar Park, Texas, and appearing on the assessment roll for the Year 2011, in accordance with the Constitution and Laws of the State of Texas. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

SECTION 2: \$0.26173858 of the total rate is hereby specifically levied for current expenses of maintenance and operation purposes. \$0.23176242 of the total rate is hereby specifically levied for the payment of principal and interest on debt.

SECTION 3: That there is hereby levied and shall be collected from every person, firm and corporation pursuing an occupation in the City of Cedar Park, Texas, which is taxable by law, the full amount of taxes permitted by the laws of the State of Texas.

SECTION 4: That if any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this ordinance or the application to such other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Cedar Park, in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

SECTION 5: That all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 6: That this Ordinance shall become effective in accordance with state law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the _____ day of August, 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 September, 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



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. F.0

Discussion And Possible Action:

Commentary:



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. F.1

Consideration To Approve A Resolution Authorizing An Investment Policy, Strategy Guidelines And Authorized Broker Dealer List For The City Of Cedar Park.

Commentary:

The current Investment Policy complies with requirements of Chapter 2256. Changes recommended at this time include:

- Adding Brokered Certificates of Deposit as authorized investments and providing for weekly monitoring of FDIC status of the issuing banks.
- Requiring at least weekly monitoring of the credit rating for all investments held in the portfolio.

Minor changes include administrative and housekeeping items including updating the Authorized Broker/Dealer List.

City Manager's Remarks

Fiscal Impact: None

Budget

Budget/Expended:

Legal Certifications

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, APPROVING AN INVESTMENT POLICY AND STRATEGY GUIDELINES FOR THE CITY OF CEDAR PARK IN ORDER TO ACHIEVE THE GOALS OF SAFETY, LIQUIDITY, DIVERSIFICATION AND YIELD FOR ALL INVESTMENT ACTIVITY; 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, this investment policy applies to all financial assets of the City of Cedar Park. These funds are reported in the City's Comprehensive Annual Financial Report (CAFR); and

WHEREAS, this Policy satisfies the statutory requirements of Texas Government Code Chapter 2256, the public Funds Investment Act (the "Act") to annually adopt and review a formal investment policy and strategy;

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

SECTION 1. That the Investment Policy and Strategy Guidelines and the Authorized Dealer/Broker List for the City of Cedar Park, Texas, as amended and attached hereto and made a part hereof for all purposes, is hereby approved and adopted.

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 25th day of August, 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 OF CEDAR PARK, TEXAS

INVESTMENT POLICY

August 2011

I. INTRODUCTION

The purpose of this Policy is to set specific investment policy and strategy guidelines for the City of Cedar Park in order to achieve the goals of safety, liquidity, diversification and yield for all investment activity. The City Council of the City of Cedar Park shall review its investment strategies and policy no less than annually. This Policy satisfies the statutory requirement of Texas Government Code Chapter 2256, the Public Funds Investment Act (the "Act") to annually adopt and review a formal investment policy and strategy.

II. SCOPE

This investment policy applies to all financial assets of the City of Cedar Park. These funds are reported in the City's Comprehensive Annual Financial Report (CAFR) and include:

- General Fund
- Special Revenue Funds
- Debt Service and Debt Reserve Funds
- Capital Projects Funds
- Enterprise Funds

III. OBJECTIVES

The City of Cedar Park shall manage and invest its cash and assets with four major objectives, listed in order of priority: safety, liquidity, diversification and yield. Safety of the principal is the primary objective. All investments shall be managed in a manner responsive to the public trust and consistent with state and local law.

The City shall maintain a comprehensive cash management program which includes timely collection of accounts receivable, vendor payments in accordance with invoice terms, and prudent investment of assets. Cash management is the process of managing monies in order to insure maximum cash availability and reasonable yield on short-term investments.

Safety

The primary objective of the City's investment activity is the preservation of capital. Each investment transaction shall be conducted in a manner to avoid capital losses, whether from security defaults, safekeeping, or erosion of market value.

Liquidity

The City's investment portfolio shall be structured to meet all expected obligations in a timely manner. This shall be achieved by matching investment maturities with forecasted cash flow liabilities and maintain additional liquidity for unexpected liabilities.

Diversification

The City's investment portfolio shall be diversified by market sector and maturity in order to avoid market risk.

Yield

The benchmark for the City's portfolio shall be the one-year U.S. Treasury, designated for its comparability to the City's expected average cash flow pattern. The investment program shall seek to augment returns above this threshold consistent with risk limitations identified herein and prudent investment policies.

IV. INVESTMENT STRATEGY

The City of Cedar Park maintains one commingled portfolio for investment purposes which incorporates the specific investment strategy considerations and the unique characteristics of the fund groups represented in the portfolio:

- A. The investment strategy for operating, enterprise and special revenue funds has as its primary objective assurance that anticipated liabilities are matched and adequate investment liquidity provided. The secondary objective is to create a portfolio structure which will experience minimal volatility. This may be accomplished by purchasing high quality, short- to medium-term maturity securities (0-3 years) which will complement each other in a laddered maturity structure permitting some extension for yield enhancement. The maximum dollar weighted average maturity of twelve (12) months or less will be calculated using the stated final maturity date of each security.
- B. The investment strategy for debt service funds shall have as its primary objective the assurance of available funds adequate to fund the debt service obligations on a timely basis. Successive debt service dates will be fully funded before extension.
- C. The investment strategy for debt service reserve funds shall have as its primary objective the ability to generate a revenue stream to the debt service funds from high quality securities with a low degree of volatility. Securities should be high credit quality and, except as may be required by the bond ordinance specific to an individual issue, of short to intermediate-term maturities. The potential for loss shall be further controlled through the purchase of securities within the desired maturity range.
- D. The investment strategy for capital projects or capital project funds will have as its primary objective assurance that anticipated cash flows are matched and provide adequate investment liquidity. At least 10% total liquidity is planned to provide flexibility and for unanticipated project outlays. The stated final maturity dates of securities held may not exceed the estimated project completion date.

The City of Cedar Park intends to match investments with the projected cash flow analysis and liquidity needs of the City. In no case will the weighted average maturity of the portfolio exceed twelve (12) months. The maximum final stated maturity of any investment shall not exceed three years.

The City shall pursue a proactive versus a passive portfolio management strategy. That is, securities may be sold before they mature if market conditions present an opportunity for the City to benefit from the trade. The investment officer and adviser will continuously monitor the contents of the portfolio, the available markets, and the relative value of competing instruments to adjust the portfolio in response to market conditions.

V. RESPONSIBILITY AND CONTROL

Investment Officer(s)

The Director of Finance, Assistant Director of Finance, and Budget Manager are to be designated by Council resolution as Investment Officers of the City responsible for investment decisions and activities. Other Investment Officers may be so designated. The City may further contract with a registered investment advisor to advise in the management of the City's portfolio. No person may engage in an investment transaction except as provided under the terms of this Policy and supporting procedures.

All investment officers shall attend at least one training session, in accordance with the Act, within 12 months after assuming investment duties and shall attend ten hours of training every two successive years in accordance with the Act. The City shall provide for the training.

Internal Controls

The Director of Finance is responsible for establishing and maintaining an internal control structure designed to reasonably assure that assets of the City are protected from loss, theft or misuse. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived, and, the valuation of costs and benefits requires ongoing estimates and judgments by management.

The internal controls shall address the following points at a minimum:

- Control of collusion,
- Separation of transaction authority from accounting and record keeping,
- Custodial safekeeping,
- Clear delegation of authority,
- Written confirmation for all transactions, and
- Review, maintenance and monitoring of security procedures both manual and automated.

The external auditor shall include consideration of compliance with state law, including the Public Funds Investment Act, policies and procedures as required.

Investment Officers shall perform a compliance audit of management controls on investment and adherence to the City's Policy on an annual basis.

VI. PRUDENCE

The standard of prudence to be applied to all City investments shall be the “prudent person” rule, which states:

“Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.”

In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- The investment of all funds under the City’s control, over which the officer has responsibility rather than a consideration as to the prudence of a single investment.
- Whether the investment decision was consistent with the written Investment Policy of the City and the Act.

The investment officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally liable for a specific security’s credit risk or market price changes, provided that these deviations are reported immediately and that appropriate action is taken to control adverse developments.

VII. CONFLICTS OF INTEREST

City staff involved in the investment process shall refrain from personal or business activity that could conflict with proper execution of the investment program or which could impair the ability to make impartial investment decisions. City staff shall disclose to the City Manager any personal business with or material financial interests in financial institutions that conduct business with the City.

An investment officer of the City who has a personal business relationship with an organization seeking to sell an investment to the City shall file a statement disclosing that personal business interest to the City Council and the Texas Ethics Commission. An investment officer who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the City shall file a like statement disclosing that relationship.

VIII. AUTHORIZED INVESTMENTS

Assets of the City of Cedar Park may be invested only in the following instruments as further defined by the Act. If changes are made to the Act they will not be authorized until this Policy is modified and adopted by the City Council. All investment transactions will be made on a competitive basis.

A. Obligations of the United States Government, its agencies and instrumentalities with a maximum stated maturity of three years.

B. Fully collateralized Certificates of Deposit of banks doing business in Texas, with a maximum maturity of one year guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or secured in compliance with this Policy with a market value not less than the 102% of the amount of the certificates and any accrued interest in accordance with this Policy.

C. Obligations of the State of Texas or other states and the agencies, counties, cities and other political subdivisions of those states rated as investment grade by at least two nationally recognized rating agencies.

D. Fully collateralized, direct repurchase agreements purchased through a primary government securities dealer, as defined by the Federal Reserve with a maximum maturity of six months. A Securities Industry and Financial Markets Association(SIFMA) Master Repurchase Agreement and independent third party safekeeping are required. A flex repurchase agreement used for bond funds may exceed three years but must match the expected expenditure schedule of the bonds.

E. AAA-rated, constant-dollar Local Government Investment Pools as defined by the Act and authorized by City Council.

F. Commercial paper rated A1/P1 or equivalent by two nationally recognized rating agencies with a maximum maturity of three months. No more than 5% of the total portfolio may be invested in any one issuer's securities.

G. AAA-rated, SEC registered money market mutual funds AAA-rated as defined by the Act.

H. Fully FDIC insured *brokered* certificate of deposit securities delivered versus payment to the City's depository safekeeping and not to exceed one year to maturity. Before purchase, the Investment Officer or Adviser must verify the FDIC status of the bank on www.fdic.gov to assure that the bank is FDIC insured.

Delivery versus Payment

All securities shall be purchased on a delivery versus payment (DVP) settlement basis. Funds shall not be released until receipt of the security by the City's approved custodian. The custodian shall provide the City proof of ownership or claim by an original safekeeping receipt delivered to the City.

Change in Authorization or Ratings

The City is not required to liquidate investments as a result in change of authorization in state law or this Policy if the security was authorized at the time of investment. A prudent review of the investment shall be made to review the value of the security and any actions which may be made. (2256.017)

A ~~change or~~ loss in of required credit ratings on any authorized rated security requires the Investment Officers to take prudent measures to liquidate the security in a timely manner. (2256.021) The Investment Officer or Investment Adviser shall monitor, on no less than a weekly basis, the credit rating on all authorized investments in the portfolio based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by Policy, the Investment Officer and Adviser shall notify the City Manager of the loss of rating, conditions affecting the rating and possible loss of principal providing liquidation options within two weeks after the loss of the required rating.

FDIC Status

The Investment Officer or Investment Adviser shall monitor, on no less than a weekly basis, the status and ownership of all banks issuing brokered CDs owned by the City based upon information from the FDIC. If any bank has been acquired or merged with another bank in which brokered CDs are owned, the Investment Officer and Adviser shall immediately liquidate any brokered CD which places the City above the FDIC insurance level.

Diversification

The City recognizes that investment risks can result from issuer defaults, market price changes, or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification. The maximum limits for diversification will be:

	<u>% of Portfolio</u>
US Obligations	80%
US Agencies/Instrumentalities	80%
Municipal Obligations	20%
Certificates of Deposit	40%
In any one bank	20%
Repurchase Agreements	50%
Flex in CIP Funds	100%
Local Government Investment Pools	100%
Money Market Funds	100%
Commercial Paper	25%
Any one issuer	5%

IX. REPORTING

Quarterly Reporting

The Investment Officers shall submit a signed quarterly investment report to Council in accordance with the Act. The reports shall summarize investment strategies employed in the most recent quarter and fully describe investment securities, maturities, risk characteristics, and investment return for the quarter.

The reports shall include a succinct management summary of the current investment portfolio and changes made during the last quarter. This summary will be prepared in a manner to allow the reader to ascertain whether investment activities during the

reporting period have conformed to the Investment Policy and adequately maintained diversification and liquidity. The report will include the following:

- A full description of individual securities held at the end of the reporting period based on amortized value,
- Unrealized gains or losses by security and total portfolio,
- Overall change in market value during the period as a measure of volatility,
- Weighted average yield of the portfolio and yield of its benchmark,
- Earnings (accrued plus net amortization) for the period,
- Analysis of the total portfolio by market sector and maturity, and
- Statement of compliance with the Act and the Investment Policy of the City.

Market prices for the calculation of market value will be obtained from independent sources.

X. FINANCIAL COUNTER-PARTIES

City Depository

At least every five years a City Depository shall be selected through a formal request for proposal (RFP) process in accordance with the Texas Government Code 105.017. In selecting a depository, the services, cost of services, credit worthiness, and collateralization by the institutions shall be considered. The Depository may be outside the City limits.

Security Broker/Dealers

All financial institutions and broker/dealers who desire to transact business with the City must supply the following documents which will be maintained by Finance or the City's investment advisor:

- Annual audited financial statements
- Financial Industry Regulatory Authority (FINRA) certification and FINRA CRD #
- proof of Texas State Securities registration
- policy review certification

Each counter-party offering to sell a security to the City (broker/dealers/banks and pools) must be provided a copy of the current Investment Policy and certify to a review stating understanding of the Policy and that controls are in place to assure only Policy approved investments will be sold to the City. Major changes to the Policy will require re-certification.

A list of qualified broker/dealers will be reviewed at least annually by the City Council or a Council appointed committee.

XI. COLLATERAL, SAFEKEEPING AND CUSTODY

Collateral

All City time and demand deposits shall be secured above FDIC coverage by pledged collateral. In order to anticipate market changes and provide a level of security for all funds, collateral will be maintained and monitored by the depository at 102% market

value of principal and accrued interest on the deposit. The bank shall review collateral value daily to assure that the market value of the pledged securities is 102% or more daily. A written Depository agreement shall be executed under the terms of FIRREA (Financial Institutions Resource and Recovery Enforcement Act) for all time and deposit accounts.

Collateral pledged to secure deposits shall be held by an independent financial institution outside the holding company of the depository in accordance with a safekeeping agreement signed by authorized representatives of the City, the Depository, and the custodian. The custodian shall provide a monthly list of collateral directly to the City. If a collateral pool is proposed by the Depository, the Investment Officers will review the proposition and make a recommendation to the City Council for their approval before use.

All collateral shall be subject to inspection and audit by the City or the City's independent auditors.

Authorized Collateral

The City shall accept only the following securities as collateral for time and demand deposits:

- A. FDIC insurance coverage.
- B. Obligations of the United States, its agencies or instrumentalities, or other evidence of indebtedness of the United States guaranteed as to principal and interest.
- C. Obligations, the principal and interest on which, are guaranteed or insured by the State of Texas.
- D. Obligations of other states or of a county, city or other political subdivision of a state having been rated as investment grade (investment rating no less than "A" or its equivalent) by two nationally recognized rating agencies.

XII. INVESTMENT POLICY ADOPTION

The City of Cedar Park Investment Policy shall be adopted by resolution of the City Council no less than annually. The resolution adopting the Policy shall reference all changes made to the Policy.

Adopted: August 12, 2010
Prior Adoptions: July 23, 2009
October 23, 2008
November 15, 2007

November, 2006
September 2005
June 2004
September 2002
February 2001
January 2000

GLOSSARY of COMMON TREASURY TERMS

Agencies: Securities issued by agencies of the US Government agencies are established to supply credit to various classes of institutions and individuals, for example: mortgage borrowers, small business firms, students, farmers, farm cooperatives, and exporters.

Asked Price: The price at which securities are purchased.

Bid: The price at which securities are sold. The price offered for securities.

Broker: An intermediary that has no inventory of securities. The broker brings buyers and sellers together for a commission. (See Dealer.)

Certificate of Deposit (CD): A bank time deposit with a specific maturity and rate evidenced by a certificate.

Collateral: Securities, evidence of deposit or other property to secure payment. Securities pledged by a bank to secure deposits of public monies and held in custody by an independent party.

Comprehensive Annual Financial Report (CAFR): The official annual financial report for the City. It usually includes combined statements and basic financial statements for each individual fund and account group prepared in conformity with GAAP. It includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and a detailed statistical section.

Coupon: The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. Paid in two semi-annual payments.

Dealer: A dealer acts as a principal in security transactions, buying and selling from his own inventory for his own account.

Debenture: A bond secured only by the general credit of the issuer.

Delivery versus Payment (DVP): A method for delivery of securities only after verification by the safekeeping agent assuring that assets are secured before funds are released.

Discount: The difference between the original principal of a security and its value at maturity when quoted at lower than face value. Discount security.

Discount Securities: Non-interest (coupon) bearing money market securities that are issued below face value and redeemed at maturity for full face value, for example: U.S. Treasury Bills or agency discount notes.

Federal Deposit Insurance Corporation (FDIC): The federal agency that insures bank deposits, currently up to \$100,000 per tax identification number.

Federal Funds Rate (the "Fed Rate"): The rate of interest at which Federal Funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

Federal National Mortgage Association (FNMA or Fannie Mae): Chartered under the Federal National Mortgage Association Act in 1938, FNMA is a private stock holder owned corporation working under the auspices of the Department of Housing and Urban Development, HUD. It is the largest single provider of residential mortgage funds in the United States. The corporation purchases mortgages, secondary loans, and fixed-rate mortgages. FNMA's securities are highly liquid and widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest with implied credit of the US Government.

Federal Open Market Committee (FOMC): Rotating membership consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The president of the New York Federal Reserve Bank is a permanent member. The Committee meets regularly to set Federal Reserve guidelines regarding purchases and sales of government securities in the open-market as a means of influencing the volume of bank credit and money.

Federal Reserve System: The central bank of the United States created by Congress with a seven member Board of Governors in Washington, D.C. Twelve (12) regional banks, and about 5,700 commercial banks are members of the system.

Financial Industry Regulatory Authority (FINRA) A self-regulatory association for the securities industry previously known as NASD (National Association of Securities Dealers). Each member and member firm is identified by a CRD number.

Government National Mortgage Association (GNMA or Ginnie Mae): A Federal agency with full faith and credit of the US Government. Ginnie Mae securities are backed by FHA, VA, or FMHM mortgages.

Liquidity: The ability to convert easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable quantities can be purchased at those quotes.

Local Government Investment Pool (LGIP): An aggregation of funds from political subdivisions which have joined an interlocal agreement for investment purposes.

Market Value: The price at which a security is trading and could presumably be sold.

Master Repurchase Agreement: A master agreement between the investor and the financial institution or dealer controlling all aspects of a repurchase agreement. The master agreement defines the nature of the transaction, the relationship between the parties, normal practices regarding ownership and custody during the term of the investment, provides remedies in the case of default by either party, and clarify issues of ownership. The industry standard agreement used is the Public Securities Association (PSA) Agreement.

Maturity: The final stated date on which the principal or face value of an investment becomes due and payable.

Money Market: The market in which short-term debt instruments are issued and traded. All securities are in book-entry (electronic) form.

Open Market Operations: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

Portfolio: Collection of securities held by an investor designed to fulfill its stated objectives.

Primary Dealer: A primary dealer is a dealer that submits daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and is subject to its formal oversight.

Prudent Person Rule: An investment standard emphasizing safety and liquidity.

Qualified Public Depositories: A financial institution that does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of Texas and which has been approved by the Texas State Comptroller to hold public deposits.

Rate of Return: The yield obtainable on a security based on its purchase price or its current market price.

Repurchase Agreement (RP or REPO): A simultaneous buy-sell transaction in which the owner of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. Dealers use RP extensively to finance their positions. When the Fed is said to be doing RP, it is lending money, that is, increasing bank reserves.

Safekeeping: A depository or custodial service rendered by financial institutions for a fee whereby securities and valuables of all types and descriptions are held for protection.

SEC Rule 15C3-1: Uniform net capital rule established by the SEC for stability.

Secondary Market: A market in which securities are traded after the initial distribution by the issuer.

Securities & Exchange Commission (SEC): Oversight agency created by Congress to protect investors in securities transactions by administering securities legislation.

Securities Industry and Financial Markets Association (SIFMA): The trade organization of the securities and investment banking industry. Previously known as the Bond Market Association.

Treasury Bills (T-Bills): A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. All bills are issued to mature in less than one year.

Treasury Notes: Coupon-bearing U.S. Treasury securities having initial maturities from two to ten years.

Uniform Net Capital Rule: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called *net capital rule* and *net capital ratio*. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities. Liquid capital includes cash and assets easily converted into cash.

Yield: The rate of annual income return on an investment, expressed as a percentage.

City of Cedar Park, Texas
Authorized Broker/Dealer List
_____ , 2010

The authorized broker/dealer list for the City of Cedar Park, Texas is shown below. Each of these firms, and the individual covering the account, were sent with the most recent Investment Policy of the City. In accordance with the Public Funds Investment Act (TX Gov't Code 2256.005(k)) before any broker/dealer transacts business with the City it will certify to having reviewed the Policy and certified that certain procedures are in place to assure compliance with that Policy. Patterson & Associates maintains the broker files for the City.

Bank of America/Merrill Lynch
Barclay's
Citigroup/Morgan Stanley
~~Cantella & Co.~~
G.X. Clark
Mizuho Securities
Morgan Keegan
Stifel Nicolas & Co
Wells Fargo



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. F.2

**Consideration Of The City Of Cedar Park General Election Date, Council Terms,
And City Charter Amendments In Relation To Senate Bill 100. (Dale)**

Commentary:



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. F.3
**Consideration Of An Ordinance For A Railroad Quiet Zone Process For Proposed
Or Future Development. (Powell)**

Commentary:



CITY COUNCIL AGENDA
Date:8-25-2011

Subject: Agenda Item No. F.4
Consideration Of Appointments To A Charter Review Committee.

Commentary:

	NAME	APPOINTED BY	DATE APPOINTED
1	Cobby Caputo ** Apptd as Chair **	Mayor Lemon	7.14.11
2	Bob Marsteller	Mayor Lemon	7.14.11
3		Mayor Lemon	
4	John Barron	Matt Powell	8.11.11
5		Matt Powell	
6	Dr. Tim Langan	Mitch Fuller	7.28.11
7		Mitch Fuller	
8	Alan Yore	Scott Mitchell	7.14.11
9	Michael Dion	Scott Mitchell	7.14.11
10		Lowell Moore	
11		Lowell Moore	
12	Jon Lux	Tony Dale	7.14.11
13	Stephen Thomas	Tony Dale	7.14.11
14	Alain O'Tool	Don Tracy	7.28.11
15	John Miri	Don Tracy	8.11.11



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. G.0
Executive Session



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. G.1

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 Travis County Emergency Service District No. 1 Annexation Of Certain Defined Territory In The Vicinity Of RM 1431/City Of Cedar Park/City Of Leander.

B. Legal Issues Concerning Terms And Conditions Of Leases At City Hall Complex Located On Cypress Creek.

C. Legal Issues Concerning Meet And Confer With The Cedar Park Police And Fire Associations.

D. Legal Issues Concerning An Economic Development Agreement Between The City Of Cedar Park And DR Horton.

E. Legal Issues Concerning The Terms And Conditions Of A Sub-Leasing Agreement For Internal Antennas At The Cedar Park Center



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. G.2

**Section 551.074 Deliberate The Evaluation Of A Public Officer Or Employee.
(Powell)**

- i. The City Manager.**
- ii. The City Attorney.**



CITY COUNCIL AGENDA

Date:8-25-2011

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:8-25-2011

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



CITY COUNCIL AGENDA

Date:8-25-2011

Subject: Agenda Item No. H.2
Adjournment.