

**City of Cedar Park**  
**Regular Called Meeting Agenda**  
**City Council Chambers, Cedar Park Public Library**  
**550 Discovery Boulevard**  
**Cedar Park, Texas**  
**Thursday, July 28, 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 [Presentation: Proclamation For National Night Out 2011, August 2, 2011.](#)
- A.5 [Presentation: Proclamation Recognizing August 2011 As World Breast Feeding Month: Sandi Halstead-Bohac Williamson County And Cities Health District.](#)
- A.6 [Citizens Communications \(Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information\)](#)
- A.7 [Mayor and Council Opening Comments.](#)
- 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.
- A.9 [City Manager Report: Introduction Of Municipal Court Prosecutor - Robby Chapman.](#)
- A.10 [City Manager Report: Update On The Veteran Memorial Project.](#)
- A.11 [City Manager Report: June 2011 Permit Activity and Revenue Report - Mark Lewis, Building Inspections](#)
- B.1 [Approval Of The City Council Minutes From The Regular Called Meeting Of June 30, 2011.](#)
- B.2 [Approval Of The City Council Minutes From The Special Called Meeting Of July 16, 2011.](#)
- B.3 [Approval Of The City Council Minutes From The Special Called Meeting Of July 17, 2011.](#)
- B.4 [Receipt Of Minutes From The Cedar Park Community Development Corporation \(4B\) Meeting Of June 14, 2011](#)
- B.5 [Receipt Of Minutes From The Parks Advisory Board Meeting Of May 9, 2011.](#)

- 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.](#)
- D.1 [A Resolution Authorizing A Special Permit To Hold A 5K Fun Run At Brushy Creek Lake Park](#)
- D.2 [A Resolution Authorizing A Special Permit To Hold A Skateboarding Demonstration At Brushy Creek Sports Park](#)
- 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.](#)
- 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.](#)
- 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.](#)
- 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.](#)
- 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.](#)
- D.8 [A Resolution Awarding Construction Bid For The 2011 Street Revitalization Program To Viking Construction Inc. For \\$234,978.83.](#)
- 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.](#)
- 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.](#)
- 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.](#)

- 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.](#)
- 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.](#)
- 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.](#)
- 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.](#)
- 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.](#)
- 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.](#)
- 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.](#)
- 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.](#)
- F.6 [Final Update On The 82nd Legislative Session As It Impacted The City's Adopted 2011 Legislative Agenda.](#)
- F.7 [Consideration To Approve The City Council Goals And Strategies \(Strategic Map\) For 2012.](#)

- F.8 [Consideration Of Appointments To A Charter Review Committee.](#)
- F.9 [Consideration of Appointments to a Festival Planning Committee - Mark Lewis.](#)
- F.10 [Consideration Of Appointment To Place One On The Parks and Recreation Advisory Board With A Term To Expire July 31, 2013.](#)
- F.11 [Update On Central Texas Regional Mobility Authority \("CTRMA"\) Traffic Signal At Brushy Creek Road. \(Powell\)](#)
- F.12 [Consideration For A Business Incubator Development In Cedar Park. \(Fuller\)](#)
- 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.
  - c. Legal Issues Concerning Terms And Conditions Of A Lease With The Cedar Park Chamber Of Commerce.
- 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:7-28-2011

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



**CITY COUNCIL AGENDA**  
Date:7-28-2011

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



**CITY COUNCIL AGENDA**

Date:7-28-2011

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

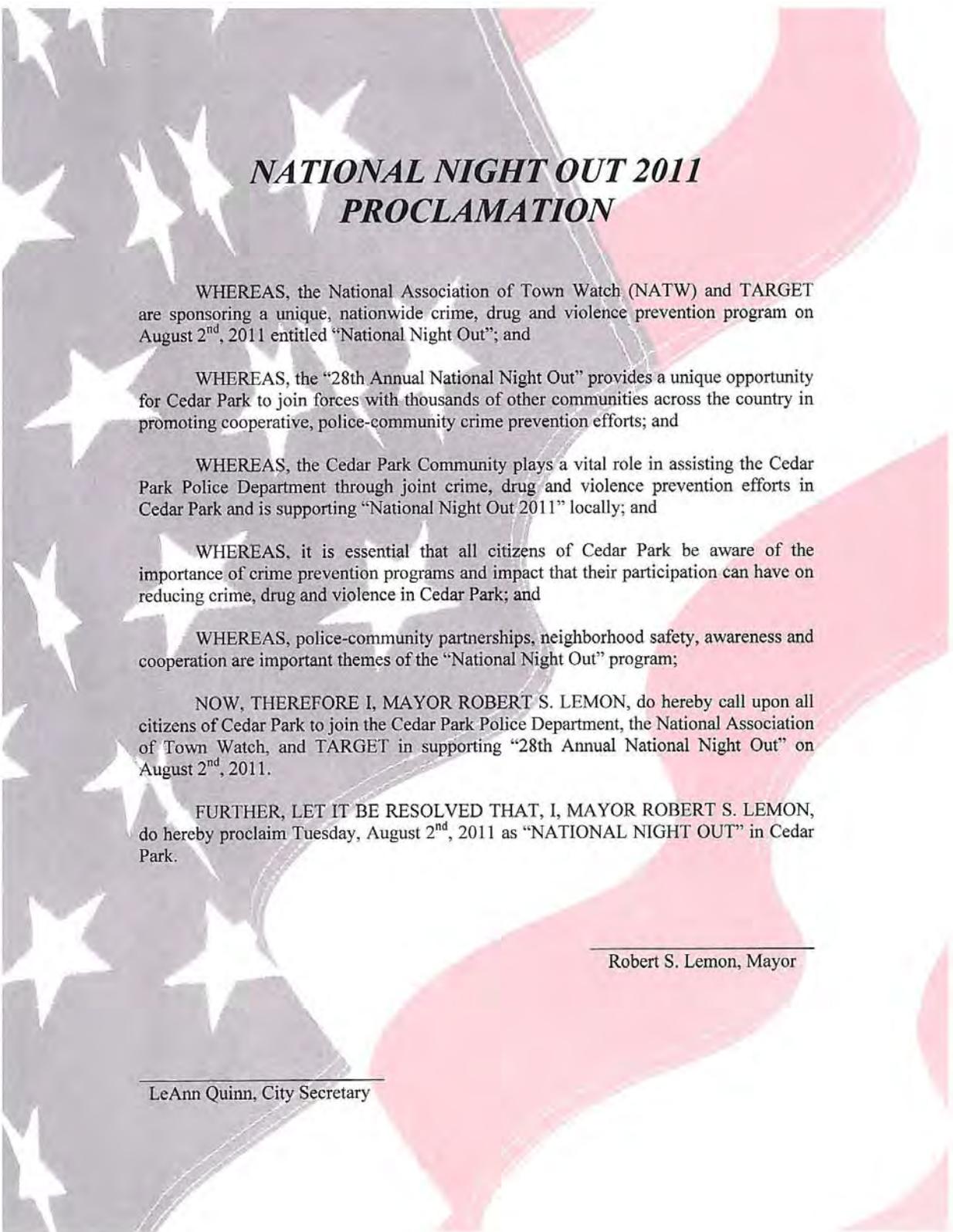


**CITY COUNCIL AGENDA**

Date:7-28-2011

Subject: Agenda Item No. A.4  
**Presentation: Proclamation For National Night Out 2011, August 2, 2011.**

**Commentary:**



## ***NATIONAL NIGHT OUT 2011 PROCLAMATION***

WHEREAS, the National Association of Town Watch (NATW) and TARGET are sponsoring a unique, nationwide crime, drug and violence prevention program on August 2<sup>nd</sup>, 2011 entitled “National Night Out”; and

WHEREAS, the “28th Annual National Night Out” provides a unique opportunity for Cedar Park to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the Cedar Park Community plays a vital role in assisting the Cedar Park Police Department through joint crime, drug and violence prevention efforts in Cedar Park and is supporting “National Night Out 2011” locally; and

WHEREAS, it is essential that all citizens of Cedar Park be aware of the importance of crime prevention programs and impact that their participation can have on reducing crime, drug and violence in Cedar Park; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the “National Night Out” program;

NOW, THEREFORE I, MAYOR ROBERT S. LEMON, do hereby call upon all citizens of Cedar Park to join the Cedar Park Police Department, the National Association of Town Watch, and TARGET in supporting “28th Annual National Night Out” on August 2<sup>nd</sup>, 2011.

FURTHER, LET IT BE RESOLVED THAT, I, MAYOR ROBERT S. LEMON, do hereby proclaim Tuesday, August 2<sup>nd</sup>, 2011 as “NATIONAL NIGHT OUT” in Cedar Park.

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Robert S. Lemon, Mayor

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LeAnn Quinn, City Secretary



**CITY COUNCIL AGENDA**

Date:7-28-2011

Subject: Agenda Item No. A.5

**Presentation: Proclamation Recognizing August 2011 As World Breast Feeding Month:  
Sandi Halstead-Bohac Williamson County And Cities Health District.**

**Commentary:**



**PROCLAMATION RECOGNIZING AUGUST 2011  
AS WORLD BREASTFEEDING MONTH**

**WHEREAS**, the health of all the people in Williamson County is linked to the health of people throughout the world; and

**WHEREAS**, August has been established as World Breastfeeding Month; and

**WHEREAS**, the Williamson County and Cities Health District's Women, Infants and Children ("WIC") Program takes this occasion to educate, inform and encourage breastfeeding and regular health care for mothers and babies; and

**WHEREAS**, the Williamson County and Cities Health District's WIC Mission is focused on improving the nutritional status of low and moderate income women, infants and children, by providing foods and nutrition and breastfeeding education; and

**WHEREAS**, the WIC staff of the Williamson County and Cities Health District demonstrates the highest quality of public service in serving over 70,000 families in Williamson County during 2010.

**NOW THEREFORE**, I, Robert S. Lemon, Mayor of Cedar Park, Texas proclaim

**AUGUST 2011 AS WORLD BREASTFEEDING MONTH IN CEDAR PARK**

and urge all citizens to take part in recognizing the successes of healthy mothers and healthy children, and encourages all people of Cedar Park to support breastfeeding mothers.

**PROCLAIMED THIS 28<sup>TH</sup> DAY OF JULY, 2011.**

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ROBERT S. LEMON, MAYOR

ATTEST:

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LeAnn M. Quinn, TRMC  
City Secretary



**CITY COUNCIL AGENDA**

Date:7-28-2011

Subject: Agenda Item No. A.6  
**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:7-28-2011

Subject:       Agenda Item No. A.7  
**Mayor and Council Opening Comments.**



**CITY COUNCIL AGENDA**

Date:7-28-2011

Subject: Agenda Item No. 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.**

**Commentary:**



**CITY COUNCIL AGENDA**

Date:7-28-2011

Subject: Agenda Item No. A.9  
**City Manager Report: Introduction Of Municipal Court Prosecutor - Robby Chapman.**

**Commentary:**



## CITY COUNCIL AGENDA

Date:7-28-2011

Subject: Agenda Item No. A.10  
**City Manager Report: Update On The Veteran Memorial Project.**

### **Commentary:**

Committee members Lisa Morris and Donald Schliesser from the Veterans Memorial Citizen Advisory Group will be providing the City Council with an update on their fundraising activities and discussing next steps. The Group has reached their fundraising goal and is still receiving donations. The Group will discuss their recommendations on how to expend the additional funds.

Additionally, the Group will provide the City Council with an update on the Veterans Day 2011 Event.



**CITY COUNCIL AGENDA**  
Date:7-28-2011

Subject: Agenda Item No. A.11  
**City Manager Report: June 2011 Permit Activity and Revenue Report - Mark Lewis,  
Building Inspections**

**Commentary:**

The June 2011, Permit Activity/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
- May 2011 Permit Revenue by Category
- FY '11 Permit Revenue Overview
- Active Commercial Projects Summary
- Residential Lot Inventory Update

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 the July 28, 2011 City Council meeting. Electronic copies of the maps are available upon request.

**Fiscal Impact**

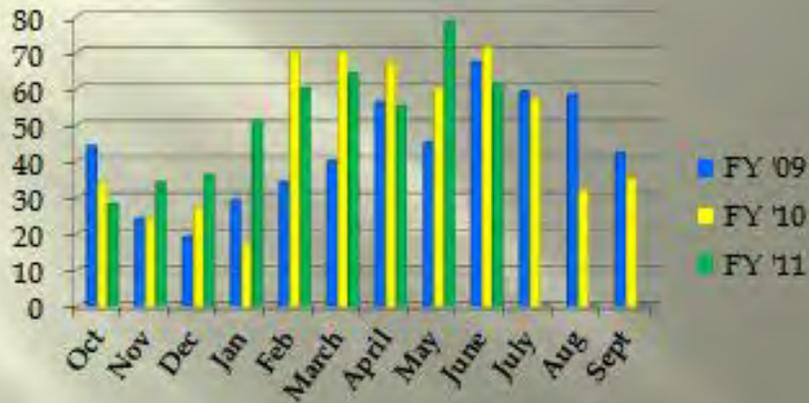
Account No.:

**Budget**

Budget/Expended:

**Associated Information:**

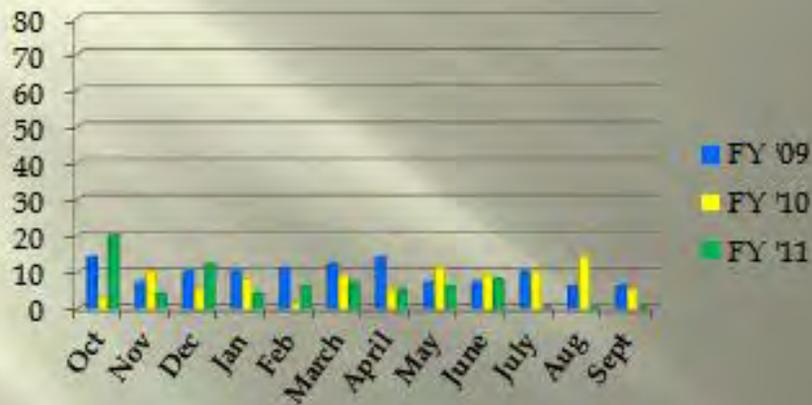
# FY '11 Permit Activity & Revenue June 2011



## Single-Family Permits

Issued 6/01/11 - 6/30/11:	61
FY '11 Through 6/30/11:	463

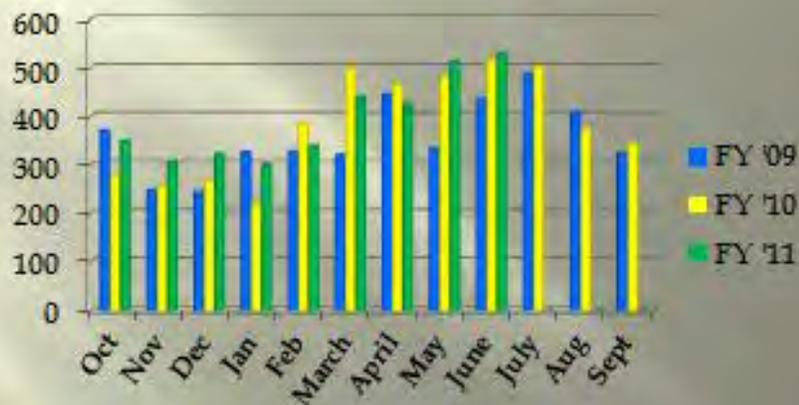
# FY '11 Permit Activity & Revenue June 2011



## Commercial Permits

Issued 6/01/11 - 6/30/11:	8
FY '11 Through 6/30/11:	72

# FY '11 Permit Activity & Revenue June 2011



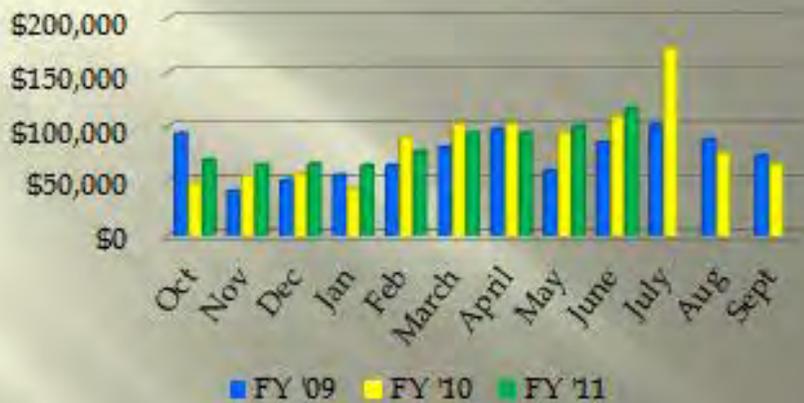
## Permits In All Categories

(Residential, Commercial, Trade, Accessory & Miscellaneous)

Issued 6/01/11 - 6/30/11: 529

FY '11 Through 6/30/11: 3,505

# FY '11 Permit Activity & Revenue June 2011



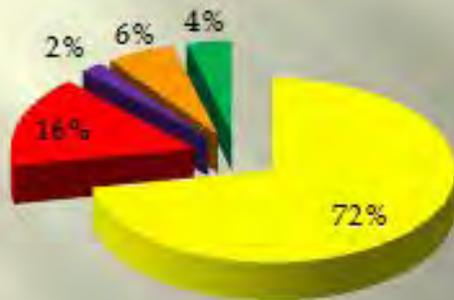
## Revenue Collected

Collected 6/01/11 - 6/30/11:	\$ 116,306
FY '11 Through 6/30/11:	\$ 744,738

# FY '11 Permit Activity & Revenue June 2011

## REVENUE BY CATEGORY

### By Percent

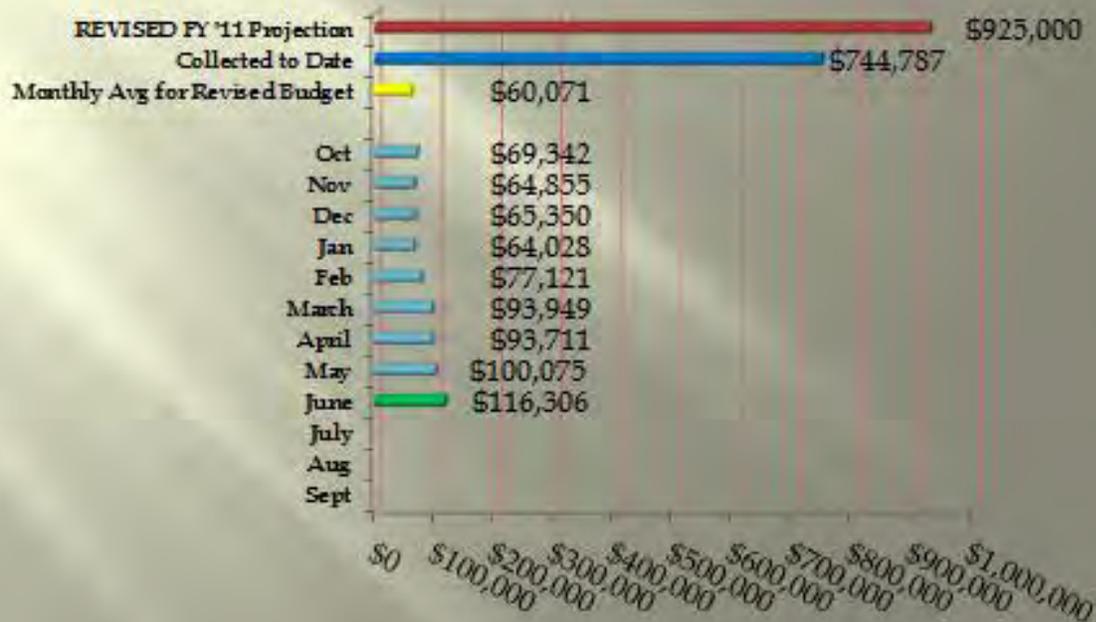


■ Res ■ Com ■ Acc ■ Misc ■ Reinspect

### By Total

□ Residential:	\$ 83,806
(SF & Trade Permits)	
□ Commercial:	\$ 18,294
(Com & Trade Permits)	
□ Accessory:	\$ 2,581
(Pool, Patio, Out-building)	
□ Miscellaneous:	\$ 6,375
(Signs, Irrigation, Demo, Certificates of Occupancy)	
□ Re-Inspection:	<u>\$ 5,250</u>
<b>TOTAL:</b>	<b>\$116,306</b>

# FY '11 Permit Activity & Revenue June 2011



# FY '11 Permit Activity & Revenue June 2011

## ☐ New Projects:

- Site Development Plans Under Review: 10
- Building Plans Under Review: 3
- Permits Approved But Not Yet Issued: 2
- Projects Under Construction: 12

TOTAL: 27

## ☐ Finish-Out/Remodel Projects:

- Building Plans Under Review: 4
- Permits Approved But Not Yet Issued: 5
- Projects Under Construction: 8

TOTAL: 17

## ☐ Certificates of Occupancy:

- Certificates of Occupancy Issued: 7
- Temporary Certificates of Occupancy Issued: 3
- Certificates of Occupancy Pending: 10

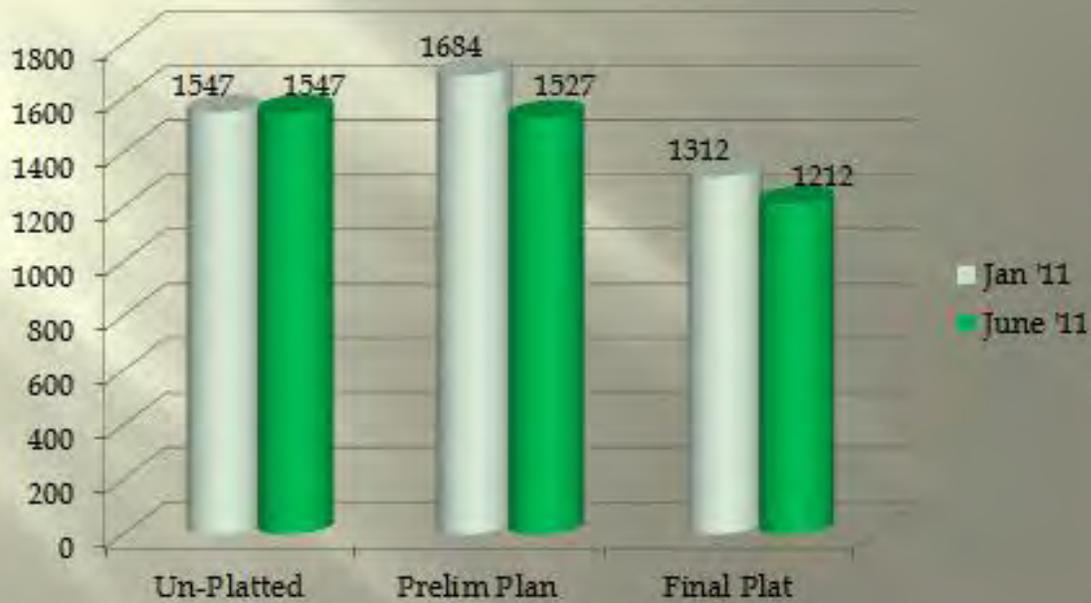
TOTAL: 20

# Single-Family Lot Inventory Update - June 2011

## **Inventory Change Since January 2011**

- Un-platted Land - No Change
- Preliminary Plan - Inventory Reduced by 157-lots
  - (Ranch at Brushy Creek, Sec. 9A Final Plat - 94-lots)
  - (Ranch at Brushy Creek, Sec. 10B Final Plat - 63-lots)
- Final Plat
  - New Final Plats added 157-lots to inventory
  - Permits issued reduced inventory by 257-lots
  - Net Inventory Reduction: 100-lots

# Single-Family Lot Inventory Update - June 2011



# Single-Family Lot Inventory Update - June 2011

<b>Final Platted Lots</b>		<b>Projected Absorption Rate</b>
• In-City	1067-Lots	
• ETJ	<u>145-Lots</u>	
Subtotal:	1,212-Lots	22 – 26-months
<b>Preliminary Plan Lots</b>		
• In-City	1,457-Lots	
• ETJ	<u>0-Lots</u>	
Subtotal	1,457-Lots	26 – 31-months
<b>Un-Platted Acreage</b>		
• In-City	196-PotentialLots	
• ETJ	<u>1,351-PotentialLots</u>	
Subtotal	1,547-PotentialLots	28 – 33-months
<b>TOTAL COUNT:</b>	4,216-PotentialLots	



**CITY COUNCIL AGENDA**

Date:7-28-2011

Subject:       Agenda Item No. B.1  
**Approval Of The City Council Minutes From The Regular Called Meeting Of June 30, 2011.**

**Commentary:**



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

**THURSDAY, JUNE 30, 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

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***MINUTES***

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.  
**Mayor Lemon called the meeting to order at 6:34 p.m.**
- Councilmember Powell absent from meeting. All others present.**
- A.2 Invocation.  
**Invocation given by Councilmember Fuller.**
- A.3 Pledges of Allegiance. (U.S. and Texas)  
**Council led the audience in the Pledges of Allegiance.**
- A.4 Presentation: Proclamation Designating July As Park And Recreation Month In Cedar Park.  
**Mayor Lemon read and presented a Proclamation designating July as Parks and Recreation Month to Curt Randa, Parks Director.**
- A.5 Presentation: Review Of The Capital Area Council Of Governments "CAPCOG" Attainment/Emissions Report. (Mitchell)  
**Andrew Hoekzema, Air Quality Program Specialist - Capital Area Council of Governments (CAPCOG), addressed Council regarding the Air Quality Briefing Report. The presentation included information on the Ozone Overview, success of**

**Local Voluntary Program, new Ozone Standards, Opportunities for Local Jurisdictions, and CAPCOG's Air Quality Program.**

- A.6 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)  
**Chris Federoff, Cedar Park, addressed the Council regarding chickens in residential areas. He is asking Council to amend the ordinance to allow chickens in smaller residential areas.**
- A.7 Mayor and Council Opening Comments.  
**Mayor Lemon commented on the rodeo event held at the Cedar Park Center.**
- Councilmember Dale commented on the rodeo event at the Cedar Park Center and the recent Council Retreat.**
- Councilmember Tracy commented on the rodeo event at the Cedar Park Center.**
- Councilmember Fuller stated the Gambler Guns have finished their tour and are back in Texas. He also commented on the BCRUA and requested two future agenda items for the appointments to the BCRUA Board, and an item to welcome back the Gambler Guns.**
- Councilmember Mitchell reminded everyone to be safe on July 4th.**
- A.8 City Manager Report: Update On The July 4th Event To Be Held At Elizabeth Milburn Park – Curt Randa, Parks And Recreation Director.  
**Curt Randa, Parks And Recreation Director, updated Council on the events for the July 4<sup>th</sup> festivities. The fireworks have been cancelled but the celebration will continue. Mr. Randa reviewed the events for the day. “Arcattack” will be performing in place of the fireworks show.**
- A.9 City Manager Report: Update On Current Transportation Projects - Darwin Marchell, Engineering Director.  
**Darwin Marchell, Engineering Director, addressed Council regarding an update on the seven current transportation projects: RM1431 183A to Cottonwood Creek, RM1431 right turn lane at Vista Ridge, RM 1431 Pass Thru Toll, Brushy Creek Road East, Brushy Creek Road West, Park Street, and the New Hope Gap project.**
- A.10 City Manager Report: Report On the 2010 Census - Rawls Howard, Planning & Development Services Director.  
**Rawls Howard, Planning & Development Services Director, provided an update on the Census challenge by the City.**
- A.11 City Manager Report: May Monthly Financial Report - Josh Selleck, Finance Director.  
**Josh Selleck, Finance Director, presented Council with the May Monthly Financial Report.**

**CONSENT AGENDA**

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

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

**Movant: Councilmember Fuller**

**Second: Councilmember Tracy**

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

- B.1 Approval Of Council Minutes From The Joint Meeting With The Tourism Advisory Board On May 19, 2011.  
**Approved under the Consent Agenda.**
- B.2 Approval Of Council Minutes From The Regular Called Meeting Of May 26, 2011.  
**Approved under the Consent Agenda.**
- B.3 Receipt Of Minutes From The Arts Advisory Board Meeting Of May 4, 2011.  
**Received under the Consent Agenda.**
- B.4 Receipt Of Minutes From The Board Of Adjustments Meeting Of October 27, 2009.  
**Received under the Consent Agenda.**
- B.5 Receipt Of Minutes From The Cedar Park Economic Development Corporation Meeting Of May 16, 2011.  
**Received under the Consent Agenda.**
- B.6 Receipt Of Minutes From The Parks Advisory Board Meeting Of April 11, 2011.  
**Received under the Consent Agenda.**
- C.0 Second Reading Of An Ordinance: No Items For Consideration.
- D.1 A Resolution Authorizing Approval For The Cedar Park Police Department To Apply For Funding From The Bureau Of Justice Assistance For Participation In The Bullet Proof Vest Program Grant.  
**Approved under the Consent Agenda.**  
  
**Resolution Number R148-11-06-30-D1**
- D.2 A Resolution Authorizing And Directing The City Manager To Execute An Advance Funding Agreement With The Texas Department Of Transportation (TxDOT) For Maintenance Of Landscape, Paver And Irrigation Improvements Along RM 1431 Between Toll Road 183A And US Highway 183.  
**Approved under the Consent Agenda.**  
  
**Resolution Number R149-11-06-30-D2**

- D.3 A Resolution Authorizing And Directing The City Manager To A Execute Change Order With FTwoods Construction Services Inc. Under The Park Street Reconstruction Project In The Amount Of \$102,791.

**Approved under the Consent Agenda.**

**Resolution Number R150-11-06-30-D3**

- D.4 A Resolution Authorizing Defeasance And Redemption Of Certain Of The City's General Obligation Refunding And Improvement Bonds, Series 2005 And Other Related Matters.

**Approved under the Consent Agenda**

**Resolution Number R151-11-06-30-D4**

### ***PUBLIC HEARINGS***

- E.1 First Reading And Public Hearing Of An Ordinance Reducing And Revising The Boundaries Of Reinvestment Zone Number One, City Of Cedar Park, Texas, A Tax Increment Reinvestment Zone Created Pursuant To Chapter 311 Of The Texas Tax Code, As Amended, As Established By City Of Cedar Park, Texas Ordinance No. D-01-12-20-10.B; Approving The 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.

**Sam Roberts, Assistant City Manager, addressed Council regarding the amendments to the TIRZ boundaries. This Ordinance will further reduce the boundaries of the zone by 250 acres resulting in a revised zone boundary of approximately 211 acres 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.**

**Mayor Lemon opened the Public Hearing.**

**No Public Comment.**

**Mayor Lemon closed the Public Hearing.**

### **REGULAR AGENDA (NON-CONSENT)**

- F.0 Discussion And Possible Action:

- F.1 Consideration To Approve An Ordinance Authorizing The Issuance Of City Of Cedar Park, Texas General Obligation Refunding And Improvement Bonds, Series 2011; Levying An Ad Valorem Tax In Support Of The Bonds; Approving A Paying Agent/Registrar Agreement, An Official Statement, A Purchase Agreement And An Escrow Agreement; Calling Certain Obligations For Redemption; And Authorizing Other Matters Relating To The Bonds  
**Dan Wegmiller, Specialized Public Finance, Inc., addressed Council regarding the issuance of the GO refunding and improvement bonds. Mr. Wegmiller updated Council on the bond rating and the final pricing summary.**

***Motion to approve an Ordinance Authorizing The Issuance Of City Of Cedar Park, Texas General Obligation Refunding And Improvement Bonds, Series 2011; Levying An Ad***

***Valorem Tax In Support Of The Bonds; Approving A Paying Agent/Registrar Agreement, An Official Statement, A Purchase Agreement And An Escrow Agreement; Calling Certain Obligations For Redemption; And Authorizing Other Matters Relating To The Bonds***

**Movant: Councilmember Fuller**

**Second: Mayor Pro Tem Moore**

**Vote: 6:0 with Councilmember Powell absent from vote.**

**Ordinance Number I32-11-06-30-F1**

- F.2 Consideration To Amend The City Of Cedar Park Code of Ordinances Chapter 2, Animal Control.

**Brenda Eivens, City Manager, stated this is a presentation only for the purpose of reviewing the proposed modifications to the Ordinance.**

**Captain Hayes, Police Department, provided the history of the 81<sup>st</sup> Legislative Session regarding issues pertaining to animals which began the review of the current ordinance. The proposed amendments address bringing the language of the ordinance in alignment with existing State Law, providing clear and concise definitions for the public, expanding dog and cat registration opportunities, providing proper legal language for enforcement, prosecution, and adding Public Health / Sanitation considerations.**

**General discussion followed regarding the restriction of the number of animals, residential lot size considerations, and possible variances with certain criteria and a clean environment. Discussion also included the use of a complaint form, the overall ordinance, public input and community outreach.**

- F.3 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Negotiate And Execute An Agreement With Vision Internet For The City Of Cedar Park Website Redesign Project Pending Final Approval By The City Attorney.

**Jennie Huerta, Media Communications Manager, addressed Council regarding the RFP process for the Website Redesign Project. Fourteen proposals were received and were reviewed and scored by a selection committee. Upon completion of scoring the top three proposals were Vision Internet, Magic Logix and Aha! Communications. The Committee conducted interviews with all three of the vendors, and determined Vision Internet to have the best quality project proposal for the price.**

***Motion to approve a Resolution Authorizing And Directing The City Manager To Negotiate And Execute An Agreement With Vision Internet For The City Of Cedar Park Website Redesign Project Pending Final Approval By The City Attorney.***

**Movant: Councilmember Mitchell**

**Second: Mayor Pro Tem Moore**

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

**General discussion followed regarding the location of the corporate headquarters, local bids, and the overall vision of the project and pricing.**

- F.4 Consideration Of Appointments To The Charter Review Committee.  
**Charles Rowland, City Attorney, addressed Council regarding the Charter Review Committee. The Charter requires every four years the appointment of a committee. There are several amendments that have come to light and the need to appointment a new committee. The current committee shall have fifteen members on it.**

**General discussion followed regarding the use of the previous committee, decreasing the size of the required committee, and appointments by Council.**

- F.5 The 82nd Legislative Session As It Impacts The City's Adopted 2011 Legislative Agenda.
- a) Preservation Of The Local Budgeting Authority And Revenue Sources.
  - b) Ensure City's Adequate Water Supplies.
  - c) Priority Funding For Local Transportation Projects And Streamlined Processes.
  - d) Ensure Economic Development Programs.
  - e) Preserve Local Control Of Land Use Planning And Zoning.
  - f) Review Meet And Confer/Collective Bargaining Issues.
  - g) Review Legislation Pertaining To Emergency Service Districts And Annexations.
  - h) Protect City's Bonding Authority.

**Brenda Eivens, City Manager, stated there are no further updates; however a final report will be made to the Council at a future meeting.**

#### ***EXECUTIVE SESSION***

*In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (V.T.C.A.) (Open Meetings Law), "The City Council may meet in a Closed Executive Meeting pursuant to provisions of the Open Meetings Law, Chapter 551, Government Code, V.T.C.A. in accordance with the authority contained in the following sections":*

**Council convened into Executive Session at 8:26 p.m.**

- G.0 Executive Session:
- G.1 Section 551.071 (1) Consultation With City Attorney Concerning Litigation.
- a. Civil Action No. A-11-CA-453 SS; William Ray Sponsler v. City of Cedar Park, et al.; In the United States District Court, Western District of Texas.
  - b. Cause No. 11-640-C368; Adam Peters v. City of Cedar Park Parks & Recreation Dept.; In the 368th Judicial District Court of Williamson County, Texas.
- G.2 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
- a. Legal Issues Concerning Terms And Conditions Of Leases At City Hall Complex Located On Cypress Creek.
  - b. Legal Issues Concerning The Lease And Development Agreement Between The City Of Cedar Park And Hicks Cedar Park LLC.
  - c. Legal Issues Concerning Incident Of Personal Injury Involving City Employees.

- d. Legal Issues Concerning Council Rules Of Procedure.
- e. Legal Issues Concerning Proposed Agreement With Texas Department Of Transportation For Traffic Signal Operation And Maintenance.
- f. Legal Issues Concerning Terms And Conditions Of A Lease With The Cedar Park Chamber Of Commerce.
- g. Legal Issues Concerning Proposed Purchase Of Commercial Property By Non Taxable Entity.

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 9:06 p.m.**

**Agenda Item G.2a and G.2f**

*Motion to authorize and direct the City Manager to execute a lease agreement for 500 Cypress Creek Boulevard, Suite 170.*

**Movant: Mayor Pro Tem Moore**

**Second: Councilmember Mitchell**

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

*Motion to authorize and direct the City Manager to execute a lease agreement for 450 Cypress Creek Boulevard, Building 6.*

**Movant: Councilmember Fuller**

**Second: Councilmember Mitchell**

**Vote: 5:1 with Mayor Pro Tem Moore voting against and Councilmember Powell absent from meeting.**

- H.1 Mayor And Council Closing Comments.

**Councilmember Fuller commented on the Heroes' Night Out event.**

**Brenda Eivens, City Manager, stated that Councilmember Powell had requested a future agenda item related to the process for changing the Cedar Park Postal District in Cedar Park.**

- H.2 Adjournment.

**Mayor Lemon adjourned the meeting at 9:12 p.m.**

**PASSED AND APPROVED THIS 28<sup>TH</sup> DAY OF JULY, 2011**

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**Robert S. Lemon, Mayor**

**ATTEST:**

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



**CITY COUNCIL AGENDA**

Date:7-28-2011

Subject: Agenda Item No. B.2  
**Approval Of The City Council Minutes From The Special Called Meeting Of July 16, 2011.**

**Commentary:**



**CITY OF CEDAR PARK**  
**SPECIAL CALLED CITY COUNCIL MEETING - CITY COUNCIL RETREAT**  
**FRIDAY, JUNE 17, 2011 AT 12:45 P.M.**  
**Cedar Park Police Department Training Room**  
**911 Quest Parkway, Cedar Park, TX 78613**

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

**Mayor Lemon called the meeting to order at 1:55 p.m.**

**All Council present.**

**B. Pledges of Allegiance.**

**Council led in the Pledges of Allegiance.**

**C. Mayor and Council Opening Comments.**

**None.**

**D. Discussion Only: Review, Evaluate, Update, Modify, Expand And Add To:**

**1. Vision and Comprehensive Plan**

**No discussion.**

**2. Goals and Priorities of 2011 - 2012 Strategic Map**

**i. Goal 1: Strategic Prioritization Including: Current/ Future Budget Planning And Financial Policies; Public Safety Staffing; Fire Service In The Extraterritorial Jurisdiction; Public Safety Delivery And Emergency Notification; Succession Planning For Council, Staff/Boards/ Commissions; Online Customer Service And Website Access; Annexation; Efficiency Of Services; Brushy Creek Regional Utility Authority Projects.**

ii. Goal 2: Economic Development Including: 4B Economic Development Projects; Business Incubator; 4B Strategic Plan; 4A Strategic Map.

**No discussion.**

iii. Goal 3: Redevelopment/Enhancement Including: Roadway Plan; Capital Improvements Priorities; Drainage.

**No discussion.**

iv. Goal 4: Beautification Including: Highway 183 Corridor; City Entry Signs And Key Entry Points; Street Sign Replacement.

**No discussion.**

v. Goal 5: Diversified Tax Base/Balanced Land Use Including: Land Use; Sales Tax And Ad Valorem; Mixed Use Zoning; Tax Increment Reinvestment Zone.

**No discussion.**

vi. Goal 6: Entertainment/Destination/Culture Including: Tourism; Schlitterbahn; Science/Education Center/Planetarium; Parks Master Plan And Land Acquisition.

**No discussion.**

vii. Goal 7: Facilities Including: Energy And Resource Efficiency, And Technology; Former Police Department And Fire Station #1; City Hall; Library; Parks Maintenance Facility.

**No discussion.**

viii. Goal 8: Public Transportation/Mobility Including: Road And Transportation Projects; Multi-modal; Sidewalk Gap Project.

**No discussion.**

3. Council Dynamics, Interaction and Participation With:

- i) Council.
- ii) City Staff.
- iii) Boards and Commissions.
- iv) Intra-Governmental Agencies.

**General discussion facilitated by Joe Gonzalez, The Management Connection.**

E. Mayor and Council Closing Comments.

**None.**

F. Adjournment.

**Mayor Lemon adjourned the meeting at 5:25 p.m.**

**PASSED AND APPROVED THIS 28<sup>TH</sup> DAY OF JULY, 2011.**

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**Robert S. Lemon, Mayor**

**ATTEST:**

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



**CITY COUNCIL AGENDA**

Date:7-28-2011

Subject: Agenda Item No. B.3  
**Approval Of The City Council Minutes From The Special Called Meeting Of July 17, 2011.**

**Commentary:**



**CITY OF CEDAR PARK**  
**SPECIAL CALLED CITY COUNCIL MEETING - CITY COUNCIL RETREAT**  
**SATURDAY, JUNE 18, 2011 AT 8:00 A.M.**  
**Cedar Park Police Department Training Room**  
**911 Quest Parkway, Cedar Park, TX 78613**

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

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

**Mayor Lemon called the meeting to order at 8:11 a.m.**

**All Council present.**

**H. Pledges of Allegiance.**

**Council led in the Pledges of Allegiance.**

**I. Mayor and Council Opening Comments.**

**None.**

**J. Discussion Only: Review, Evaluate, Update, Modify, Expand And Add To:**

**1. Vision and Comprehensive Plan**

**General discussion followed.**

**2. Goals and Priorities of 2011 - 2012 Strategic Map**

**i. Goal 1: Strategic Prioritization Including: Current/ Future Budget Planning And Financial Policies; Public Safety Staffing; Fire Service In The Extraterritorial Jurisdiction; Public Safety Delivery And Emergency Notification; Succession Planning For Council, Staff/Boards/ Commissions; Online Customer Service And Website Access; Annexation; Efficiency Of Services; Brushy Creek Regional Utility Authority Projects.**

ii. Goal 2: Economic Development Including: 4B Economic Development Projects; Business Incubator; 4B Strategic Plan; 4A Strategic Map.

iii. Goal 3: Redevelopment/Enhancement Including: Roadway Plan; Capital Improvements Priorities; Drainage.

iv. Goal 4: Beautification Including: Highway 183 Corridor; City Entry Signs And Key Entry Points; Street Sign Replacement.

v. Goal 5: Diversified Tax Base/Balanced Land Use Including: Land Use; Sales Tax And Ad Valorem; Mixed Use Zoning; Tax Increment Reinvestment Zone.

vi. Goal 6: Entertainment/Destination/Culture Including: Tourism; Schlitterbahn; Science/Education Center/Planetarium; Parks Master Plan And Land Acquisition.

vii. Goal 7: Facilities Including: Energy And Resource Efficiency, And Technology; Former Police Department And Fire Station #1; City Hall; Library; Parks Maintenance Facility.

viii. Goal 8: Public Transportation/Mobility Including: Road And Transportation Projects; Multi-modal; Sidewalk Gap Project.

**General discussion followed regarding each strategic goal as set by Council.  
Council discussed the strategic goals for 2011-12.**

*Note: Council recessed from 12:06 p.m. to 12:37 p.m.*

**General discussion on Strategic Map continued.**

3. Organizational Values.

**General discussion followed.**

4. Council Dynamics, Interaction and Participation With:

i) Council.

ii) City Staff.

iii) Boards and Commissions.

iv) Intra-Governmental Agencies.

**No discussion.**

**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":*

**No Executive Session Conducted.**

K. Executive Session:

1. Section 551.074 Deliberate The Evaluation Of A Public Officer Or Employee.
  - i) The City Manager.
  - ii) The City Attorney.

The Council Reconvenes into General Session.

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

M. Mayor and Council Closing Comments.

**None.**

N. Adjournment.

**Mayor Lemon adjourned the meeting at 1:43 p.m.**

**PASSED AND APPROVED THIS 28<sup>TH</sup> DAY OF JULY, 2011.**

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**Robert S. Lemon, Mayor**

**ATTEST:**

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



**CITY COUNCIL AGENDA**

Date:7-28-2011

Subject: Agenda Item No. B.4  
**Receipt Of Minutes From The Cedar Park Community Development Corporation (4B)**  
**Meeting Of June 14, 2011**

**Commentary:**

## MINUTES

REGULAR CALLED MEETING OF THE  
CEDAR PARK COMMUNITY DEVELOPMENT CORPORATION (4B)  
Tuesday, June 14, 2011 at 6:30 PM  
Cedar Park Public Library, 550 Discovery Boulevard, Cedar Park, TX

### BOARD MEMBERS

- President Brian Rice, Place 5  
 Vice President Maria Talamo, Place 2       Kevin Harris, Place 3  
 Secretary Ryan Wood, Place 6       John Allen, Place 4  
 Audrey Wernecke, Place 1       Mo Jahadi, Place 7

- 
- A.1 Call to Order, Quorums Determined, Meeting Declared Open  
Meeting was called to order at 6:39 PM by President Rice noting that a quorum was present. Directors Wernecke, Harris and Allen were absent. All other members were present.
- A.2 Consider Approval of the May 10, 2011 Regular Called 4B Board Meeting Minutes  
MOTION: Secretary Wood made a motion to approve the May 10, 2011 Regular Called 4B Corporation meeting minutes as submitted. Vice President Talamo seconded the motion. The motion passed unanimously, 4-0, 3 absent.
- A.3 Citizen Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With 4B. 4B May Respond With Factual Information.) None.
- A.4 Board Members' Opening Comments. None.
- B.0 STAFF REPORTS (DISCUSSION ONLY)
- B.1 Finance Report, Aaron Rector  
a. Provide Summary of FY 2010-2011 4B Revenues, Expenditures, And Fund Balance  
b. Sales Tax Comparison Tables.  
Aaron Rector provided a second quarter summary (through April 2011). He advised that the revenues to date were \$1,972,420. Total expenditures to date were \$1,126,671. He stated that the year-end projection was 5.4% above the Fiscal Year 2010-2011 budget. He reviewed the current 4B expenditures, sales tax comparison with benchmark cities, year-end projections and fund balance.
- B.2 Parks Project Report, Curt Randa/Parks Director. None.
- B.3 Transportation Project Report, Engineering. None.
- C.0 PUBLIC HEARINGS None.
- D.0 DISCUSSION ONLY
- President Rice called up Items E.1.a.1 and E.1.a.2 out of order. See Item E.1.a.1 and E.1.a.2.*
- President Rice called up Item D.1.b.2 out of order. See Item D.1.b.2.*
- D.1 Consider Applications For Proposed Projects/Programs Requested For 2011-2012 Fiscal Year Community Development Corporation Budget

- a. Economic Development
  - 1) Consider Funding For Potential Economic Development Incentive Projects In An Amount Of \$1,500,000

Larry Holt advised the Board that there are several projects that they are working on, but none are ready to request funding. He advised that \$1.5 million would be adequate for the current level of project activity.

Secretary Wood stated that \$1.5 million may be hard to achieve with the FY 2012 projected revenues. President Rice requested a cash flow analysis from finance. No action was taken on this item.

- b. Community Enhancements
  - 1) Consider Funding For The Continuation Of The US 183 Corridor Enhancement Program In The Amount of \$100,000

Duane Smith, Tourism and Community Development Manager, made the presentation. He advised that there had not been any applications this year. The Firestone project is almost done. The pole sign came down this week. He suggested that the program be extended to include RM 1431/Whitestone Boulevard. If the Board decides to extend the program, the program's name would need to be changed to include RM 1431/Whitestone Boulevard. He suggested that the redevelopment definition needs to be clarified to limit the program to existing properties providing upgrades and not undeveloped property. President Rice stated that he would like to keep this item in the budget. No action was taken on this item.

- 2) Consider Funding Continuation Of The Neighborhood Park Improvement Program
  - i) Consider Funding Playground Replacements at Buttercup Park, Quest Village Park and Carriage Hills Park In the Amount of \$250,000

Curt Randa, Parks Director, made the presentation for this item. He requested that funding for the Neighborhood Park Improvement Program be continued. He anticipated replacement costs for the playground equipment as follows: Buttercup Park - \$100,000, Quest Village Park - \$75,000 and Carriage Hills II Park - \$75,000. The existing playscapes are twelve to fourteen years old.

There was discussion among the Board concerning the usage of each park versus the amount needed for their improvements. Curt Randa advised that Parks Ordinance funds were being used for park revitalization which includes turf maintenance. President Rice asked if there was any way to donate the old playscapes to lower economic municipalities. Curt Randa advised that he would look into it. No action was taken on this item.

D.2 Discussion of Previously Committed Project Funds  
*Items D.2.a through D.2.d.1 were called up together.*

Duane Smith reminded the Board that some of the previously approved incentives would be coming due. He advised that they may want to reauthorize delayed projects.

- a. Economic Development
  - 1) Fallbrook Technologies Incentive Project In An Amount Of \$1,677,500
  - 2) CR 180 and New Hope Drive Incentive Project In An Amount Of \$150,000
  - 3) Pecan Grove-SPVEF, L.P. Incentive Project In An Amount of \$980,000

Duane Smith advised that \$700,000 is due this fiscal year for the Fallbrook Technologies Incentive Project. He advised that a payment is due this fiscal year for the CR 180 and New Hope Drive Incentive Project.

- b. Community Enhancements
  - 1) Brushy Creek Sports Park (BCSP) Irrigation Project In An Amount of \$150,000

Curt Randa advised the Board that this project was on hold. City Council rejected the bids because they were too high. Curt Randa is still actively working with City Engineering staff on this project.

- 2) Capital Metro Expanded Bus Route Feasibility Study To Determine The Viability Of Funding The Project On An Annual Basis In An Amount Of \$50,500

Aaron Rector advised that funding for this item was taken out of Contract Services. It is not an active project.

c. Community Identification

- 1) Internally Lighted Street Name (ILSN) for TxDOT Signals As Part Of The Continuation Of The Street Sign Upgrade Program In The Amount Of \$350,000

Aaron Rector advised the Board that \$8,000 had been spent on the Internally Lighted Street Name (ILSN) project and that the project was on hold until further discussions with TxDOT could be held.

- 2) Gateway/Entryway Sign Design And Site Location In An Amount Of \$25,000
- 3) Gateway/Entryway Sign Construction Project In An Amount Of \$150,000

Duane Smith advised that SEC Planning, LLC has met with the subcommittee. A final Gateway/Entryway design is anticipated by the end of this fiscal year. Duane Smith asked for a "ballpark" figure for one sign. Funding for the Gateway/Entryway Sign Construction Project would not be needed until the next fiscal year.

d. Destination City

- 1) Planetarium/Science Center Feasibility Study In An Amount Of \$75,000

President Rice stated that 4B needs to determine what City Council's direction is on this item. Duane Smith stated that Director Wernecke did not believe that the approved funding was enough. Duane Smith suggested that this item be discussed at the budget meeting.

No action was taken on these items.

E.0 DISCUSSION AND POSSIBLE ACTION

*Items E.1.a.1 and E.1.a.2 were called up together.*

E.1 Economic Development Project

- a. Dental Health Management Solutions Economic Incentives (Larry Holt, Economic Development Specialist)

- 1) Consider Funding Dental Health Management Solutions Economic Incentives Project In An Amount Not To Exceed \$145,845
- 2) Authorizing City Staff To Set Date For Public Hearing And To Publish 60-Day Notice For Dental Health Management Solutions Economic Incentives Project

Larry Holt, Economic Development Specialist, introduced Shane Stevens from Dental Health Management Solutions (DHMS) to the Board. Shane Stevens provided an overview of DHMS. They are currently located at 2001 Windy Terrace in Cedar Park. He advised that they were founded in 2003 with a vision to make state-of-the-art dental care more convenient for residents at various healthcare facilities in the Austin area. DHMS provides the following services: full dental treatment to all branches of the military, outsourced staffing solutions to the dental industry, mobile oral health treatment, and refurbishment and certification of panoramic x-ray equipment. DHMS, in partnership with Carestream Dental Imaging, is recognized as the preferred reseller of certified pre-owned digital dental panoramic imaging systems in the United States. The taxable sales projection for 2011 is \$500,000 increasing to \$2,000,000 in 2012 and \$4,000,000 in 2013. DHMS was recognized in the Austin Business Journal in 2010 as one of the fastest growing companies in the Austin region. He advised that the revenue in 2010 increased over fifty percent and they have forty-two full time employees. He reviewed DHMS's strategic direction and explained their short-term strategic needs. He requested 4B funding for: 1) expansion and build out of Suite B to allow for growth of the Reseller Division, 2) upgrading the security system to protect sensitive patient and military data, and 3) adding three to four positions to meet immediate needs for increases in services and growth.

Larry Holt provided an overview of the DHMS incentive proposal. Overall economic development benefits provided by this incentive proposal include a high growth headquarters operation, property taxes and jobs, and sales tax potential. The contractual performance obligations include: 1) company will remain in Cedar Park through 2017; 2) investment in rapidly growing headquarters; 3) company incentivized to achieve sales tax goals; and 4) relocation dollars for employees that purchase a home in Cedar Park. The total incentive package is \$145,845.00. The term of the contract is through October 15, 2017 and failure to reach any performance target triggers clawback provisions. Larry Holt advised that if the project is approved, anticipated expenditures would be \$99,345 for Retention and Facilities Grant (payable in FY 2010-2011), \$21,500 for Sales Tax or Employment Grant (payable in FY 2012-2013) and \$25,000 for Resident Grant (payable in FY 2013-2014).

There was discussion among the Board concerning the relocation item. They advised that there was no need to require that the Relocation Bonus exclude relocation from Williamson and Travis Counties. There was much discussion concerning the potential for sales tax revenues. Director Jahadi questioned providing incentives to DHMS. President Rice stated that the incentives would be for DHMS to remain in Cedar Park and to improve their headquarters. Larry Holt provided a completed Economic Development Project Evaluation Matrix for the Board to consider. The Board reviewed the matrix and their final score was 60 points which exceeded the matrix goal of 35 points.

**MOTION:** Secretary Wood made a motion to authorize, accept, and approve funding of Dental Health Management Solutions Incentives Project as set forth in Agenda Item E.1.a.1 and authorize staff to set date for public hearing and publish project notice as set forth in Agenda Item E.1.a.2. Vice President Talamo seconded the motion. The motion passed unanimously, 4-0, 3 absent.

F.1 LIAISON UPDATES /REPORTS None.

G.1 ADMINISTRATIVE ITEMS

*(4B Board members and staff may discuss items related to the board member's general duties and responsibilities. The 4B Board may not take a vote or other action on any item other than to obtain a consensus regarding how items are to be placed on future agendas for formal action.)*

a. Delegate Report on City Council Actions Directly Related to 4B Items of May 12, 2011 and May 26, 2011

Duane Smith advised that there were no 4B related items on the May 12, 2011 Council agenda. The City Council approved the Fallbrook Technologies Incentive Project at the May 26<sup>th</sup> meeting.

b. Director And Staff Comments

Duane Smith requested that the Directors email ideas to him concerning budget workshop items.

c. 4B Board Member Closing Comments

Vice President Talamo advised that she went to the Veterans Memorial Park grand opening. The dog park and memorial areas were wonderful additions to the park. Director Jahadi stated that he was impressed with how fast the Firestone Project had moved.

d. Board Member Request For Future Agenda Items.

Director Jahadi asked how to get more beautification for the bike trail along 183A Toll Road. Duane Smith advised that the Central Texas Regional Mobility Authority had received a grant for this purpose. President Rice suggested that they discuss funding an incubator at the Joint Meeting or workshop.

e. Designate Delegates To Attend Next Council Meetings On June 16, 2011 and June 30, 2011

Duane Smith advised that there would be no 4B related items on the City Council agendas.

**Next Joint Meeting With City Council and 4A: Thursday, July 7, 2010 At 6:30 P.M. in the Cedar Park Public Library**

Next Regular Scheduled 4B Meeting: Tuesday, July 12, 2011 at 6:30 P.M. in the Cedar Park Public Library

H.1 ADJOURNMENT  
Meeting was adjourned at 9:05 PM.

PASSED AND APPROVED THIS 12<sup>th</sup> DAY OF JULY, 2011.

  
\_\_\_\_\_  
Brian Rice, President

ATTEST:

  
\_\_\_\_\_  
Ryan Wood, Secretary



**CITY COUNCIL AGENDA**

Date:7-28-2011

Subject:       Agenda Item No. B.5  
**Receipt Of Minutes From The Parks Advisory Board Meeting Of May 9, 2011.**

**Commentary:**



**PARKS & RECREATION ADVISORY BOARD MINUTES  
May 9, 2011**

1. Call to Order/Quorum Determined/Meeting Declared Open by Chairman Scott Rogers at 6:31pm. Board Member Janet Bartles was absent. All other members were present.
2. Consider Approval of April 11, 2011 Regular-Called Parks and Recreation Advisory Board Minutes:  
*Motion to approve the April 11, 2011 Regular-Called Parks and Recreation Advisory Board minutes was made by Wayne, and seconded by David. Motion passed unanimously.*
3. Citizens Communications
  - a. None.
4. Director's Report – Curt Randa:
  - a. Update on the Parks and Recreation Department playground replacement projects:  
Curt described what was purchased with the approved funding of \$150k for playground replacement:
    - i. Elizabeth Milburn Park Playground: Curt described and showed photos of the new playground equipment, including the different play areas designed for school age and younger. A portion of the metal and plastic from the old playground was recycled. Scott saw the playground; there were several kids on the equipment and was continuously moving making it an interesting dynamic.
    - ii. Wild Rose Park Playground: Curt showed photos of the new playground and fall surface.
    - iii. Creekside Park Playground: Curt described and showed photos of the new amenities, including auditory and activities. The bongos are very popular.

5. Discussion and possible action:

- a. Consideration of a funding request to the Cedar Park Community Development Corporation (4B Board) for the continuation of the Neighborhood Park Improvement Program for fiscal year 2012:

A message from Dwayne Smith, our 4B liaison, informed Curt that the deadline to submit the application for projects funded by 4B is June 1<sup>st</sup>. The following projects were recommended by Parks staff:

Buttercup Creek Park: Curt showed the existing 13 year old playground; the outdated amenities are lacking some parts that can't be replaced. The cast aluminum riding elements are outdated and several kids have gotten hurt. The surface is currently pea gravel and we recommend changing replacing it with engineered wood fiber.

Quest Village Park: The 12 year old playground has a lot of UV deterioration. The amenities are outdated.

Carriage Hills Park: The smallest park out of the 3 with 2 current features. The quality of the plastic is very thin and the posts are 3" instead of the recommended 5". That playground is 11 years old.

The following budget would include demolition, contingency for rocks, hauling off old playground equipment, construction and fall surface: Buttercup Park: \$100k, Quest Park: \$75k, and Carriage Hills: \$75k

David asked if we thought of doing a different enclosure at the Carriage Hills Park? Curt said they would replace the rock border with an elevated bordered rock with accessibility and improve the amount of fall distance. We would try to use the existing border and recycle the metal and plastic.

Last year, \$250k was funded by 4B, and we replaced Milburn, Creekside and Wildrose playgrounds. 4B is requesting that a list of park improvement programs be submitted to them by June 1<sup>st</sup>. Once received, they will rank them.

David asked if Curt has a lot of input with the consultants during the design phase. Curt said he will filter through the consultants' ideas and present them to Parks Board.

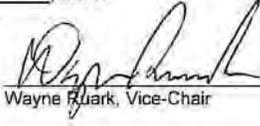
John asked if the new playground components will be recyclable. Staff will consider.

A motion to submit a funding request application to the 4B Board for the continuation of the Neighborhood Park Improvement Program for fiscal year 2012 was made by John, and seconded by David.

6. Closing Comments: Scott commented that Concert in the Park seemed to be a big hit; he got to enjoy the new Milburn Park playground. Veterans Park Grand Opening will be May 30<sup>th</sup>.
7. Upcoming Meeting Dates:
  - a. Regular-Called Meeting of the Parks and Recreation Advisory Board to be held on June 13, 6:30 PM at the Library meeting room in the Cedar Park Public Library.
8. Adjournment:  
*Motion to adjourn this meeting was made by Wayne, and seconded by John. Motion passed unanimously.*

Minutes passed and approved on the 11<sup>th</sup> day of July, 2011.

  
\_\_\_\_\_  
Scott Rogers, Chairman

  
\_\_\_\_\_  
Wayne Quark, Vice-Chair



## CITY COUNCIL AGENDA

Date:7-28-2011

Subject: Agenda Item No. 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.**

### Commentary:

Staff is proposing changes to the zoning ordinance to amend the definition for Medical Office and Medical and Dental Clinics. These changes came about after hearing from developers that the existing definitions were not clear. The definitions for both Medical Office and Medical and Dental Clinics are proposed for modification in order to provide better clarity between the two.

### Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on June 21, 2011. No public testimony was received.

### Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission voted 5-1 to recommend approval of the proposed amendments regarding the amended definitions for Medical Office and Medical and Dental Clinics.

In Favor: Nicholas Kauffman, Alan Yore, Jon Lux, Thomas Balestiere, Sandy Trujillo and Stephen Thomas

Opposed: Alan Yore

Absent: Lorena Echeverria de Misi

### City Council Public Hearing:

The City Council held a public hearing on July 14, 2011. No public testimony was received.

### Public Information Plan:

*June 9, 2011:* Notice appears in the Cedar Park Citizen  
*June 21, 2011:* Planning and Zoning Commission Meeting and Public Hearing  
*July 14, 2011:* Public Hearing and 1<sup>st</sup> Reading at City Council  
*July 28, 2011:* Second reading of the ordinance

Director

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City Manager's Remarks

**City Manager**

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Legal Certification

Approved as to form and content:

Yes

No **City Attorney**

**Associated Information:** Ordinance

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING A PORTION OF CHAPTER 11, ZONING, SECTION 11.12.002 TERMS FOR MEDICAL OFFICE AND MEDICAL AND DENTAL CLINICS. 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 14<sup>th</sup> day of July, 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 28<sup>th</sup> day of July, 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, City Secretary

APPROVED AS TO FORM  
AND CONTENT:

---

Charles W. Rowland, City Attorney

## **EXHIBIT A**

### **Modifications to Terms in Chapter 11 Zoning Sec. 11.12.002 Terms**

*Medical and dental clinics*: The use of the site for the provision of medical, psychiatric, or surgical services on an out-patient basis. ~~and includes emergency treatment, diagnostic services, therapeutic massage, training, administration, and services to out-patients, employees, and visitors.~~ 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 ~~groups of~~ doctors, dentists, or similar practitioners of medical and healing arts for humans, medical or dental laboratories, ~~licensed for practice by the state.~~ 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.



## CITY COUNCIL AGENDA

Date:7-28-2011

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

### **Commentary:**

Josue Stephens from L2S Events, Inc., is requesting a special permit to allow a 5K Fun Run at Brushy Creek Lake Park on Saturday, September 24, 2011. The event will utilize the trails within the park from 8 am to noon on that day and L2S will rent the pavilions for their use during that time. The event will include a 5K competitive run, a Kids 1K fun run as well as other activities including an obstacle course and foot painting.

Section 7.301 of the City regulations pertaining to conduct in parks and playgrounds requires a special permit for this type of activity. Staff respectfully requests Council authorization of a special permit for this event. The permit application is attached.

### **Fiscal Impact**

Account No.:

### **Budget**

Budget/Expended:

### **Associated Information:**



# CEDAR PARK

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

### APPLICANT INFORMATION

Applicant's Name Josué Stephens  
Address 2211 Lawnmont Ave, Apt 201 City & Zip Austin, 78756  
Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_ E-mail Address josuestephens@gmail.com  
Organization's Name (if applicable) L2S Events Phone Number \_\_\_\_\_  
Organization's Address 9497 Joyce Lane City & Zip Highland Park, CO 80126

### EVENT INFORMATION

Type of Event 5k Timed Running Event Date of Event 9/24/2011  
Name of Park Brushy Creek Lake Park Location in Park Main park, pavilion near volleyball  
Time Event Begins 8:00am Time Event Ends 12:00pm Number of Participants 250  
Will participants be charged?  Yes  No If so, how much? \$25-\$40

Describe in detail all activities planned (please attach another sheet of paper, if necessary).  
Minimalist Footwear 5k Race - Kids 1k Fun Run - Small Obstacle Course - Foot Painting for Kids  
- Green/Healthy Living Booths - We would like to rent 2-3 pavilions

Will any type of sound amplifying equipment be used at the event (other than personal radios, tape players, etc.)?  Yes  No  
If so, please explain what type of equipment will be used. microphone for announcing finishers and events, speakers with music

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

List any variances required from Park Rules & Regulations that have not been addressed on this application. \_\_\_\_\_

Will the event interfere with or detract from the general public's enjoyment?  Yes  No

Will the event interfere with or detract from the promotion of public health, welfare, safety and recreation?  Yes  No

Is violence, crime or disorderly conduct anticipated as part of the event?  Yes  No

Will the event entail extraordinary or burdensome expense or police operation by the City?  Yes  No

Is there a conflict with another scheduled activity?  Yes  No

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

Applicant's Signature Josué Stephens

Date 7/7/2011

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

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

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

SECTION 1. That the special permit for the 5K Fun Run on September 24<sup>th</sup>, 2011 at Brushy Creek Lake Park is hereby approved.

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

PASSED AND APPROVED this the 28th day of July, 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:7-28-2011

Subject: Agenda Item No. D.2  
**A Resolution Authorizing A Special Permit To Hold A Skateboarding Demonstration At Brushy Creek Sports Park**

### **Commentary:**

Bryan Fiese from Motivated Performance, Inc., is requesting a special permit to allow a Skateboarding Demonstration at Brushy Creek Sports Park on Sunday, August 14<sup>th</sup>, 2011. The event will utilize the Skatepark facility from 1pm to 3pm on that day. Spectators will not be charged admission and the demonstration will feature 35 year old pro skater Jon Comer. Jon lost his leg in a motorcycle accident and now skates professionally with a prosthetic. This Cedar Park stop is just one of many on his motivational "Getting a Leg Up" Tour.

Section 7.301 of the City regulations pertaining to conduct in parks and playgrounds requires a special permit for this type of activity. Staff respectfully requests Council authorization of a special permit for this event. The permit application is attached.

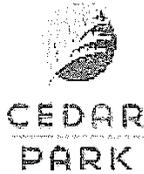
### **Fiscal Impact**

Account No.:

### **Budget**

Budget/Expended:

### **Associated Information:**



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

APPLICANT INFORMATION

Applicant's Name Bryan Fiore  
Address 628 Canyon Rim Dr City & Zip Dipping Springs 78620  
Home Phone 214 394 8262 Work Phone 866 465-7073 E-mail Address bryan@getunmotivated.com  
Organization's Name (if applicable) Motivate Performance Phone Number 866-465-7073  
Organization's Address Same as above City & Zip \_\_\_\_\_

EVENT INFORMATION

Type of Event Skateboard Demo Date of Event 8/14/11  
Name of Park Bushy Creek Location in Park Skatepark  
Time Event Begins 11:00 Time Event Ends 3:00 Number of Participants 15  
Will participants be charged?  Yes  No If so, how much? \_\_\_\_\_

Describe in detail all activities planned (please attach another sheet of paper, if necessary).

Jon Comer's Getting Leg UP Tour - see attached

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

PA system - announcer light music

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

List any variances required from Park Rules & Regulations that have not been addressed on this application.

The focus is on skateboarding.

Will the event interfere with or detract from the general public's enjoyment?  Yes  No

Will the event interfere with or detract from the promotion of public health, welfare, safety and recreation?  Yes  No

Is violence, crime or disorderly conduct anticipated as part of the event?  Yes  No

Will the event entail extraordinary or burdensome expense or police operation by the City?  Yes  No

Is there a conflict with another scheduled activity?  Yes  No

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

Applicant's Signature

Bryan Fiore NA

Date

6/22/11

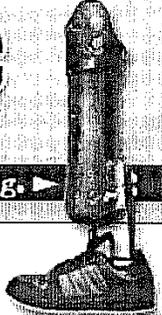
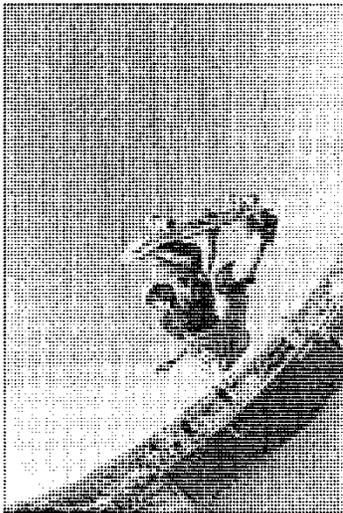


**NEVER BEEN DONE**  
The Jon Comer Story

Home News Bio Credits Trailer Contact Buy the DVD Jon's fake leg. ▶



"it's not like 'Ah... look at the novelty', he's a really skilled skater." -- Tony Hawk

In 2001, Matthew J. Powers began capturing the story of Jon Comer, a professional skateboarder with a story unlike any other. He partnered with Agent Ogden to create what is now known as *NEVER BEEN DONE - The Jon Comer Story*.

*Never Been Done* is a documentary that follows Jon Comer's rise to the pro-level of skateboarding. The film tells the story of how Jon lost his leg and explains how he pursued skating despite being an amputee.

Jon pushes physical boundaries to pursue his life-long dream to achieve things that have never been done in the sport of skateboarding. His modest personality and sense of humor help inspire those in similar situations as his own. Whether a skateboarding fan or not, his life is a truly inspirational story to people of all ages and of all walks of life.

Humble and hard-working, Jon earned the respect of skateboarding legends like Tony Hawk, Steve Caballero, and Mike Vallely who are in awe of Jon's success and determination.



© 2005  powers pictures  AgentOgden

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

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

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

SECTION 1. That the special permit for the Skateboarding Demonstration at Brushy Creek Sports Park on August 14<sup>th</sup>, 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 28<sup>th</sup> day of July, 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:7-28-2011

Subject: Agenda Item No. 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.**

### **Commentary:**

The New Hope Drive (Bagdad Rd. to Lakeline Blvd.) Reconstruction Project is a 2010 G.O. Bond project. New Hope Drive will 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. The construction duration for this project is 310 calendar days and completion is scheduled for August 2012.

City staff solicited proposals for 3<sup>rd</sup> Party Construction Observation / Inspection Services for this project. A “Request for Proposals” was placed in the Cedar Park Citizen as well as the City’s website. City staff received eight (8) responses from perspective firms within the local area that provide construction management / construction observation services. These proposals were evaluated using a numerical grading criteria matrix that rates each firm’s qualifications in key areas such as “Qualifications and Availability”, “Proposed Staff”, “Project Experience”, “Project Approach”, and “Rates and Fees”. After reviewing the proposals and evaluating the perspective firms, staff is recommending Dial Development Services, Ltd. be chosen to perform 3<sup>rd</sup> Party Construction Observation / Inspection Services on this project.

The scope of services to be provided by Dial Development Services Ltd. include construction inspection, review of contractor pay estimates, witnessing construction testing, attending project meetings, daily reports, identification of construction deficiencies, and assistance in resolution of design conflicts. The fee for the services is on a time and material basis and will be based on fees included in the proposal. Based upon this company’s qualified staff, extensive experience with Cedar Park’s design and construction standards, and past performance on other CIP projects along the New Hope Drive corridor including the BCRUA water line within the project limits, staff recommends the execution of the agreement with Dial Development Services, Ltd.

The numerical grading criteria matrix used to evaluate and rank each perspective firm and the overall ranking of each firm is included for your reference.

Director

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**Fiscal Impact**

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

**Budget**

Budget/Expended: \$5,276,000.00 / \$3,770,207.09

Finance Director Review

**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 AN AGREEMENT WITH DIAL DEVELOPMENT SERVICES LTD. FOR 3<sup>RD</sup> PARTY CONSTRUCTION OBSERVATION / INSPECTION SERVICES UNDER THE NEW HOPE DRIVE (BAGDAD RD. TO LAKELINE BLVD.) RECONSTRUCTION PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the New Hope Drive (Bagdad Rd. to Lakeline Blvd.) Reconstruction project is a 2010 G.O. bond project; and

WHEREAS, the City solicited proposals for 3<sup>rd</sup> Party Construction Observation / Inspection Services for this project and received responses from eight (8) from perspective firms within the local area that provide construction management / construction observation services; and

WHEREAS, Dial Development Ltd. is being recommended to perform these services based upon the firm's qualified staff, past performance on other CIP projects along the New Hope Drive corridor, and extensive experience with Cedar Park's design and construction standards; and

WHEREAS, the fee for Dial Development Services Ltd. to perform 3<sup>rd</sup> Party Construction Observation / Inspection Services under the New Hope Drive (Bagdad Rd. to Lakeline Blvd.) Reconstruction Project is on a time and material basis and will be based on fees included in the proposal.

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

SECTION 1. The City Manager is hereby authorized and directed to execute an Agreement with Dial Development Services Ltd. under the New Hope Drive (Bagdad Rd. to Lakeline Blvd.) reconstruction project.

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

PASSED AND APPROVED this the 28<sup>th</sup> day of July, 2011.

CITY OF CEDAR PARK, TEXAS

ATTEST:

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

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

APPROVED AS TO FORM  
AND CONTENT:

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Charles W. Rowland, City Attorney

**New Hope Drive (Bagdad Rd. to Lakeline Blvd.)  
3rd Party Inspection/Observation Proposal  
Evaluation Criteria**

Criteria	Maximum Score
The maximum score for sub-group(s) is the bold number The maximum criteria score is the non-bolded number	<b>100.0</b>
<b>1. Firm Qualifications and Availability:</b>	<b>5.0</b>
General information provided? Contacts, office location, numbers/emails	1.0
Did firm / individual provide how they will communicate with the City? Who will be primary contact?	1.0
Is the firm / individual available and did they show a level of commitment to the project?	1.0
Did they provide a narrative illustrating their expertise and any unique qualifications?	2.0
<b>2. Qualifications &amp; Experience of Proposed Staff:</b>	<b>25.0</b>
Did they provide the names and roles of the key personnel that will be working on this project?	1.0
Did they provide resumes for key personnel and indicate any that have experience on similar projects?	3.0
Is the current workload provided?	3.0
Did they provide availability to perform services?	3.0
Does the firm / individual have experience with similar type projects in the City of Cedar Park?	10.0
Does the firm / individual have experience with similar type projects in Central Texas?	5.0
<b>3. Project Experience:</b>	<b>25.0</b>
Did the firm/team provide an overview and brief history of themselves?	2.0
Did the firm and subconsultants provide verifiable examples of at least three (3) similar projects completed in the last five (5) years?	6.0
Does the proposed On-site Inspector have at least five (5) years of experience providing these types of services?	8.0
Are the projects presented equal or greater in complexity when compared with the proposed projects listed in scope and types of deliverables required?	5.0
Are there previous project costs listed?	2.0
Are there Clients / References Listed?	2.0
<b>4. Project Approach</b>	<b>15.0</b>
Brief narrative of project approach.	10.0
Equipment provided	3.0
Exclusions and Indemnifications	2.0
<b>5. Rates and Fees</b>	<b>30.0</b>
Rates / Fees	25
Insurance	5

**New Hope Drive (Bagdad Rd. to Lakeline Blvd.)  
3rd Party Inspection/Observation Proposal  
Evaluation Criteria Scoring Summary**



<b><u>Firm</u></b>
Dial Development Services Ltd.
H.R. Gray
Jones and Carter
CP&Y
Seiler Lankes
R.H. Shackelford
Binkley and Barfield
Regional Engineering, Inc.



## CITY COUNCIL AGENDA

Date:7-28-2011

Subject: Agenda Item No. 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.**

**Initiating Dept:** Engineering

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### **Commentary**

The New Hope Drive (Bagdad Rd. to Lakeline Blvd.) Reconstruction Project is a 2010 G.O. Bond project. New Hope Drive will 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.

URS Corp. submitted a supplemental agreement for Construction Materials Engineering for the construction phase of the project in the amount of \$45,076.01. The scope of services to be provided by URS, Corp. and its geotechnical subconsultant Fugro, include earthwork testing, asphalt testing, and concrete testing to ensure compliance with City of Cedar Park specifications.

**Director**

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### **Fiscal Impact**

### **Budget**

**Account No.: 506-56-35-6340-630 Budget/Expended: \$5,276,000.00 / \$3,725,131.08**

**Finance Director Review**

### **Associated Information:**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH URS CORP. UNDER THE NEW HOPE DRIVE (BAGDAD RD. TO LAKELINE BLVD.) RECONSTRUCTION PROJECT IN THE AMOUNT OF \$45,076.01; 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, URS Corp., and its subconsultant Fugro, propose to perform the construction materials engineering for the construction phase of the project under a supplemental agreement in the amount of \$45,076.01 on the New Hope Drive (Bagdad Rd. to Lakeline Blvd.) Reconstruction project; and

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

SECTION 1. The City Manager is hereby authorized and directed to execute a supplemental agreement with URS Corp. under the New Hope Drive (Bagdad Rd. to Lakeline Blvd.) project in the amount of \$45,076.01.

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 28<sup>th</sup> day of July, 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:7-28-2011

Subject: Agenda Item No. 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.**

### **Commentary:**

Council authorized the City's participation in the Texas Enterprise Zone Program on February 25, 2010. This program allows for municipalities to designate zones or projects for the State's Enterprise program which provides tax relief for qualified applicants. Previously, ETS-Lindgren was nominated by the City to participate as an enterprise project to the Office of the Governor's Economic Development and Tourism Office through the Texas Economic Development Bank.

The City now wishes to nominate Cedar Park Health System, L.P. for designation as an enterprise project thru the same program. The City has determined Cedar Park Health System, L.P. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, 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 ("ACT"); 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 (City) has previously passed Ordinance No. CO24-10-02-25-F2 electing to participate in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are the same on this date as were outlined in Ordinance No. CO24-10-02-25-F2;

WHEREAS, the Office of the Governor Economic Development and Tourism (EDC) through the Economic Development Bank (Bank) will consider Cedar Park Health System, L.P. as an enterprise project pursuant to a nomination and an application made by the City;

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals;

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), Cedar Park Health System, L.P. has applied to the City for designation as an enterprise project;

WHEREAS, the City finds that Cedar Park Health System, L.P. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Cedar Park Health System, L.P. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction located outside of an enterprise zone and at least thirty-five percent (35.0%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of Cedar Park Health System, L.P. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Cedar Park Health System, L.P. meets the criteria for tax relief and other incentives adopted by the City and nominates Cedar Park Health System, L.P. for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Cedar Park Health System, L.P. as an enterprise project pursuant to the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NAMEOFCITY:

That the findings of the City and its actions approving this resolution taken at the council meeting are hereby approved and adopted.

BE IT FURTHER RESOLVED that Cedar Park Health System, L.P. is a "qualified business", as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act.

BE IT FURTHER RESOLVED that the enterprise project shall take effect on the date of designation of the enterprise project by the agency and terminate on September 2, 2016, or on a date determined by the Office of the Governor.

PASSED BY THE CITY COUNCIL of the City of Cedar Park this 28<sup>th</sup> day of July, 2011.

(SEAL)

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

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

I, \_\_\_\_\_, \_\_\_\_\_ of the City of Cedar Park, Texas do hereby certify that the above and foregoing is a true and correct copy of Resolution Number \_\_\_\_\_ passed by the City of Cedar Park City Council on the this \_\_\_ day of \_\_\_\_\_, 20\_\_.

(City Seal)

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

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ of the City of Cedar Park, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office this \_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public, State of Texas

My commission expires: \_\_\_\_\_

(Notary Seal)

**NOTE: THIS DOCUMENT HAS IMPORTANT LEGAL CONSEQUENCES. CONSULTATION WITH AN ATTORNEY IS STRONGLY RECOMMENDED.**



## CITY COUNCIL AGENDA

Date:7-28-2011

Subject: Agenda Item No. 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.**

### **Commentary:**

Council authorized the City's participation in the Texas Enterprise Zone Program on February 25, 2010. This program allows for municipalities to designate zones or projects for the State's Enterprise program which provides tax relief for qualified applicants. Previously, ETS-Lindgren was nominated by the City to participate as an enterprise project to the Office of the Governor's Economic Development and Tourism Office through the Texas Economic Development Bank.

The City now wishes to nominate Coreslab Structures (Texas) Inc. for designation as an enterprise project thru the same program. The City has determined Coreslab Structures (Texas) Inc. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, 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 ("ACT"); 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 (City) has previously passed Ordinance No. CO24-10-02-25-F2 electing to participate in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are the same on this date as were outlined in Ordinance No. CO24-10-02-25-F2;

WHEREAS, the Office of the Governor Economic Development and Tourism (EDC) through the Economic Development Bank (Bank) will consider Coreslab Structures (Texas) Inc. as an enterprise project pursuant to a nomination and an application made by the City;

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals;

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), Coreslab Structures (Texas) Inc. has applied to the City for designation as an enterprise project;

WHEREAS, the City finds that Coreslab Structures (Texas) Inc. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Coreslab Structures (Texas) Inc. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction located outside of an enterprise zone and at least thirty-five percent (35.0%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of Coreslab Structures (Texas) Inc. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Coreslab Structures (Texas) Inc. meets the criteria for tax relief and other incentives adopted by the City and nominates Coreslab Structures (Texas) Inc. for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Coreslab Structures (Texas) Inc. as an enterprise project pursuant to the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NAMEOFCITY:

That the findings of the City and its actions approving this resolution taken at the council meeting are hereby approved and adopted.

BE IT FURTHER RESOLVED that Coreslab Structures (Texas) Inc. is a "qualified business", as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act.

BE IT FURTHER RESOLVED that the enterprise project shall take effect on the date of designation of the enterprise project by the agency and terminate on September 2, 2016, or on a date determined by the Office of the Governor.

PASSED BY THE CITY COUNCIL of the City of Cedar Park this 28<sup>th</sup> day of July, 2011.

(SEAL)

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

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

I, \_\_\_\_\_, \_\_\_\_\_ of the City of Cedar Park, Texas do hereby certify that the above and foregoing is a true and correct copy of Resolution Number \_\_\_\_\_ passed by the City of Cedar Park City Council on the this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

(City Seal)

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

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ of the City of Cedar Park, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office this \_\_\_ day of \_\_\_\_\_, 20\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas

My commission expires: \_\_\_\_\_

(Notary Seal)

**NOTE: THIS DOCUMENT HAS IMPORTANT LEGAL CONSEQUENCES. CONSULTATION WITH AN ATTORNEY IS STRONGLY RECOMMENDED.**



## CITY COUNCIL AGENDA

Date:7-28-2011

Subject: Agenda Item No. 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.**

### Commentary:

The 2010 Water Rehabilitation Project located within Cedar Park Ranchettes Unit #2 is part of the FY11 CIP Budget. The project is now complete and this item serves to adjust the final quantities and costs to match the conditions in the field during the project. The change order is the amount of \$56,292.00 and is related to adjusted quantities and discrepancies between the record drawings and conditions in the field.

Cedar Park Ranchettes Unit #2 is one of the oldest areas of Cedar Park; consequently, the record drawings from the area are dated and do not accurately depict locations of utility lines. During the Rehabilitation Project, crews discovered that the wastewater forcemain bored under RM 1431 at Lonestar Drive was in a different location than what the record drawings indicated; as a result, additional work had to be done to find the accurate location. In addition, the location change increased the complexity of the connection to the existing waterline. The change order amount of \$56,292.000 reflects the cost of the final quantities needed as well as additional labor costs related to this discrepancy. Record drawings for this area have been updated to more accurately reflect the locations of utility lines in the neighborhood as to prevent future issues like this.

This is the first change order for this project and the only one anticipated. Staff recommends authorizing the City Manager to execute a change order with Keystone Construction, Inc. for the 2010 Waterline Rehabilitation Project in Cedar Park Ranchettes Unit 2 in the amount of \$56,292.00.

Director

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### Fiscal Impact

Account No.: 216-32-35-6186

Account No.: 216-32-35-6102

### Budget

Budget/Expended: \$650,000/\$650,000

Budget/Expended: \$950,000/\$95,898

Funding for Change Order #1 will come from savings generated in the System Rehabilitation line item within the Water Distribution CIP (line item 216-32-35-6186). Line item 216-32-35-6186 is the account for this project and all funds have been expended.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO CHANGE ORDER #1 TO THE CONTRACT WITH KEYSTONE CONSTRUCTION, INC. FOR THE 2010 WATERLINE REHABILITATION PROJECT IN CEDAR PARK RANCHETTES UNIT 2 IN THE AMOUNT OF \$56,292.00; 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 project provides improved water volume, flow, and the installation of fire hydrants in the Cedar Park Ranchettes Unit 2 neighborhood; and

WHEREAS, the City awarded this project to Keystone Construction, Inc. on October 7, 2010; and

WHEREAS, the City requests Change Order #1 from Keystone Construction, Inc. to cover the costs related to unanticipated additional water lines and labor as a result of outdated record drawings; and

WHEREAS, Keystone Construction, Inc. submitted Change Order #1 in the amount of \$56,292.00.

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 Change Order #1 with Keystone Construction, Inc. in the amount of \$56,292.00.

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 28<sup>th</sup> day of July, 2011.

CITY OF CEDAR PARK, TEXAS

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

ATTEST:

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

APPROVED AS TO FORM  
AND CONTENT:

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Charles W. Rowland, City Attorney

## Change Order No. 1

Project Name: <b>City of Cedar Park 2010 Waterline Rehabilitation Cedar Park Ranchettes, Unit 2</b>	Consultants Project No. 41009603	
Project Owner: <b>City of Cedar Park</b>	Date of Issuance: <b>June 23, 2011</b>	
Project Contractor: <b>Keystone Construction, Inc.</b>	Date of Contract:	<b>October 7, 2010</b>
	Date of Notice to Proceed:	<b>November 9, 2010</b>
	Original Completion Date:	<b>March 8, 2011</b>
	Contract Period: <b>120 Calendar Days</b>	

**It is agreed to modify the Contract referred to above as follows:**

Item #	ITEM AND DESCRIPTION OF CHANGES	CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIME
WAT 1	Jacking or Boring 20-inch min. Steel Casing (21 LF @ \$240/LF)	\$ 5,040.00	5
WAT 3	8-inch Dia. PVC C-900, DR -14 (131 LF @ \$39/LF)	\$ 5,109.00	5
WAT 5	12-inch Dia. Restrained PVC C-900, DR-14 (-10 LF @ \$64/LF)	\$ (640.00)	0
WAT 6	12-inch Dia. Restrained Class 350 DIP (42 LF @ \$67/LF)	\$ 2,814.00	5
WAT 7	Replace Water Serv. w/ 1.5-inch HDPE DR-9, etc. (8 EA @ \$1360/EA)	\$ 10,880.00	5
WAT 12	Install 20-inch min. Steel Enc. on New Water Main (28 LF @ \$50/LF)	\$ 1,400.00	5
-	Raise/Adjust Meter Boxes (39 EA @ \$150/EA)	\$ 5,850.00	30
-	Additional Excavation for Connection at 1431 (LS)	\$ 5,000.00	15
-	Additional fittings for Connection at 1431 (0.254 Tons @ \$7,500/Ton)	\$ 1,905.00	0
-	Extra 90-degree water fittings for services (63 EA @ \$47.20/EA)	\$ 2,973.60	30
-	Install 14-inch steel casing on 8-inch Water Main (36 LF @ \$48/LF)	\$ 1,728.00	5
-	2-8"x45 bends (0.046 Tons @ \$7,500/Ton)	\$ 345.00	0
-	6-inch Dia. Class 350 DIP Fire Hydrant Lead (13 LF @ \$39/LF)	\$ 507.00	0
WW1	Install 20-inch min Steel Enc. Exist WW Force Main (-20 LF @ \$50/LF)	\$ (1,000.00)	0
STM 1	Remove and replace 15-inch storm sewer (-1 LS @ \$2,900/LS)	\$ (2,900.00)	0
-	Extend Storm Sewer by 9 feet and Replaced Existing Splash Pad	\$ 1,680.00	0
PAV 1	HMAC Trench Repair (384 LF @ \$9/LF)	\$ 3,456.00	0
PAV 5	HMAC Overlay (1,460 SY @ \$6.90/SY)	\$ 10,074.00	5
PAV 8 (1)	6-inch Concrete Driveway (-24 SY @ \$100/SY)	\$ (2,400.00)	0
PAV 8 (2)	Blue Reflectorized Pavement Markers (Type II-B-B) (3 EA @ \$26/EA)	\$ 78.00	0
PAV 8 (3)	Reflectorized Thermoplastic Stop Bar (-12 LF @ \$18/LF)	\$ (216.00)	0
PAV 9	Reflectorized Thermoplastic Yellow Striping (5,026 LF @ \$130/LF)	\$ 6,533.80	0
PAV 10	Reflectorized Thermoplastic White Striping (1,566 LF @ \$60/LF)	\$ 939.60	0
-	Additional Driveway at West End of Red Bud (LS)	\$ 825.00	0
-	Concrete Curb Repair (20 LF @ \$20/LF)	\$ 400.00	0
-	Inspection from 4/1/11 to 4/30/11	\$ (1,030.00)	-
-	Inspection from 5/1/11 to 5/31/11	\$ (560.00)	-
-	Engineering from 4/1/11 to Present	\$ (2,500.00)	-
	Difference Net	\$56,292.00	110

**Summary: It is agreed to modify the Contract referred to above as follows:**

Contract Price prior to this Change Order	Contract Time prior to this Change Order
<b>\$ 760,111.00</b>	<b>120 calendar days - March 8, 2011</b>
<b>Net increase with this Change Order</b>	<b>Net increase with this Change Order</b>
<b>\$ 58,742.00</b>	<b>110 calendar days</b>
Revised Contract Price with all approved Change Orders	Revised Contract Time with all approved Change Orders
<b>\$ 818,853.00</b>	<b>230 calendar days – June 26, 2011</b>

**The changes included in this Change Order are to be accomplished in accordance with the terms, stipulations and conditions of the original Contract as though included therein.**

Accepted for Contractor by:	Date:
Recommended for Approval by (Consulting Firm's Name): URS Corporation <i>huk</i>	Date: <i>6/23/11</i>
Approved for Owner by:	Date:
Approved: (Other - when required):	Date:

*Jms  
6/24/11*

Distribution:  Owner  Contractor  Office  Field  Other



**CITY COUNCIL AGENDA**

Date:7-28-2011

Subject: Agenda Item No. D.8  
**A Resolution Awarding Construction Bid For The 2011 Street Revitalization Program To Viking Construction Inc. For \$234,978.83.**

**Initiating Dept:** Engineering

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**Commentary**

This is a FY 2011 Street Revitalization Project for the microsurfacing of approximately 65,117 square yards of arterial roadway. Project limits for the microsurfacing are Cypress Creek Road from Lakeline Blvd to El Sol Drive and Lakeline Blvd. from RM 1431 to Park Street.

Two secured bids were received and read in public on July 18, 2011. Viking Construction Inc was the low bidder, with a total bid amount of \$234,978.83 which was comprised of a base bid amount of \$221,028.83 and an alternate bid amount of \$13,950. This total bid (Base Bid and Alternate Bid) is under budget and the Engineering Department is recommending awarding a contract to Viking Construction, Inc. for the total bid.

A copy of the bid tabulation is attached.

**Director**

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**Fiscal Impact**

**Account No.: 101-18-10-5216**

**Budget**

**Budget/Expended: \$508,500 / \$209,602**

**Finance Director Review**

**Associated Information:**

Bid form attached.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH VIKING CONSTRUCTION, INC., FOR THE 2011 STREET REVITALIZATION PROJECT IN THE AMOUNT OF \$234,978.83; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, this is a FY 2011 Street Rehabilitation Project for the microsurfacing of Cypress Creek Road from Lakeline Blvd to El Sol Drive and Lakeline Blvd. from RM 1431 to Park Street: and

WHEREAS, this project is funded in the approved FY11 Budget; and

WHEREAS, two secured bids were received on July 18, 2011; and

WHEREAS, Viking Construction, Inc. submitted the lowest responsive Total bid (Base Bid +Alternate Bid) in the amount of \$234,978.83.

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 contract with Viking Construction, Inc. for the 2011 Street Revitalization Project in the amount of \$234,978.83.

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 28th day of July, 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

2011 Street Revitalization Program Bid Tabulation							
BASE BID ITEMS				Ballou Pavement Solutions, Inc		Viking Construction	
ITEM NO.	ESTIMATED QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
					(in figures)		(in figures)
1	65,117	SY	Micro-surfacing (Polymer Modified) Grade 2 @ 25 Lbs. per Sq. Yd.	\$3.08	\$200,560.36	\$2.79	\$181,676.43
2	5225	LF	REFL PAV MRK (W BRK)(4")Thermoplastic	\$0.43	\$2,246.75	\$0.42	\$2,194.50
3	10900	LF	REFL PAV MRK (V SLD)(4")Thermoplastic	\$0.41	\$4,469.00	\$0.40	\$4,360.00
4	2725	LF	REFL PAV MRK (V BRK)(4")Thermoplastic	\$0.43	\$1,171.75	\$0.42	\$1,144.50
5	2145	LF	REFL PAV MRK (W SLD)(8")Thermoplastic	\$0.92	\$1,973.40	\$0.90	\$1,930.50
6	1244	LF	REFL PAV MRK (W SLD)(12")Thermoplastic	\$3.30	\$4,105.20	\$3.20	\$3,980.80
7	248	LF	REFL PAV MRK (W SLD)(18")Thermoplastic	\$6.60	\$1,636.80	\$6.40	\$1,587.20
8	358	LF	REFL PAV MRK (W SLD)(24")Thermoplastic	\$6.60	\$2,362.80	\$6.40	\$2,291.20
9	37	EA	REFL PAV MRK (W Arrow)Thermoplastic	\$93.00	\$3,441.00	\$90.00	\$3,330.00
10	5	EA	REFL PAV MRK (W DBL Arrow)Thermoplastic	\$124.00	\$620.00	\$120.00	\$600.00
11	19	EA	REFL PAV MRK (W Word)Thermoplastic	\$139.51	\$2,650.69	\$135.00	\$2,565.00
12	5225	LF	REMOVE REFL PAV MRK (W BRK)(4")Thermoplastic	\$0.65	\$3,396.25	\$0.24	\$1,254.00
13	10900	LF	REMOVE REFL PAV MRK (V SLD)(4")Thermoplastic	\$0.63	\$6,867.00	\$0.24	\$2,616.00
14	2725	LF	REMOVE REFL PAV MRK (V BRK)(4")Thermoplastic	\$0.63	\$1,716.75	\$0.24	\$654.00
15	2145	LF	REMOVE REFL PAV MRK (W SLD)(8")Thermoplastic	\$1.24	\$2,659.80	\$0.46	\$986.70
16	1244	LF	REMOVE REFL PAV MRK (W SLD)(12")Thermoplastic	\$1.65	\$2,052.60	\$0.64	\$796.16
17	248	LF	REMOVE REFL PAV MRK (W SLD)(18")Thermoplastic	\$3.10	\$768.80	\$1.20	\$297.60
18	358	LF	REMOVE REFL PAV MRK (W SLD)(24")Thermoplastic	\$3.30	\$1,181.40	\$1.28	\$458.24
19	37	EA	REMOVE REFL PAV MRK (W Arrow)Thermoplastic	\$52.00	\$1,924.00	\$20.00	\$740.00
20	5	EA	REMOVE REFL PAV MRK (W DBL Arrow)Thermoplastic	\$62.00	\$310.00	\$24.00	\$120.00
21	19	EA	REMOVE REFL PAV MRK (W Word)Thermoplastic	\$52.00	\$988.00	\$20.00	\$380.00
22	435	EA	RAISED PAV MRK (REFL)	\$3.75	\$1,631.25	\$3.60	\$1,566.00
23	1	LS	Traffic Control Per 2009 MUTCD	\$5,000.00	\$5,000.00	\$2,500.00	\$2,500.00
24	1	LS	Flags	\$5,000.00	\$5,000.00	\$2,000.00	\$2,000.00
25	1	LS	Posting Notices With Affected Property Owners	\$5,000.00	\$5,000.00	\$1,000.00	\$1,000.00
ALTERNATE BID ITEMS				Ballou Pavement Solutions, Inc		Viking Construction	
ITEM NO.	ESTIMATED QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
					(in figures)		(in figures)
1	5,000	SY	Rut Filling	\$0.00	\$0.00	\$2.79	\$13,950.00
TOTAL BASE BID					\$263,733.60		\$221,028.83
TOTAL ALTERNATE BID					\$0.00		\$13,950.00
TOTAL BID AMOUNT (BASE + ALTERNATE)					\$263,733.60		\$234,978.83

Tom Gdala



**CITY COUNCIL AGENDA**

Date:7-28-2011

Subject: Agenda Item No. 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.**

**Commentary:**

The purpose of this item is a First Reading and Public Hearing for consideration of revisions to the City's speed ordinance based on a Citywide speed evaluation. On June 16, 2011, staff presented the results of a speed evaluation for City maintained roadways. The evaluation supports revisions to many of the roadways based on the 85<sup>th</sup> percentile speed, a standard method of establishing speeds in Texas and throughout the country. The evaluation further provides support to establish speeds on roadways that were not previously included in the City's speed ordinance.

Below is a table summarizing the revisions for consideration which shows each road's current posted speed, the 85<sup>th</sup> % speed and the recommended speed, and whether the speed is to be changed, established or both. Numerical speeds are in Miles Per Hour.

<u>Roadway</u>	<u>Posted</u>	<u>Av 85th</u>	<u>Recommend</u>
<b>1. Anderson Mill Road:</b> South of RM1431	40	40.5	40 Establish
<b>2. Arrowpoint Drive:</b> North of RM 1431	35	39	<b>40</b> Change & Establish
<b>3. Bagdad Road:</b> RM1431 to New Hope	40	42.5	<b>45</b> Change
<b>3. Bagdad Road:</b> New Hope Dr to Kettering Dr	40	42	<b>45</b> Change
<b>4. Buttercup Creek:</b> Lakeline to Nelson Ranch	30	40.0	<b>35</b> Change & Establish
<b>4. Buttercup Creek:</b> Nelson Ranch to Cluck Creek	30	36.4	<b>35</b> Change & Establish
<b>4. Buttercup Creek:</b> Cluck Creek to US183	30	36.6	<b>35</b> Change & Establish

<u>Roadway</u>	<u>Posted</u>	<u>Av 85th</u>	<u>Recommend</u>
<b>5. Cypress Creek Rd.:</b>	40	43.5	<b>45</b> Change

183A to US183				
<b>5. Cypress Creek Rd.:</b>	40	49.5	<b>45</b>	Change
US183 to Cluck Creek				
<b>5. Cypress Creek Rd.:</b>	40	43	<b>45</b>	Change
Cluck Creek to Lakeline				
<b>5. Cypress Creek Rd.:</b>	40	41.5	<b>45</b>	Change
Lakeline to Sun Chase				
<b>5. Cypress Creek Rd.:</b>	40	40	<b>45</b>	Change
Sun Chase to El Salido				
<b>5. Cypress Creek Rd.:</b>	40	41	<b>45</b>	Change
El Salido to El Sol				
<b>6. Discovery Blvd:</b>	Not Posted	37.2	<b>35</b>	Establish
US183 to Quest Boulevard				
<b>6. Discovery Blvd:</b>	35	38.1	<b>35</b>	Establish
Stallion Drive to RM 1431				
<b>7. El Salido Drive:</b>	30	35.5	<b>35</b>	Change & Establish
Cypress Creek to Clay Ln				
<b>8. Hatch Road:</b>	30	34	<b>35</b>	Change & Establish
RR620 to Spiderlily View				
<b>9. La Jaita Drive:</b>	35	36.5	<b>35</b>	Establish
East of Cottonwood Creek				
<b>10. Lakeline Boulevard:</b>	40	45.5	<b>45</b>	Change
N. City Limit to New Hope				
<b>10. Lakeline Boulevard:</b>	40	42.5	<b>45</b>	Change
New Hope to RM1431				
<b>10. Lakeline Boulevard:</b>	40	43.5	<b>45</b>	Change
RM1431 to Park Street				
<b>10. Lakeline Boulevard:</b>	40	43.0	<b>45</b>	Change
Park Street to Buttercup				
<b>10. Lakeline Boulevard:</b>	40	43.0	<b>45</b>	Change
Buttercup to Cypress Creek				
<b>11. Market Street:</b>	30	36.5	<b>35</b>	Change & Establish
RM1431 to Colonial Pkwy				
<b>12. Medical Parkway:</b>	30	38.2	<b>40</b>	Change & Establish
183A to C-Bar Ranch				
<b>12. Medical Pkwy:</b>	30	40.2	<b>40</b>	Change & Establish
C-Bar Ranch to Cottonwood				
<b>13. New Hope Drive:</b>	40	42.5	<b>45</b>	Change
Bagdad Rd to US183				
<b>13. New Hope Drive:</b>	40	40.5	<b>45</b>	Change
US183 to Main St				

<u>Roadway</u>	<u>Posted</u>	<u>Av 85th</u>	<u>Recommend</u>	
<b>14. E. Park Street:</b>	30	34.9	<b>35</b>	Change & Establish

Lynwood to Greater Scaup				
<b>14. E. Park Street:</b>	35	39.8	<b>40</b>	Change & Establish
Greater Scaup to Vista Ridge				
<b>15. Ranch Trails:</b>	30	38.9	<b>35</b>	Change & Establish
Parmer Lane to Salerno Place				
<b>16. Woodall Drive:</b>	Not Posted	44.4	<b>45</b>	Establish
West of New Hope Dr.				
<b>16. Woodall Drive:</b>	Not Posted	43.9	<b>45</b>	Establish
East of Power Lane				
<b>17. Cottonwood Creek:</b>	40	45.7	<b>45</b>	Change & Establish
RM1431 to New Hope Dr.				

Attached is Section 17.03.004 of the Code of Ordinances: Speed Limits Established For Certain Described Streets with recommended revisions. The revisions include school zones consistent with the guidelines outlined in the TxDOT Procedures for Establishing Speed Zones. All changes to the existing Code are in red with replaced language shown as a strike through. Revisions include minor administrative clean-up of this section to reduce redundancy and to provide clarity and reference for temporary construction speed limits.

This Public Hearing and First Reading also adds Section 17.03.005 Construction speed limits. This section provides reference for approved roadway construction speed limit revisions which will supersede the speed limits outlined in Section 17.03.004.

**Fiscal Impact**

Account No.:

**Budget**

Budget/Expended:

**Associated Information:**

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

FIRST READING AND A PUBLIC HEARING OF AN ORDINANCE AMENDING ARTICLE 17.03 SPEED LIMITS, REVISING SECTION 17.03.004 SPEED LIMITS ESTABLISHED FOR CERTAIN DESCRIBED STREETS; ADDING SECTION 17.03.005 CONSTRUCTION SPEED LIMITS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS 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 17, Traffic & Vehicles of the Code of Ordinances of the City of Cedar Park, Texas is hereby amended by revising Section 17.03.004 in its entirety and adding Section 17.03.005 as follows:

**Sec. 17.03.004 Speed limits established for certain described streets**

It is hereby determined upon the basis of an engineering and traffic investigation that the prima facie maximum speed limit on those portions of roads and highways in the city limits of Cedar Park, is as hereinafter stated and shall be effective at all times, and signs will be erected giving notice of the prima facie maximum speed limit so declared.

No person shall operate or drive a motor vehicle or other vehicle upon the following described streets at a greater speed than the speed designated for the street or portion of that street as set forth herein, and any speed in excess of the limits set forth in this article shall be prima facie evidence that such speed is neither reasonable nor prudent and is unlawful:

(1) ~~Highway 183. It is hereby determined upon the basis of an engineering and traffic investigation that the prima facie maximum speed limit on those portions of U.S. Highway 183 routed in the city limits of Cedar Park, is as hereinafter stated, which prima facie maximum speed limit shall be effective at all times and signs will be erected giving notice of the prima facie maximum speed limit so declared.~~

(A) For northbound traffic.

(i) Beginning at the south city limit of Cedar Park at milepoint 26.091, to milepoint 24.563, a distance of 1.528 miles, a prima facie maximum speed limit of 55 miles per hour.

(ii) From milepoint 24.563 to milepoint 24.206, a distance of 0.357 miles, a prima facie maximum speed limit of 50 miles per hour.

(iii) From milepoint 24.206 to milepoint 22.641, a distance of 1.565 miles, a prima facie maximum speed limit of 45 miles per hour.

(iv) From milepoint 22.641 to milepoint 21.664, a distance of 0.977 miles, a prima facie maximum speed limit of 50 miles per hour.

(v) From milepoint 21.664 to the north city limit of Cedar Park at milepoint 21.216, a distance of 0.488 miles, a prima facie maximum speed limit of 55 miles per hour.

(B) For southbound traffic.

(i) Beginning at the north city limit of Cedar Park at milepoint 21.216 to milepoint 21.664, a distance of 0.448 miles, a prima facie maximum speed limit of 55 miles per hour.

(ii) From milepoint 21.664 to milepoint 22.641, a distance of 0.977 miles, a prima facie maximum speed limit of 50 miles per hour.

(iii) From milepoint 22.641 to milepoint 24.206, a distance of 1.565 miles, a prima facie maximum speed limit of 45 miles per hour.

(iv) From milepoint 24.206 to milepoint 24.563, a distance of 0.357 miles, a prima facie maximum speed limit of 50 miles per hour.

(v) From milepoint 24.563 to the south city limit of Cedar Park at milepoint 26.091, a distance of 1.528 miles, a prima facie maximum speed limit of 55 miles per hour.

(1998 Code, sec. 10.304)

(2) RM 1431 (Whitestone Boulevard).

(A) Between Sam Bass Road and Parmer Lane (FM 734), a distance of 1.502 miles, the prima facie maximum speed limit shall be 60 miles per hour.

(B) Between Parmer Lane and a point 1034 feet west of Cottonwood Creek Trail, a distance of 1.634 miles, the prima facie maximum speed limit shall be 60 miles per hour.

(C) Between a point 1034 feet west of Cottonwood Creek Trail and US 183, a distance of 1.357 miles, the prima facie maximum speed limit shall be 50 miles per hour.

(D) Between US 183 and Lakeline Boulevard, a distance of 1.322 miles, the prima facie maximum speed limit shall be 50 miles per hour.

(E) Between Lakeline Boulevard and the Williamson/Travis County Line (a point 454 feet west of Anderson Mill Road), a distance of 0.534 miles, the prima facie maximum speed limit shall be 50 miles per hour.

(Ordinance CO49-08-09-11-C2 adopted 9/11/08)

(F) Beginning at the Williamson Co. and Travis Co. Line (a point approximately 37' east of the centerline of Anderson Mill Road) to the west city limit at milepoint 24.021, a distance of 1.468 miles, the prima facie maximum speed limit shall be 55 miles per hour. (Ordinance CO14-09-12-17-C1 adopted 12/17/09)

~~(3) Bagdad Road. It is hereby determined upon the basis of an engineering and traffic investigation that the prima facie maximum speed limit on those portions of Bagdad Road routed in the city limits of the city, is as hereinafter stated, which prima facie maximum speed limit shall be effective at all times except as specifically limited herein and signs will be erected giving notice of the prima facie maximum speed limit so declared to wit:~~

~~(A) For northbound traffic.~~

~~(i) Beginning at Farm Road RM 1431 north to the school zone sign a distance of 1.272 miles, the prima facie maximum speed limit shall be 40 miles per hour.~~

~~(ii) Beginning 1.272 miles north of Farm Road 1431 at the school zone sign, north to the city limits of Cedar Park, a distance of 269 feet, the prima facie maximum speed limit Monday through Friday during the hours of 7:00 a.m. to 9:00 a.m. and 1:45 to 4:00 p.m. shall be 20 miles per hour and at all other times shall be 40 miles per hour.~~

~~(B) For southbound traffic.~~

~~(i) Beginning at the north city limits of the city south to the school zone sign a distance of 269 feet, the prima facie maximum speed limit Monday through Friday during the hours of 7:00 a.m. to 9:00 a.m. and 1:45 p.m. to 4:00 p.m. shall be 20 miles per hour and at all other times shall be 40 miles per hour.~~

~~(ii) From the school zone sign south to Farm Road 1431, a distance of 1.272 miles, the prima facie maximum speed limit shall be 40 miles per hour.~~

~~(1998 Code, sec. 10.304)~~

(3) Bagdad Road.

(A) Between RM 1431 and New Hope Drive, a distance of 0.88 miles, the prima facie maximum speed limit shall be 45 miles per hour.

(B) Between New Hope Drive and Kettering Drive, a distance of 0.46 miles, the prima facie maximum speed limit shall be 45 miles per hour except within the Leander High School marked school zone which the prima facie maximum speed limit Monday through Friday shall be 30 miles per hour during the effective times as posted.

(4) New Hope Drive. It is hereby determined upon the basis of an engineering and traffic investigation that the prima facie maximum speed limit on those portions of New Hope Drive routed in the city limits is as hereinafter stated, which prima facie maximum speed limit shall be effective at all times except as specifically limited herein and signs will be erected giving notice of the prima facie maximum speed limit so declared to wit:

(A) Between RM 1431 and New Hope Road (Gann Ranch entrance), a distance of 0.610 miles, the speed limit shall be 45 miles per hour.

(B) Between New Hope Road (Gann Ranch entrance) and Lakeline Boulevard, a distance of 0.605 miles, the prima facie maximum speed limit shall be 40 miles per hour.

(C) Between Lakeline Boulevard and Bagdad Road, a distance of 0.653 miles, the prima facie maximum speed limit shall be 40 miles per hour.

(D) Between Bagdad Road and Bell Boulevard (US 183), a distance of 0.609 miles, the prima facie maximum speed limit shall be 40 45 miles per hour.

(E) Between Bell Boulevard (US183) and Main Street, a distance of 0.319 miles, the prima facie maximum speed limit shall be 40 45 miles per hour.

(F) Between Main Street and 183A, a distance of 0.875 miles, the prima facie maximum speed limit shall be 45 miles per hour.

(G) Between 183A and the eastern corporate city limits, a distance of 0.545 miles, the prima facie maximum speed limit shall be 40 miles per hour.

(Ordinance CO47-08-08-14-C6 adopted 8/14/08)

(5) Cypress Creek Road.

(A) ~~For westbound traffic. Beginning at the eastern corporate limits of the city and extending west to the corporate limits of the city the prima facie maximum speed limit shall be 40 miles per hour.~~

(B) ~~For eastbound traffic. Beginning at the western corporate limits of the city and continuing east to the corporate limits of the city the prima facie maximum speed limit shall be 40 miles per hour.~~

(Ordinance CO47-03-12-18-11.A adopted 12/18/03)

(5) Cypress Creek Road.

(A) Between 183A and US183, a distance of 0.56 miles, the prima facie maximum speed limit shall be 45 miles per hour.

(B) Between US183 and Lakeline Boulevard, a distance of 1.73 miles, the prima facie maximum speed limit shall be 45 miles per hour, except between the marked school zone of Faubion Elementary School, which the prima facie maximum speed limit Monday through Friday shall be 30 miles per hour during the effective hours as posted.

(C) Between Lakeline Boulevard and the west city limit at El Sol, the prima facie maximum speed limit shall be 45 miles per hour, except between the marked school zones of Cedar Park Middle School and Cedar Park High School, which the prima facie maximum speed limit Monday through Friday shall be 30 miles per hour during the effective hours as posted.

(6) Lakeline Boulevard.

(A) Between the south corporate limits of the city at West Riviera Drive and Cypress Creek Road, the prima facie maximum speed limit shall be 45 miles per hour.

~~(A)~~ (B) Between Cypress Creek Road and Buttercup Creek Boulevard, the prima facie maximum speed limit shall be ~~40~~ 45 miles per hour.

~~(B)~~ (C) Between Buttercup Creek Boulevard and Whitestone Boulevard (RM 1431), the prima facie maximum speed limit shall be ~~40~~ 45 miles per hour.

~~(C)~~ (D) Between Whitestone Boulevard (~~FM~~ RM 1431) and the north corporate limits of the city, the prima facie maximum speed limit shall be ~~40~~ 45 miles per hour, except between the marked school zones of Mason Elementary School and Running Brushy Middle School, which the prima facie maximum speed limit Monday through Friday shall be 30 miles per hour during the effective hours as posted.

(Ordinance CO26-02-05-23-8.B. adopted 5/23/02)

~~(7) Brushy Creek Road. It is hereby determined upon the basis of an engineering and traffic investigation that the prima facie maximum speed limit on those portions of Brushy Creek Road routed in the city limits of the city, is as hereinafter stated, which prima facie maximum speed limit shall be effective at all times except as specifically limited herein and signs will be erected giving notice of the prima facie maximum speed limit so declared to wit:~~

~~(A) For westbound traffic.~~

~~(i) Beginning at the eastern corporate limits of the city and extending west to the intersection of Lynnwood Drive, a distance of approximately 1.56 miles (8,236 ft), the prima facie maximum speed limit shall be 55 miles per hour.~~

~~(ii) Beginning at Lynnwood Drive and extending west to the intersection of Darkwood Drive, a distance of approximately .54 miles (2,832 ft), the prima facie maximum speed limit shall be 45 miles per hour.~~

~~(iii) Beginning at the east school zone sign west to the west school zone sign, the prima facie maximum speed limit Monday through Friday during the effective hours as posted shall be 30 miles per hour and at all other times shall be 45 miles per hour.~~

~~(B) For eastbound traffic:~~

~~(i) Beginning at Darkwood Drive and extending east to the intersection with Lynnwood Drive, a distance of approximately 1.56 miles (8,236 ft), the prima facie maximum speed limit shall be 45 miles per hour.~~

~~(ii) Beginning at the intersection of Lynnwood Drive and extending to the eastern corporate limits of the city, a distance of approximately 1.56 miles (8,236 ft), the prima facie maximum speed limit shall be 55 miles per hour.~~

~~(iii) Beginning at the west school zone sign east to the east school zone sign, the prima facie maximum speed limit Monday through Friday during the effective hours as posted shall be 30 miles per hour and at all other times shall be 45 miles per hour.~~

(Ordinance CO55-04-09-23-10B adopted 9/23/04)

(7) Brushy Creek Road.

(A) Between Parmer Lane and Darkwoods Drive, a distance of 2.08 miles, the maximum prima facie speed limit shall be 45 miles per hour, except between the marked school zone of Cox Elementary which the prima facie maximum speed limit Monday through Friday shall be 30 miles per hour during the effective hours as posted.

(B) Between Parmer Lane and the east corporate limits of the City, a distance of 2.01 miles, the maximum prima facie speed limit shall be 45 miles per hour.

(8) Vista Ridge Boulevard. It is hereby determined upon the basis of an engineering and traffic investigation that the prima facie maximum speed limit on those portions of Vista Ridge Boulevard within the city limits, is as hereinafter stated, which prima facie maximum speed limit shall be effective at all times except as specifically limited herein and signs will be erected giving notice of the prima facie maximum speed limit so declared to wit:

(A) For northbound traffic.

(i) Beginning at Brushy Creek Road and extending north to RM 1431, a distance of approximately 1.66 miles, the prima facie maximum speed limit shall be 40 miles per hour.

(ii) Beginning at the southern school zone sign north to the northernmost end school zone sign, a distance of approximately 0.72 miles, the prima facie maximum speed limit Monday through Friday during the effective hours as posted shall be 25 miles per hour and at all other times shall be 40 miles per hour.

(B) For southbound traffic.

(i) Beginning at RM 1431 and continuing south to Brushy Creek Road, a distance of approximately 1.66 miles, the prima facie maximum speed limit shall be 40 miles per hour.

(ii) Beginning at the northern school zone sign south to the southernmost end school zone sign, a distance of approximately 0.72 miles, the prima facie maximum speed limit Monday through Friday during the effective hours as posted shall be 25 miles per hour and at all other times shall be 40 miles per hour.

(Ordinance CO40-05-08-01-7A adopted 8/1/05)

~~(9) Colonial Parkway. It is hereby determined upon the basis of an engineering and traffic investigation that the prima facie maximum speed limit on those portions of Colonial Parkway within the city limits, is as hereinafter stated, which prima facie maximum speed limit shall be effective at all times except as specifically limited herein and signs will be erected giving notice of the prima facie maximum speed limit so declared to wit:~~

(A) For eastbound traffic.

(i) Beginning at Vista Ridge Boulevard and extending east to Parmer Lane, a distance of approximately 0.63 miles (3,325 ft.), the prima facie maximum speed limit shall be 40 miles per hour.

(B) For westbound traffic.

(i) Beginning at Parmer Lane and continuing west to Vista Ridge Boulevard, a distance of approximately 0.63 miles (3,325 ft.), the prima facie maximum speed limit shall be 40 miles per hour.

(10) Anderson Mill Road. Between RM 1431 and 200 feet south of Caspar Bend, a distance of 1.30 miles, the prima facie maximum speed limit shall be 40 miles per hour.

- (11) Arrow Point Drive. Between RM 1431 and La Jaita Drive, a distance of 0.38 miles, the prima facie maximum speed limit shall be 40 miles per hour.
- (12) Buttercup Creek Boulevard. Between US 183 and Lakeline Boulevard, a distance of 1.46 miles, the prima facie maximum speed limit shall be 35 miles per hour.
- (13) Cottonwood Creek Trail. Between RM 1431 and New Hope Drive, a distance of 0.60 miles, the prima facie maximum speed limit shall be 45 miles per hour.
- (14) Discovery Boulevard. Between US 183 and RM 1431, a distance of 0.83 miles, the prima facie maximum speed limit shall be 35 miles per hour.
- (15) Hatch Road. Between RR620 and Spiderlily View Drive, a distance of 0.64 miles, the prima facie maximum speed limit shall be 35 miles per hour.
- (16) La Jaita Drive. Between Cottonwood Creek Trail and Arrow Point Drive, a distance of 0.40 miles, the prima facie maximum speed limit shall be 35 miles per hour.
- (17) Market Street. Between RM 1431 and Colonial Parkway, a distance of 0.31 miles, the prima facie maximum speed limit shall be 35 miles per hour.
- (18) Medical Parkway. Between 183A frontage and Cottonwood Creek Trail, a distance of 0.65 miles, the prima facie maximum speed limit shall be 40 miles per hour.
- (19) Park Street.
  - (A) Between Vista Ridge Boulevard and Greater Scaup Lane, a distance of 0.61 miles, the prima facie maximum speed limit shall be 40 miles per hour.
  - (B) Between Greater Scaup Lane and Lynnwood Trail, a distance of 0.90 miles, the prima facie maximum speed limit shall be 35 miles per hour.
- (20) Ranch Trails. Between Parmer Lane and the southeast termini of Ranch Trails at Salorn Lane, a distance of 0.90 miles, the prima facie maximum speed limit shall be 35 miles per hour.
- (21) Woodall Drive. Between RM 1431 and New Hope Drive, a distance of 0.70 miles, the prima facie maximum speed limit shall be 45 miles per hour.

### **Sec. 17.03.005 Construction speed limits**

The City shall adopt by separate ordinance construction speed limits for roadways approved for construction which will supersede the speed limits shown in section Section 17.03.004 until such construction is formally accepted by the City.

SECTION 2. 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 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 28<sup>th</sup> day of July, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

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

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

APPROVED AS TO FORM  
AND CONTENT:

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



## CITY COUNCIL AGENDA

Date:7-28-2011

Subject: Agenda Item No. 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.**

### 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 changed from a municipal court process to an administrative fee process. 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 modifications be made to the enforcement process (Section 18.08.014). The key modifications include the following:

- In lieu of the existing system which uses criminal fines, administrative fees would be used. Utilizing an Administrative Fee process removes the Municipal Court component in favor of a more flexible and efficient administrative process.
- 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 administrative hearing with a City Manager designated hearing officer(s). If the customer wishes the appeal the result of the hearing, they may request a final hearing with the City Manager or Assistant City Manager. The results of the second hearing are final.

A red-lined version showing the proposed modifications of the Drought Contingency Plan is attached. The second reading is planned for the August 11<sup>th</sup> meeting.

**Director**

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**Fiscal Impact**  
**Account No.:**

**Budget**  
**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 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 28<sup>th</sup> day of July, 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 10<sup>th</sup> day of March, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

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 to replace the City's drought contingency and water emergency plan (the plan). The City commits to implement the program changes according to the procedures set forth in the revised 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 city, the water resources available to the 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 city and for the public health and welfare.

(b) Water uses regulated or prohibited under the drought contingency and water emergency 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 section 18.08.014 of this article.

*Sec. 18.08.003 Quantitative goals of this plan*

This plan reflects the quantitative goals specified by the City's water conservation plan (see 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 plan, including information about the conditions under which each stage of the plan 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 city's web site.

***Sec. 18.08.005 Wholesale water customer education***

The City will periodically provide wholesale water customers with information about the plan, including information about the conditions under which each stage of the plan 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 city is located within the Lower Colorado Regional Water Planning Area (Region K) of the state and the city has provided a copy of this plan to the Lower Colorado Regional Water Planning Area.

***Sec. 18.08.007 Authorization***

The city manager is hereby authorized and directed to implement the applicable provisions of this plan 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 plan.

***Sec. 18.08.008 Application***

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

***Sec. 18.08.009 Definitions***

For the purpose of this plan, 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 city's public water system which may include reuse effluent, raw, ground or well water.

**City.** The City of Cedar Park, Texas.

**City manager.** The city manager or any designated person acting on the city manager'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 city.

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 state, the target reduction goal is 5%.

(B) (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, the target reduction goal is 10%-20%.

(B) (C) Requirements for termination. Stage 2 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 2, stage 1 becomes operative. The city will notify its wholesale water customers of the initiation and termination of stage 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 section 18.08.009, for stage 3 of this plan when:

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, the target reduction goal is a minimum of 20%.

(B) (C) Requirements for termination. Stage 3 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 3, stage 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, 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 stage 2 shall remain in effect during stage 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 one day every seven days. The one 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 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 stage 2 will apply.

(4) Stage 4—Extreme water shortage conditions. The goal for stage 4 of the plan 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 city will cease the flushing of water mains except when necessary for reasons of health or safety. All city departments will discontinue irrigating public landscaped areas except when such areas are irrigated with auxiliary water.

(i) Water use restrictions. All requirements of stage 3 shall remain in effect during stage 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 city in accordance with the LCRA's drought management plan.

*Sec. 18.08.012 Pro rate water allocation*

Every wholesale water contract entered into or renewed by the city after the effective date of this plan, 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 plan.

*Sec. 18.08.013 Variances*

(a) The city manager may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan 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 plan 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 article shall file a petition for variance with the city manager within 5 days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the city manager 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 plan;
- (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 plan and the compliance date; and
- (8) Other pertinent information.

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

- (1) Variances granted shall include a timetable for compliance; and
- (2) Variances granted shall expire when the plan 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 plan occurring prior to the issuance of the variance.

**Sec. 18.08.014 Enforcement**

(a) No person shall knowingly or intentionally allow the use of water from the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the city, in accordance with provisions of this plan.

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

~~Any person who violates this plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine in accordance with the general penalty provision found in section 1.01.009 of this code. Each day that one or more of the provisions in this plan is violated shall constitute a separate offense.~~ If a person violates this Ordinance **four or more times**, the city shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at fifty dollars (\$50.00), and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given

to the city that the same action shall not be repeated while the plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

(c) 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 city that the sections, paragraphs, sentences, clauses, and phrases of this article are severable and, if any phrase, clause, sentence, paragraph, or section of this plan 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 sections of this plan, since the same would not have been enacted by the city without the incorporation into this plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.



## CITY COUNCIL AGENDA

Date:7-28-2011

Subject: Agenda Item No. 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.**

### Commentary:

The purpose of this agenda item is for the rezoning of property currently designated as General Retail (GR) to be rezoned to General Office (GO) for property located on 183A in the 1890 Ranch shopping center just south of 183A at Medical Parkway. .

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

The Planning and Zoning Commission voted 6-0 to approve the request.

In favor: Jon Lux, Nicholas Kauffman, Alan Yore, Thomas Balestiere, Stephen Thomas and Sandy Trujillo

Opposed: None

Absent: Lorena Echeverria

### Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on June 21, 2011. No public testimony was received.

### Background:

Owner: 1890 Ranch Ltd.

Please see attached Planning & Zoning Commission Report for details.

### Public Information Plan:

*June 9, 2011:* Public notice of the Planning and Zoning Commission public hearing published in the Hill Country News.

*June 10, 2011:* Two (2) 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

*June 21, 2011:* Planning and Zoning Commission public hearing

*July 7, 2011:* Public notice of the City Council public hearing published in the Cedar Park Citizen  
*July 28, 2011:* City Council 1<sup>st</sup> reading and public hearing

**City Manager's Remarks**

**Fiscal Impact**

Account No.:

**Budget**

Budget/Expended:

**Legal Certifications**

**Associated Information:**

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

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO REZONE APPROXIMATELY 0.344ACRES FROM GENERAL RETAIL (GR) TO GENERAL OFFICE (GO), FOR PROPERTY LOCATED ON THE EAST SIDE OF 183A JUST SOUTH OF MEDICAL PARKWAY, IN WILLIAMSON COUNTY. (Z-11-011); 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 0.344 acres to General Office (GO) as set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

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

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

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

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

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 28<sup>th</sup> day of July, 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:

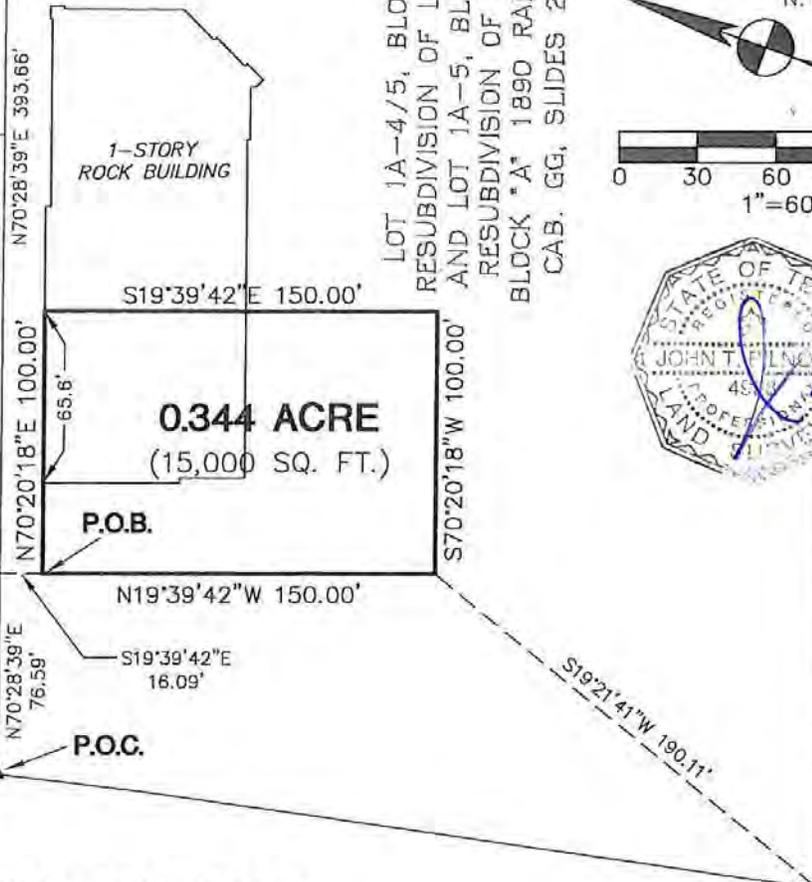
\_\_\_\_\_  
Charles W. Rowland, City Attorney

LOT 1A-1, BLOCK "A"  
 RESUBDIVISION OF LOT 1A,  
 BLOCK "A" 1890 RANCH WEST  
 CABINET "FF", SLIDES 183-186

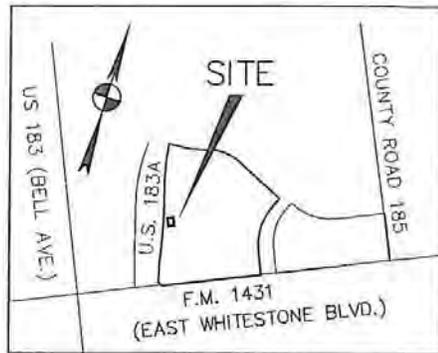
**LEGEND**

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ▲ NAIL FOUND
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

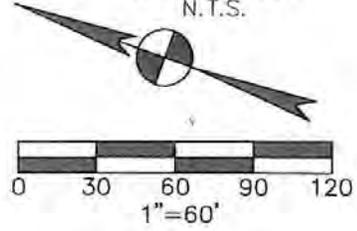
LOT 1A-3, BLOCK "A" RESUBDIVISION  
 OF LOT 1A, BLOCK "A"  
 1890 RANCH WEST  
 CABINET "FF", SLIDES 183-186



LOT 1A-4/5, BLOCK "A"  
 RESUBDIVISION OF LOT 1A-4  
 AND LOT 1A-5, BLOCK "A",  
 RESUBDIVISION OF LOT 1A,  
 BLOCK "A" 1890 RANCH WEST  
 CAB. GG, SLIDES 262-263



**VICINITY MAP**  
 N.T.S.



LOT 1A-9, BLOCK "A"  
 RESUBDIVISION OF  
 LOT 1A, BLOCK "A"  
 1890 RANCH WEST  
 CABINET "FF",  
 SLIDES 183-186

**183A TOLL ROAD**  
 (R.O.W. VARIES)

**Bury+Partners**  
 ENGINEERING SOLUTIONS  
 221 West Sixth Street, Suite 600  
 Austin, Texas 78701  
 Tel. (512)328-0011 Fax (512)328-0325  
 Bury+Partners, Inc. ©Copyright 2011

**SKETCH TO ACCOMPANY DESCRIPTION**  
 OF A 0.344 ACRE OF LAND OUT OF THE S.J. DOVER SURVEY ABSTRACT NO. 6B, SITUATED IN THE CITY OF CEDAR PARK, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT 1A-4/5, BLOCK "A", RESUBDIVISION OF LOT 1A-4 AND LOT 1A-5, BLOCK "A", RESUBDIVISION OF LOT 1A, BLOCK "A", 1890 RANCH WEST, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET "GG", SLIDES 262-263, ALL OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.

**ENDEAVOR REAL ESTATE GROUP**

**EXHIBIT A**

0.344 ACRE  
ENDEAVOR REAL ESTATE GROUP  
1890 RANCH WEST RESUBDIVISION

FN. NO. 11-146(ACD)  
MAY 11, 2011  
BPI JOB NO. 1000-68

#### DESCRIPTION

OF A 0.344 ACRE OF LAND OUT OF THE S.J. DOVER SURVEY ABSTRACT NO. 68, SITUATED IN THE CITY OF CEDAR PARK, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF LOT 1A-4/5, RESUBDIVISION OF LOT 1A-4 AND LOT 1A-5, BLOCK "A", RESUBDIVISION OF LOT 1A, BLOCK "A" 1890 RANCH WEST, A SUBDIVISION OF RECORD IN CABINET "GG", SLIDES 262-263, OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 0.344 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING**, for reference, at a 1/2-inch iron rod found on the easterly right-of-way line of 183A Toll Road (R.O.W. Varies), being the southwesterly corner of Lot 1A-3, Block "A", Resubdivision of Lot 1A, Block "A" 1890 Ranch West, a subdivision of record in Cabinet "FF", Slides 183-186 of said Plat Records, for the northwesterly corner of said Lot 1A-4/5;

**THENCE**, N70°28'39"E, leaving said easterly right-of-way line, along the southerly line of said Lot 1A-3, in part along the northerly line of said Lot 1A-4/5, a distance of 76.59 feet to a point, from which a PK Nail found at the northeasterly corner of said Lot 1A-4/5 bears N70°28'39"E, a distance of 393.66 feet;

**THENCE**, S19°39'42"E, leaving said southerly line of Lot 1A-3, over and across said Lot 1A-4/5, a distance of 16.09 feet to the **POINT OF BEGINNING** and northwesterly corner hereof;

**THENCE**, continuing over and across said Lot 1A-4/5, for the northerly, the easterly, the westerly, and the southerly lines hereof, the following four (4) courses and distances:

- 1) N70°20'18"E, a distance of 100.00 feet to the northeasterly corner hereof;
- 2) S19°39'42"E, a distance of 150.00 feet to the southeasterly corner hereof;
- 3) S70°20'18"W, a distance of 100.00 feet to the southwesterly corner hereof, from which a 1/2 inch iron rod found at the southwesterly corner of said Lot 1A-4/5 bears S19°21'14"W, a distance of 190.11 feet;

FN 11-146(KWA)  
MAY 11, 2011  
PAGE 2 OF 2

- 4) N19°39'42"W, a distance of 150.00 feet to the **POINT OF BEGINNING**, and containing 0.344 acre (15,000 square feet) of land, more or less, within these metes and bounds.

BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(HARN) UTILIZING CEDAR PARK GPS MONUMENTS 3, 10, & 22 AND LCRA MONUMENT NO. T-113.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND BY BURY+PARTNERS, INC. UNDER MY DIRECTION AND SUPERVISION.

BURY & PARTNERS, INC.  
ENGINEERING-SOLUTIONS  
221 SIXTH STREET, SUITE 600  
AUSTIN, TEXAS 78701

   
\_\_\_\_\_  
JOHN T. BILNOSKI, R.P.L.S.  
NO. 4998  
STATE OF TEXAS



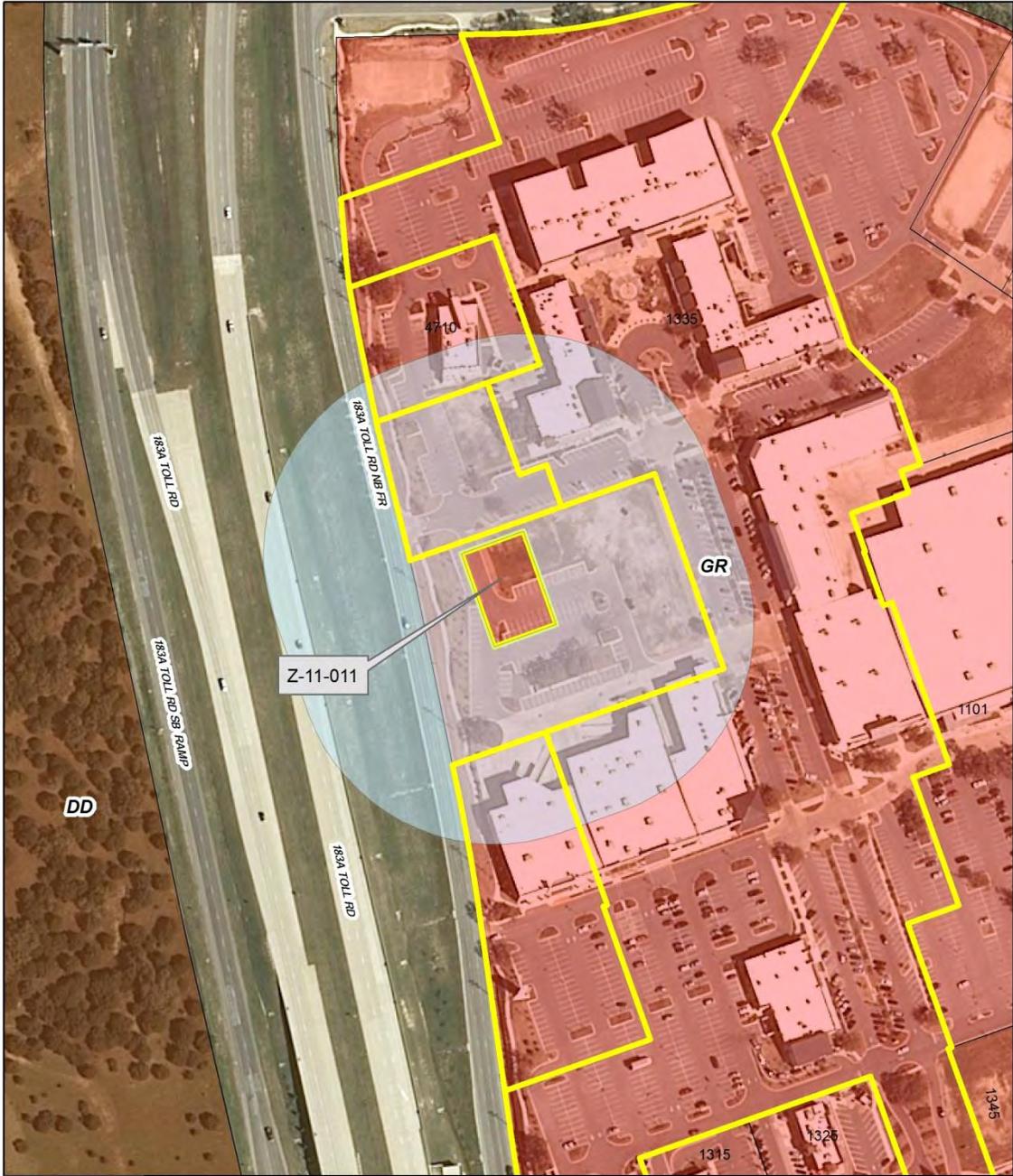
**EXHIBIT A**



**Z-11-011**



**EXHIBIT B**



**Z-11-011**



**NOTIFICATION AREA**

June 21, 2011	<i>Planning and Zoning Commission</i>	<b>Item: 8B and 9B</b>
Zoning	<b>1890 Ranch West Lot 1A 4/5</b>	
<b>Case Number: Z-11-011</b>		

**OWNER/APPLICANT:** 1890 Ranch Ltd.

**AGENT:** Daniel Campbell, Endeavor

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

**LOCATION:** East side of 183A just south of Medical Parkway

**COUNTY:** Williamson County

**AREA:** 0.344 acres

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

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

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

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

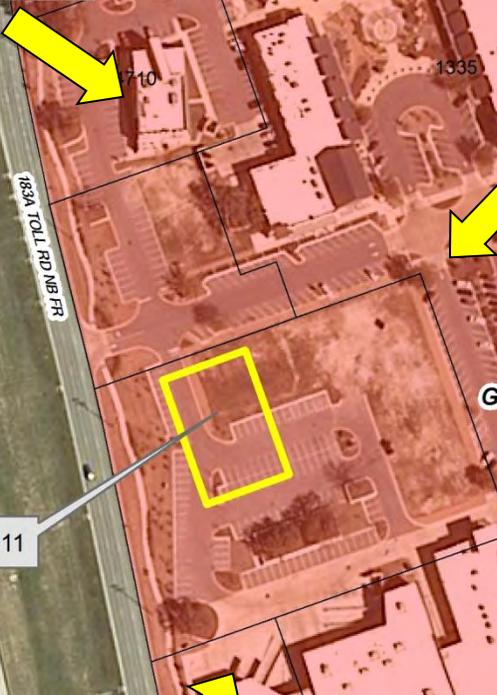
**FUTURE LAND USE PLAN PROPOSED:** Regional Office/Retail/Commercial

---

**SUMMARY OF APPLICANT'S REQUEST:**

The applicant's request is to rezone approximately 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 proposed location is part of the 1890 Ranch development. The area proposed for rezoning is part of an existing unoccupied building that completed construction earlier this year.

*SITE:*



**PURPOSE OF REQUESTED ZONING DISTRICTS:**

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

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

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

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

**SITE INFORMATION:**

*Corridor Overlay:*

183A is a corridor roadway.

*Transportation:*

183A is classified as a toll road.

*Subdivision:*

This property is part of 1890 Ranch West subdivision.

*Setback Requirements:*

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

*Architectural Requirements:*

This site is subject to the masonry requirements established with the 1890 Ranch Development Agreement.

**STAFF ANALYSIS:**

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

- 4.1.6 Economic Development Goals – Diversify and broaden Cedar Park's economic base to keep up with anticipated growth while both keeping taxes competitive and maintaining a high level of City services.

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

The following uses are permitted in the GO district:

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

**STAFF RECOMMENDATION:**

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

**PUBLIC NOTICE:** June 9, 2011 Hill Country News; Notices were mailed to the 2 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:** July 28, 2011 ~ 1<sup>ST</sup> Reading  
August 11, 2011 ~ 2<sup>ND</sup> Reading



## CITY COUNCIL AGENDA

Date:7-28-2011

Subject: Agenda Item No. 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.**

### Commentary:

The purpose of this agenda item is for the rezoning of property currently designated as General Retail (GR) to be rezoned to General Office (GO) for property located at the southwest corner of Arrow Point Drive and E. Whitestone Boulevard.

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

The Planning and Zoning Commission voted 6-0 to approve the request.

In favor: Jon Lux, Nicholas Kauffman, Alan Yore, Thomas Balestiere, Stephen Thomas and Sandy Trujillo

Opposed: None

Absent: Lorena Echeverria

### Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on June 21, 2011. No public testimony was received.

### Background:

Owner: Kathleen and Laurice Peloquin

Please see attached Planning & Zoning Commission Report for details.

### Public Information Plan:

*June 9, 2011:* Public notice of the Planning and Zoning Commission public hearing published in the Hill Country News.

*June 10, 2011:* Twelve (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

*June 21, 2011:* Planning and Zoning Commission public hearing  
*July 7, 2011:* Public notice of the City Council public hearing published in the Cedar Park Citizen  
*July 28, 2011:* City Council 1<sup>st</sup> reading and public hearing

**City Manager's Remarks**

**Fiscal Impact**

Account No.:

**Budget**

Budget/Expended:

**Legal Certifications**

**Associated Information:**

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

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO REZONE APPROXIMATELY 7.79 ACRES FROM GENERAL RETAIL (GR) TO GENERAL OFFICE (GO), FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ARROWPOINT DRIVE AND E. WHITESTONE BOULEVARD, IN WILLIAMSON COUNTY. (Z-11-011); 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 7.79 acres to General Office (GO) as set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

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

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

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

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

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 28<sup>th</sup> day of July, 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

**METES AND BOUNDS DESCRIPTION**

**FOR A 7.793 ACRE TRACT OF LAND SITUATED IN THE SAMUEL DAMON SURVEY, ABSTRACT NO. 170 WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 22.23 ACRE TRACT OF LAND AS DESCRIBED IN THAT DEED TO KATHLEEN PELOQUIN, RECORDED AS DOCUMENT NO. 2004001053 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SAID 7.793 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a ½" iron rod with cap found labeled "CCC 4835" for a point being the terminus of the west right-of-way line of Arrow Point Drive, a 120-foot wide public right-of-way described in Document No. 2005034022, Deed Records of said County,, said point being also on the north boundary line of a 53.06 acre tract of land as described in that deed to Creekside Park, LTD., recorded as Document No. 2001031684 of the Official Public Records of said County, same point being on the south boundary line of said 22.23 acre tract, for the southeast corner hereof;

**THENCE** with the south boundary line of said 22.23 acre tract and the north boundary line of said 53.06 acre tract, **S 69°33'41" W** a distance of **378.44** feet to a ½" iron rod found for a point being the southwest corner of said 22.23 acre tract, said point being also the northwest corner of said 53.06 acre tract and also lying on the east boundary line of a 5.97 acre tract as described in that deed to Alan M. Hill and Debi Hill, recorded in Volume 2280, Page 779 of the Deed Records of said County, for the southwest corner hereof;

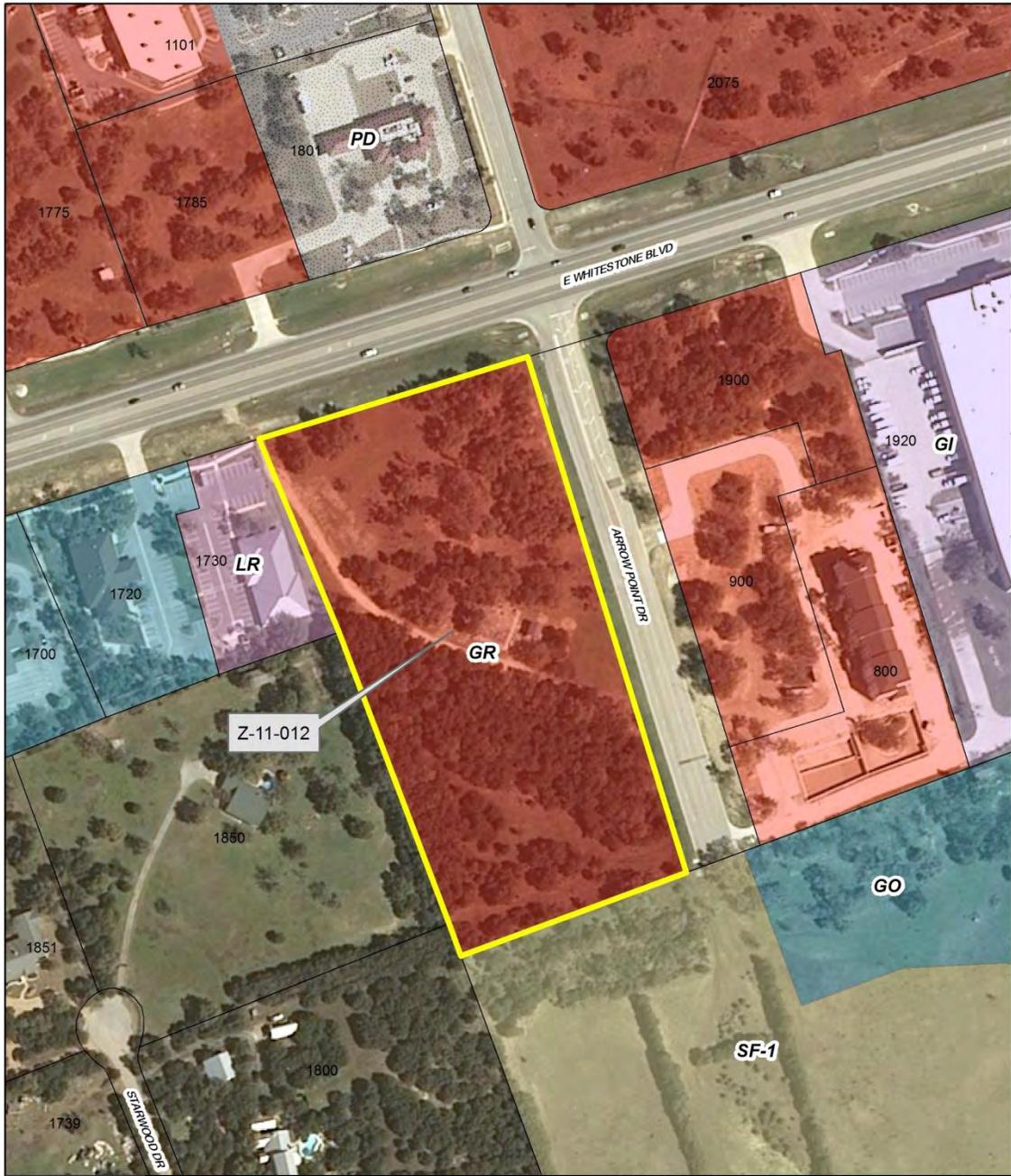
**THENCE** with the west boundary line of said 22.23 acre tract and in part with the east boundary line of the said Hill tract, and in part with the east boundary line of a 5.79 acre tract of land as described in a deed to Alex Abadi, recorded as Document No. 2008032760 of the Official Public Records of said County and in part with the east boundary line of Lot 2, CTKA Subdivision, as shown on a plat recorded in Cabinet CC, Slide 396 of the Plat Records of said County, **N 21°07'05" W**, passing at a distance of 0.67 feet, a ½" iron rod with cap found labeled "CCC 2218" and passing at a distance of 48.03 feet, a 2 inch iron pipe found at the northeast corner of said Hill Tract, same being the southeast corner of said Abadi tract and passing at a distance of 528.00 feet, a ½" iron rod found at the northeast corner of the said Abadi tract, same being the southeast corner of said Lot 2, in all for a total distance of **845.95** feet to a ½" iron rod with cap found labeled "CCC 4835" for a point being the northeast corner of said Lot 2, same being a point on the north boundary line of the said 22.23 acre tract and also lying on the south right-of-way line of East Whitestone Boulevard (F.M. 1431), a 200-foot wide public right-of-way, for the northwest corner hereof;

**THENCE** with the north boundary line of said 22.23 acre tract and the south right-of-way line of said East Whitestone Boulevard, **N 72°54'12" E** a distance of **411.90** feet to a point of curvature hereof;

**THENCE** with the transition from the south right-of-way line of said East Whitestone Boulevard, to the west right-of-way line of said Arrow Point Drive, with the arc of a curve to the right having a radius of **25.00** feet, an arc length of **39.23** feet, a central angle of **89°55'06"** and a chord which bears **S 62°19'23" E** a distance of **35.33** feet to a point of tangency hereof;

**THENCE** with the west right-of-way line of said Arrow Point Drive, **S 17°06'24" E** a distance of **796.92** feet to the **POINT OF BEGINNING** hereof and containing **7.793 acres** of land.

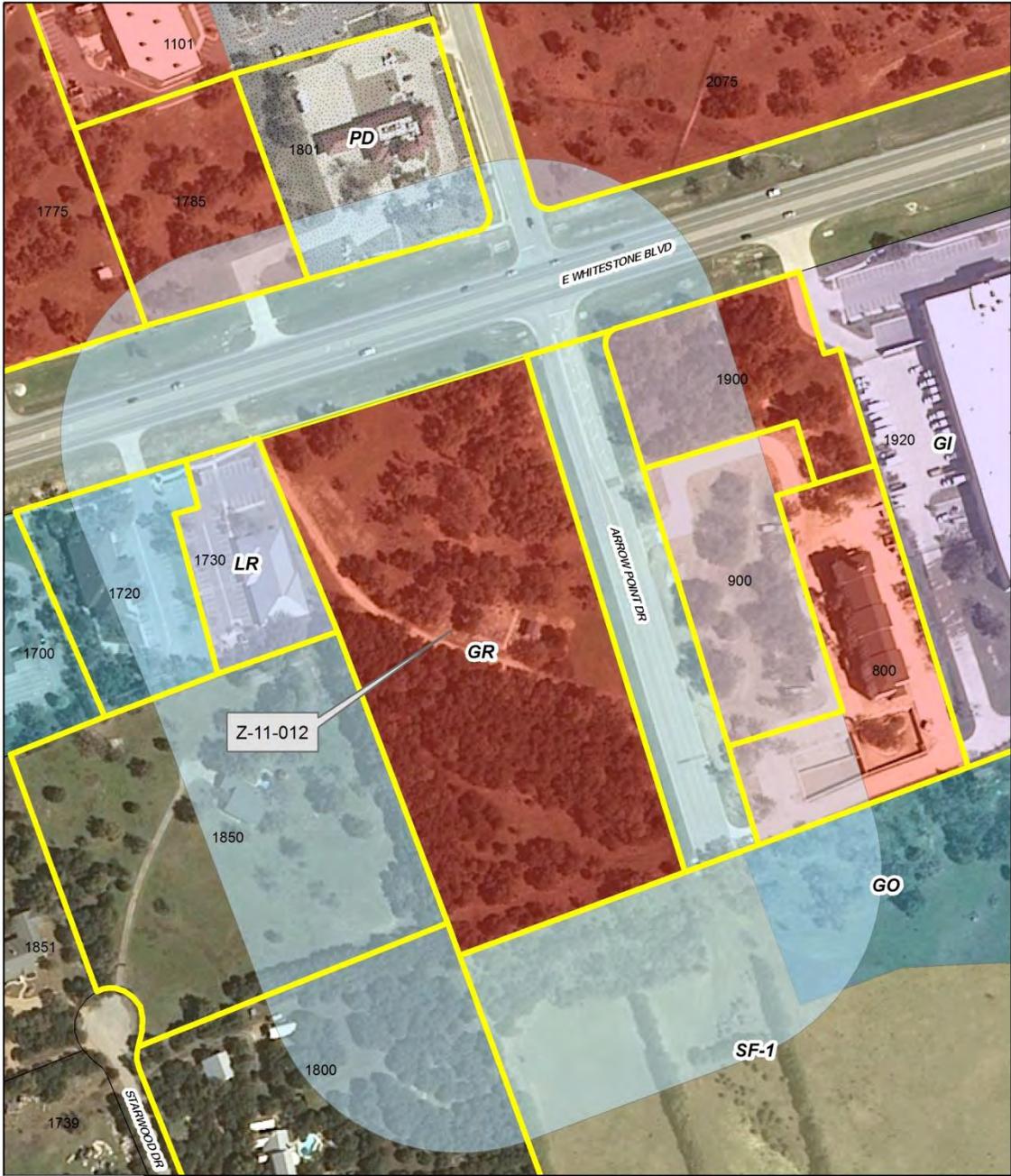
Bearings shown herein are referenced to grid north, Texas State Plane Coordinate System, Central Zone, NAD 83/HARN 99.



**Z-11-012**



**EXHIBIT B**



**Z-11-012**



**NOTIFICATION AREA**

June 21, 2011	<i>Planning and Zoning Commission</i>	<b>Item: 8C and 9C</b>
Zoning	<b>Arrow Point at 1431 (SW)</b>	
<b>Case Number: Z-11-012</b>		

**OWNER/APPLICANT:** Kathleen and Laurice Peloquin

**AGENT:** Alan Hucaby, GHLA Architects

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

**LOCATION:** Southwest corner of Arrow Point and E. Whitestone

**COUNTY:** Williamson County

**AREA:** 7.79 acres

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

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

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

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

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

**SUMMARY OF APPLICANT'S REQUEST:**

The applicant's request is to rezone approximately 7.79 acres from General Retail (GR) to General Office (GO) for property located at the southwest corner of Arrow Point and E. Whitestone Boulevard. The property is undeveloped.

*SITE:*





**PURPOSE OF REQUESTED ZONING DISTRICTS:**

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

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

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

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

**SITE INFORMATION:**

*Corridor Overlay:*

E. Whitestone Boulevard is a corridor roadway.

*Transportation:*

E. Whitestone Boulevard is classified as a major arterial. Arrow Point Drive is a collector roadway.

*Subdivision:*

This property is not currently platted.

*Setback Requirements:*

Front Setback	25'
Side Setback	12'
Rear Setback	5'/20'

*Architectural Requirements:*

This site is subject to the corridor overlay masonry requirements of 75% for the portion located within 400' of E. Whitestone Boulevard, the remainder will be required to be 50% masonry.

**STAFF ANALYSIS:**

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

- 4.1.6 Economic Development Goals – Diversify and broaden Cedar Park's economic base to keep up with anticipated growth while both keeping taxes competitive and maintaining a high level of City services

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

The property abuts existing single family zoned property to the south and a portion to the east. The GO district provides for a better transition to the single family.

The following uses are permitted in the GO district:

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

**STAFF RECOMMENDATION:**

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

**PUBLIC NOTICE:** June 9, 2011 Hill Country News; Notices were mailed to the 12 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:** July 28, 2011 ~ 1<sup>ST</sup> Reading  
August 11, 2011 ~ 2<sup>ND</sup> Reading



## CITY COUNCIL AGENDA

Date:7-28-2011

Subject: Agenda Item No. 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.**

### Commentary:

The purpose of this agenda item is for the rezoning of property currently designated as Commercial Services (CS) to be rezoned to Light Industrial (LI) for property located at 3320 W. Whitestone.

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

The Planning and Zoning Commission voted 6-0 to approve the request.

In favor: Jon Lux, Nicholas Kauffman, Alan Yore, Thomas Balestiere, Stephen Thomas and Sandy Trujillo

Opposed: None

Absent: Lorena Echeverria

### Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on June 21, 2011. No public testimony was received.

### Background:

Owner: Jimmy Nassour, Stephen Oyster, and Cabot-Chase Ltd.

Please see attached Planning & Zoning Commission Report for details.

### Public Information Plan:

- June 9, 2011:* Public notice of the Planning and Zoning Commission public hearing published in the Hill Country News.
- June 10, 2011:* Two (2) 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
- June 21, 2011:* Planning and Zoning Commission public hearing

*July 7, 2011:* Public notice of the City Council public hearing published in the Cedar Park Citizen  
*July 28, 2011:* City Council 1<sup>st</sup> reading and public hearing

**City Manager's Remarks**

**Fiscal Impact**

Account No.:

**Budget**

Budget/Expended:

**Legal Certifications**

**Associated Information:**

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

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO REZONE APPROXIMATELY 3.75 ACRES FROM COMMERCIAL SERVICES (CS) TO LIGHT INDUSTRIAL (LI), FOR PROPERTY LOCATED AT 3320 W. WHITESTONE, IN TRAVIS COUNTY. (Z-11-013); 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 3.75 acres to Light Industrial (LI) as set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

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

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

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

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

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 28<sup>th</sup> day of July, 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

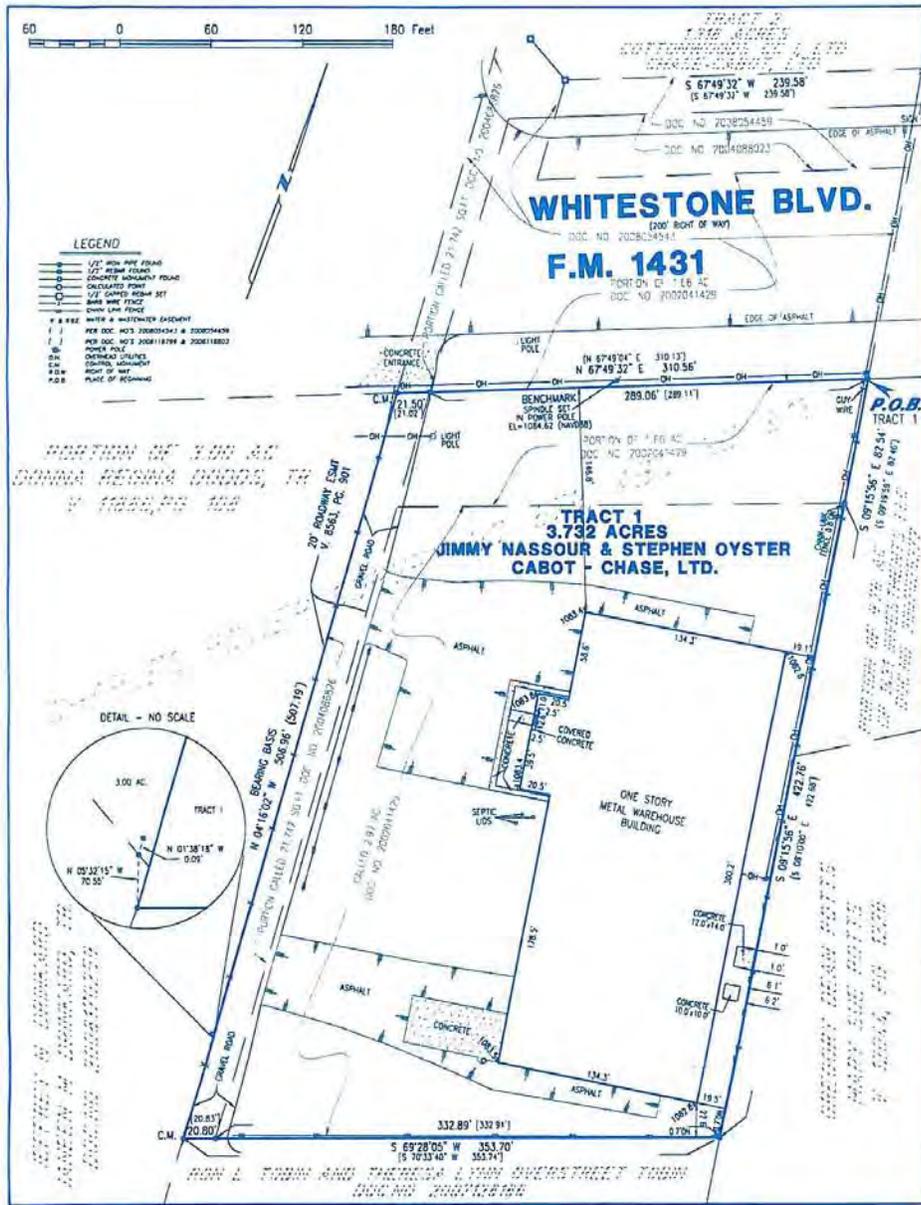
ATTEST:

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

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

APPROVED AS TO FORM  
AND CONTENT:

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



TRACT 1: BEING 3.732 ACRES OF LAND, MORE OR LESS, SITUATED IN THE CHARLES POWER SURVEY NO. 879, ABSTRACT NO. 813 IN TRAVIS COUNTY, TEXAS; BEING THAT CALLED 4.919 ACRE TRACT OF LAND CONVEYED TO CABOT-CHASE, LTD., JIMMY NASSOUR, AND STEPHEN OYSTER IN DOCUMENT NUMBER 2008118799 AND 2008118803, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; DESCRIBED AS BEING A PORTION OF THAT CALLED 1.66 ACRE TRACT OF LAND AND ALL OF THAT CALLED 2.937 ACRE TRACT OF LAND CONVEYED TO FIRST STATE BANK, CENTRAL TEXAS IN DOCUMENT NUMBER 2020041429, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; AND BEING A PORTION OF THAT CALLED 21,742 SQUARE FOOT TRACT OF LAND CONVEYED TO FIRST STATE BANK, CENTRAL TEXAS IN DOCUMENT NUMBER 2008088828, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID AND EXCEPT THAT CALLED 1.697 ACRE TRACT OF LAND CONVEYED TO THE STATE OF TEXAS PER CAUSE NUMBER C-1-CV-07-008649 IN DOCUMENT NUMBER 2008054543, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ATTACHED HERETO AND MADE A PART HEREOF.

COUNTY TRAVIS STATE OF TEXAS STREET ADDRESS 3300 WOODALL DRIVE/3310 W. WHITESTONE BLVD.  
 CITY CEDAR PARK REFERENCE NAME CABOT-CHASE, LTD.; JIMMY NASSOUR; STEPHEN OYSTER; COTTONWOODS COUNTRY CLUB

Notes:

1.) SUBJECT TO AN EASEMENT TO PEDERNALES ELECTRIC COOPERATIVE, INC. IN VOLUME 2255, PAGE 430.

**B&G Surveying, Inc.**  
 Deway H. Burns & Associates  
 Surveyed by **B&G Surveying, Inc.**

1104 West Sixth Street, Austin, Texas 78706  
 Phone 512-452-1888 • Fax 512-452-1889

THIS MAP IS NOT DESIGNED AS BEING A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP OR IN SATED OUTFLOOD IT IS REPRESENTED AS IN ZONE "V" HOWEVER AT PRESENT TIME, NO ELEVATIONS, CHANNELS, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED BY SAID MAP AND DOES NOT APPLY THAT THE PROPERTY AND/OR THE PROPOSED STRUCTURE WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAIN ADMINISTRATOR.

TO THE LOCATOR AND / OR PRESIDENT/MEMBER OF THE FIRMS SURVEYED AND TO LOCAL LISTED INSURANCE COMPANY CHICAGO, ILL. INSURANCE COMPANY

1.) ALL SURVEY EXPENSES IN THESE LETTERS HEREIN SHALL BE PAID BY THE SURVEYOR UNLESS OTHERWISE SPECIFIED IN WRITING. 2.) ALL SURVEYING SHALL BE ACCORDING TO THE TITLE COMPLIANT REFERENCES WHICH ARE THE MOST RECENT EDITIONS OF THE SURVEYING AND MAPPING ACTS OF TEXAS AND THE FEDERAL GOVERNMENT AND COMPLEX ENGINEERING DRAWINGS OF INSTRUMENTS OF SURVEY IN PLACE EXCEPT IN SPECIAL CASES.

FIELD WORK	DATE	08/15/21
CALCULATIONS	DATE	08/17/21
DRAWING	DATE	08/23/21
CORRECTIONS	DATE	7-8-21
DATE		

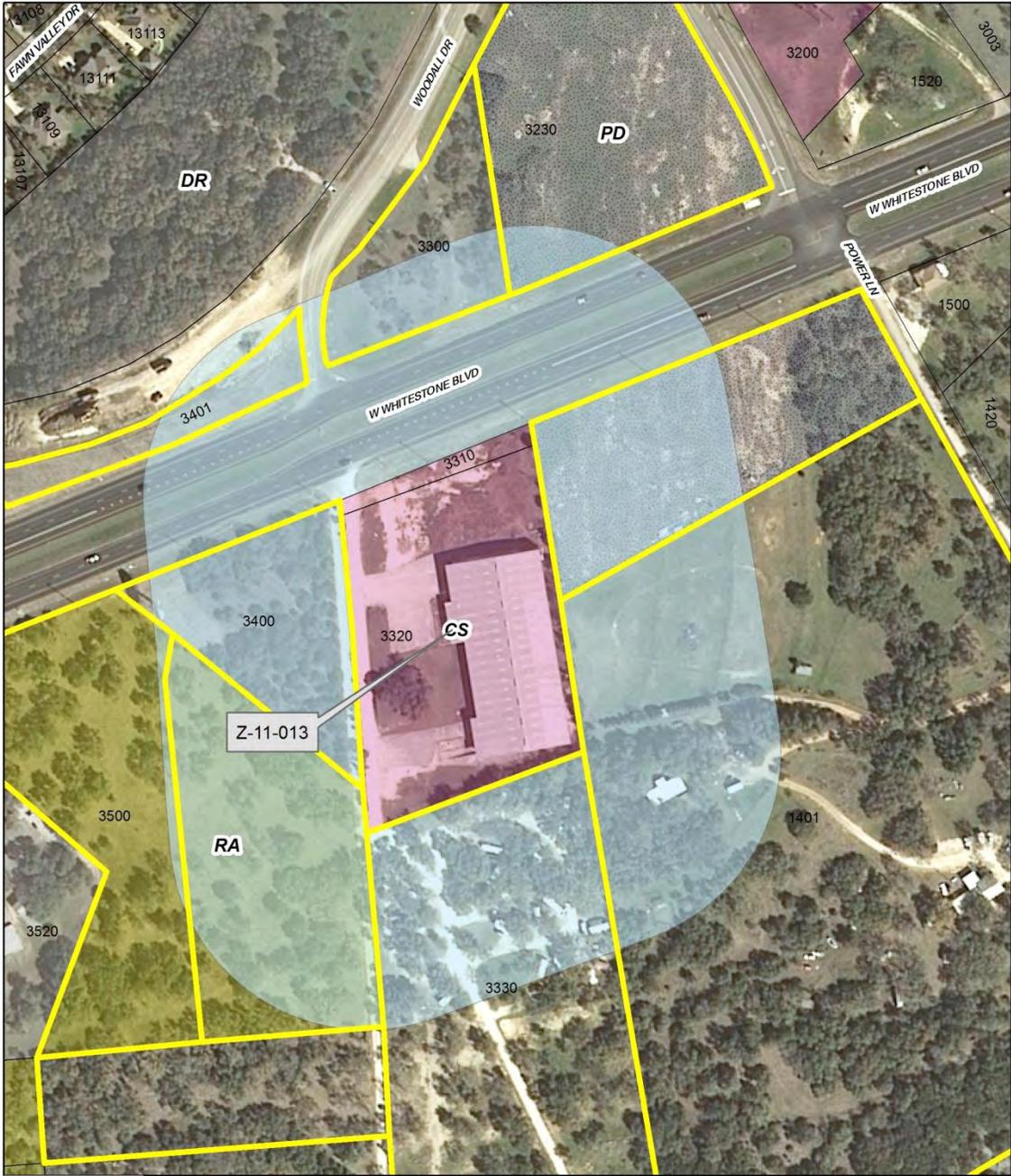
EXHIBIT A



**Z-11-013**



**EXHIBIT B**



**Z-11-013**



**NOTIFICATION AREA**

June 21, 2011 Zoning	<i>Planning and Zoning Commission</i> <b>3320 W. Whitestone</b>	<b>Item: 8D&amp;9D</b>
<b>Case Number: # Z-11-013</b>		

**Owner:** Jimmy Nassour, Stephen Oyster, and Cabot-Chase, Ltd.

**Agent:** Coy Foust

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

**LOCATION:** 3320 W. Whitestone

**COUNTY:** Travis

**AREA:** 3.75 acres

---

**EXISTING ZONING:** Commercial Services (CS)

**PROPOSED ZONING:** Light Industrial (LI)

**STAFF RECOMMENDATION:** Light Industrial (LI)

---

**SUMMARY OF REQUEST:**

Jimmy Nassour, Stephen Oyster, and Cabot-Chase, Ltd. are requesting to rezone approximately 3.8 acres from Commercial Services (CS) to Light Industrial (LI) for property located at 3320 W. Whitestone. The property is developed with a large building that has been vacant for many years.

**Site**





**PURPOSE OF REQUESTED ZONING DISTRICT:**

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 Industrial land uses, with compatible districts being Heavy Commercial (HC), Light Industrial (LI), General Industrial (GI), Heavy Industrial (HI) and Commercial Services (CS).

The applicant’s request complies with the Future Land Use Plan and is consistent with the goals and purposes set forth in the Comprehensive Plan, as exemplified below:

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.

4.2.4 A Commercial Redevelopment:

- Prepare for future commercial redevelopment and encourage redevelopment where possible

**SITE INFORMATION:**

***Corridor Overlay:***

This tract is located within the Corridor Overlay.

***Transportation:***

W. Whitestone Boulevard is classified as a major arterial.

***Subdivision:***

This tract is not subdivided.

***Setback Requirements:***

	<b>Light Industrial (LI)</b>
<b>Front Setback</b>	25'
<b>Side Setback</b>	25'
<b>Side Setback at Street</b>	25'

### ***Architectural Requirements:***

Within the Corridor Overlay, 75% masonry construction is required.

### **STAFF COMMENTARY:**

This site was constructed many years ago and has been vacant at least five (5) years. The properties surrounding the site are primarily undeveloped with the exception of the tract to the south which is used as an RV park. 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 uses permitted in the LI district are:

1. Art studio, industrial
2. Manufacturing, custom
3. Manufacturing, processing and assembly facilities, light
4. Office/warehouse
5. Seasonal businesses, See [Article 11.07 \[11.06\], Division 2 \[Chapter 6, Article 6.02.\]](#)
6. Telecommunication towers
7. Transit station
8. Utility services, general
9. Warehousing and distribution, limited
10. Wholesale sales, Sec. [11.02.217C](#)
11. Temporary buildings, [Sec. 11.01.010](#)
12. Temporary uses specific to this district, Sec. [11.02.217A](#)
13. Secondary uses specific to this district, Sec. [11.02.217B](#)
14. Accessory structures see [Secs. 11.04.001–11.04.004](#)
15. Wireless telecommunications facilities

### **RECOMMENDATION:**

Staff supports the applicant's request for LI zoning.

**PUBLIC INPUT:** Staff has received no inquiries regarding this application at the time of publication of this report.

**PUBLIC NOTIFICATION:** Hill Country News, June 9, 2011  
6 letter notices were sent to property owners within the 300' buffer

**PROPOSED CITY COUNCIL HEARINGS:** (July 28, 2011) 1<sup>ST</sup> Reading  
(August 11, 2011) 2<sup>ND</sup> Reading



## CITY COUNCIL AGENDA

Date:7-28-2011

Subject: Agenda Item No. 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.**

### **Commentary:**

A site development permit application (SD-10-00020) was submitted by Austin Civil Engineering on December 2<sup>nd</sup>, 2010 for the proposed Anderson Mill Convenience Store. The site is located in Cedar Park's extra-territorial jurisdiction (ETJ) at the intersection of Anderson Mill Road and Lime Creek Road.

All staff review comments for the site development permit have been addressed with the exception of the approval of a Protected Tree Removal Application for one Heritage live oak located on the property. Section 14.07.018 of the Site Development Ordinance requires a public hearing and City Council approval for the removal of a Heritage Tree. Heritage Trees are defined as any hardwood tree with a trunk diameter of 26 inches or greater. All other landscaping and tree preservation requirements, as prescribed in the Ordinance, have been met.

The Protected Tree Removal Application and the Site Plan are attached.

Brent Hammond, project engineer from Austin Civil Engineering, will be available to answer any questions.

### **Fiscal Impact**

Account No.:

### **Budget**

Budget/Expended:

### **Associated Information:**



**CEDAR  
PARK**

**Protected Tree Removal Application**

(In accordance with the Cedar Park Landscape and Tree Ordinance #98-027 Section 13:18)

Date of Application: 6/8/11

Address of Property: 15101 Anderson Mill Road

Name of Applicant: Austin Civil Engineering Inc, Brent Hammond

Name of Owner: First Austin Properties, Bill Kochwelp

Contact Telephone Number: 306-0018 Fax: 306-0048

Diameter of Trunk/  Total Diameter Multi-trunk/ or  Total Diameter of Cluster (measured 4.5' from ground): 28 inches.

General Condition: (1) Large Cavity in Trunk, (2) Upper Canopy damage

Reason for Requesting Removal: Potential hazard for tree to be located near a building or parking area

*To accompany your request, please provide a photograph of the tree, if possible, and provide a sketch showing the exact location of tree on the property on the reverse side of this form or on a separate sheet of paper.*

[Signature]  
Applicant's Signature

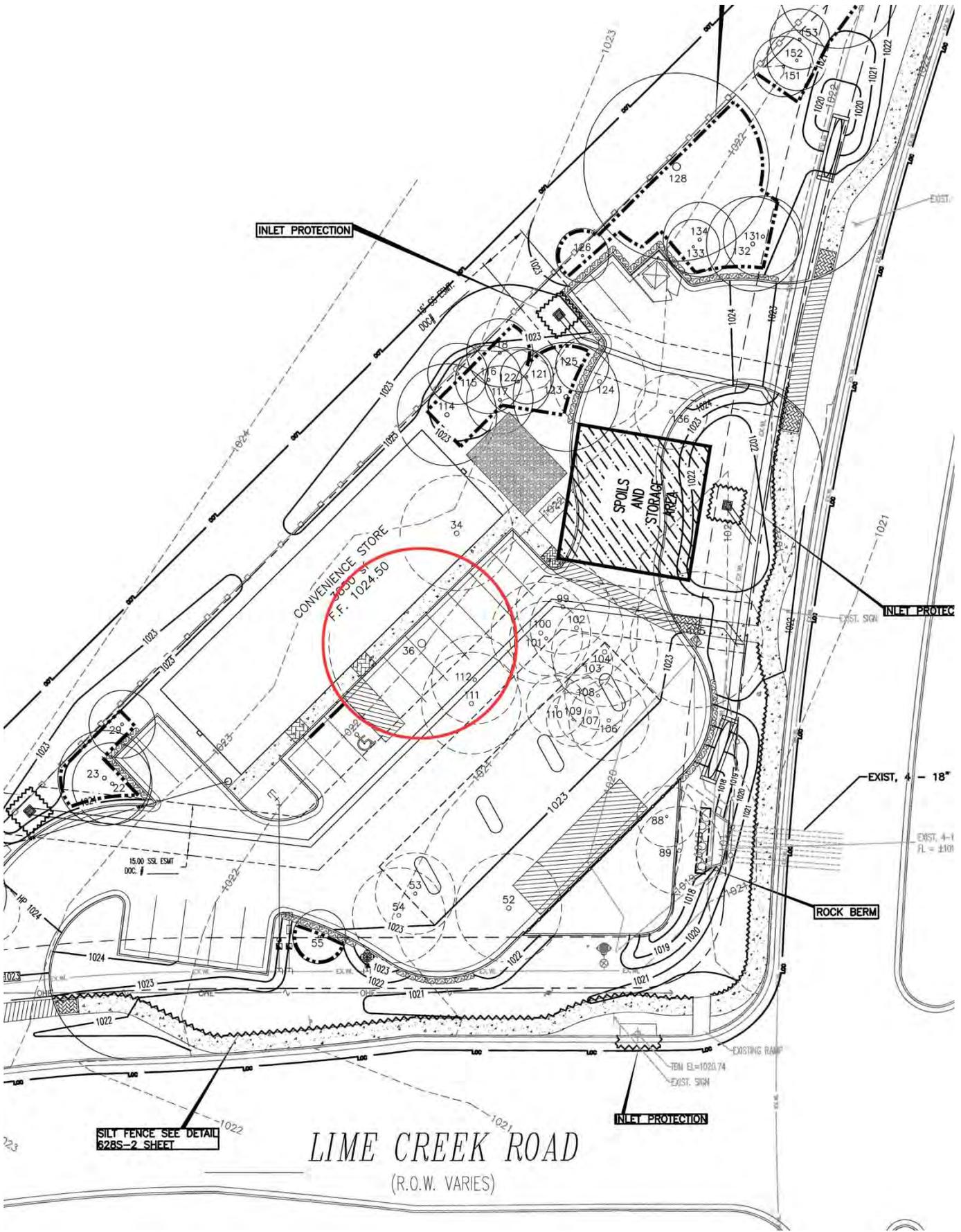
6/8/11  
Date

Action on Request:  Approved  Denied

City Staff Comments: \_\_\_\_\_

Conditions of Approval:\* \_\_\_\_\_

\_\_\_\_\_  
\*Signature of Applicant      Date      Signature of City Staff      Date



LIME CREEK ROAD  
(R.O.W. VARIES)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, TO ALLOW THE REMOVAL OF A TWENTY-EIGHT INCH DIAMETER HERITAGE LIVE OAK LOCATED AT 15101 ANDERSON MILL ROAD; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. The City Council hereby authorizes the removal of the 28 inch diameter Heritage live oak located at 15101 Anderson Mill Road.

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 28<sup>th</sup> day of July, 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:7-28-2011

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

**Commentary:**



**CITY COUNCIL AGENDA**  
Date:7-28-2011

Subject: Agenda Item No. 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.**

**Commentary:**

The New Hope Drive (Bagdad Rd. to Lakeline Blvd.) Reconstruction Project is a 2010 G.O. Bond project. New Hope Drive will 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, ranging from \$3,189,503.00 to \$3,583,151.68 (including bid alternates), were received at the bid opening on July 14, 2011. 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. The engineer's letter of recommendation is attached for your reference.

**Director**

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**Fiscal Impact**

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

**Budget**

**Budget/Expended: \$5,276,000/\$535,628.08**

**Finance Director Review**

**Legal Certifications**

**Associated Information:**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AWARDING THE CONSTRUCTION BID FOR THE NEW HOPE DRIVE (BAGDAD RD. TO LAKELINE BLVD.) RECONSTRUCTION PROJECT TO CASH CONSTRUCTION CO. FOR \$3,189,503.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, this project will improve traffic and pedestrian safety; and

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

WHEREAS, the City received five (5) secure bids during the bid opening July 14, 2011; and

WHEREAS, Cash Construction Co. submitted the lowest bid in the amount of \$3,189,503.00; and

WHEREAS, URS Corp., the City's design consultant, reviewed the bids and recommended Cash Construction Co.

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 contact with Cash Construction Co. for the New Hope Drive (Bagdad Rd. to Lakeline Blvd.) Reconstruction project in the amount of \$3,189,503.00.

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 28<sup>th</sup> day of July, 2011.

CITY OF CEDAR PARK, TEXAS

ATTEST:

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

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

APPROVED AS TO FORM  
AND CONTENT:

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Charles W. Rowland, City Attorney



July 19, 2011

Mr. Garret S. Bonn, P.E.  
Senior Engineer  
City of Cedar Park  
600 N. Bell Blvd.  
Cedar Park, Texas 78613

RE: **CIP-506-56-35-6342-362 Cedar Park Intersection Improvements  
Cedar Park, Texas  
Letter of Recommendation**

Dear Mr. Bonn:

Bid opening for the Capital Improvement Project 506-56-35-6342-362 was held on July 14, 2011 at City Hall. Five contractors submitted bids for this project. The results of the bid opening are listed below:

It is our recommendation to award the construction contract for the New Hope Reconstruction Project (Bagdad Rd. to Lakeline Blvd.) to Cash Construction Company based on the low bid and qualifications received on July 14, 2011. Furthermore, we recommend including alternate item 35A, Retaining Wall (Cast-in-Place) (Ashlar) Finish, for a Total Bid of \$3,189,503.00. The low bidder remains Cash Construction Company including this item in the bid analysis.

Sincerely,

A handwritten signature in black ink, appearing to read "Clint Jumper", with a long horizontal flourish extending to the right.

Clint Jumper, P.E., PTOE  
URS Project Manager

URS Corporation  
P.O. Box 201088  
Austin, TX 78720-1088  
9400 Amberglen Boulevard  
Austin, TX 78729  
Tel: 512.454.4797

**BID OPENING FORM**  
**New Hope Drive Gap Project (Bagdad Rd. to Lakeline Blvd.)**  
**July 14, 2011**

<b>Contractor</b>	<b>Bid Bond (5% of Bid Amount)</b>	<b>Acknowledgement of Addenda</b>	<b>Bid Amount (including alternates)</b>
Smith Contracting	X	X	\$ 3,479,313.12
Cash Construction Co.	X	X	\$ 3,189,503.00
Joe Bland Construction	X	X	\$ 3,583,151.68
RGM	X	X	\$ 3,466,633.28
DNT	X	X	\$ 3,238,951.48



## CITY COUNCIL AGENDA

Date:7-28-2011

Subject: Agenda Item No. 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.**

### Commentary:

The Capital Area Metropolitan Planning Organization (CAMPO) Transportation Policy Board has authorized a Phase 2 Call For Projects. Phase 2 is for consideration of \$47 million available in Proposition 12 state bond funds. Phase 2 was proposed and authorized by CAMPO to allow jurisdictions to compete for state funds independent of the federal Surface Transportation Program funds available in the initial Call For Projects. Only roadway projects are eligible for Phase 2 funding. Eligible projects from Phase 1 are automatically eligible for Phase 2.

Phase 2 project applications are due to CAMPO no later than August 5, 2011.

These funds are 100% state funds and do not require a local match. The environmental review is state level only. Projects must show the ability to be under construction by August of 2013. Projects are requested to be on the state system or have a significant regional benefit. Unless substantial environmental progress has already been made, projects that require a full environmental review or right-of-way acquisition are requested not to be considered due to the time constraints on the funding.

The attached resolution authorizes and directs the City Manager to submit the following two additional roadway projects to CAMPO for Proposition 12 Mobility funding consideration:

1. RM 1431 between Bagdad Road and Anderson Mill Road:

This project proposes to provide a continuous two way left turn lane on RM 1431 between Bagdad Road and Anderson Mill Road, and provide right turn lanes on eastbound RM 1431 at Prize Oaks Drive and at Lone Star Drive.

Total estimated project cost is \$6.7 million.

2. RR620 between Little Elm Trail and El Salido:

This project proposes to provide right turn lanes on eastbound RR620 at Little Elm Trail, Hatch Road and El Salido Parkway.

Total estimated project cost is \$1.05 million.

The RM 1431 project between Bagdad Road and Anderson Mill Road was not submitted for consideration as a 6 lane highway due to right-of-way acquisition and the associated time constraints.

Six of the nine projects submitted in the Phase 1 Call For Projects are automatically eligible for Phase 2 funding.

**Fiscal Impact**

Account No.:

**Budget**

Budget/Expended:

**Associated Information:**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SUBMIT ROADWAY CONSTRUCTION PROJECT APPLICATIONS TO CAMPO FOR PROPOSITION 12 FUNDING CONSIDERATION; 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 Capital Area Metropolitan Planning Organization (CAMPO) has issued a Phase 2 call for eligible projects to be considered for funding available by the state through Proposition 12 Mobility funds; and

WHEREAS, the City Council of the City of Cedar Park, Texas desires to submit project applications to CAMPO for roadway improvements for Proposition 12 Mobility funding consideration;

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

SECTION 1. The City Council hereby authorizes and directs the city Manager to submit the following two projects for CAMPO consideration:

1. RM 1431: Install a continuous two way left turn lane on RM 1431 between Bagdad Road and Anderson Mill Road, install a right turn lane at Prize Oaks Drive and install a right turn lane at Lone Star Drive.
2. RR620: Install right turn lanes on eastbound RR620 at Little Elm Trail, Hatch Road and El Salido Parkway.

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 28th day of July, 2011.

CITY OF CEDAR PARK, TEXAS

ATTEST:

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

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

APPROVED AS TO FORM  
AND CONTENT:

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Charles W. Rowland, City Attorney



## CITY COUNCIL AGENDA

Date:7-28-2011

Subject: Agenda Item No. 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.**

### **Commentary:**

The Austin District of the Texas Department of Transportation (TxDOT) is receiving a total of \$91 million in Proposition 12 funds for eligible Rehabilitation and Safety projects. These funds are separate from the Mobility funds in the Phase 2 Call For Projects. TxDOT has asked jurisdictions for a ranking of eligible projects to be submitted for funding consideration.

Proposition 12 funds are state bond funds for roadway and bridge improvement projects. These funds will be distributed through five funding categories. Two of the categories will benefit the Austin region and Cedar Park is actively pursuing funding from both of those categories.

Any Proposition 12 state bond funded projects are required to be under construction by August of 2013. Eligible projects will be considered for Proposition 12 funding by the Texas Transportation Commission in October 2011.

The attached resolution provides a ranking of eligible projects which Cedar Park would like considered for Proposition 12 funding by the Texas Transportation Commission.

### **Fiscal Impact**

Account No.:

### **Budget**

Budget/Expended:

### **Associated Information:**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, PROVIDING A RANKING OF PROJECTS TO THE AUSTIN DISTRICT OF THE TEXAS DEPARTMENT OF TRANSPORTATION FOR PROPOSITION 12 BOND FUNDING CONSIDERATION BY THE TEXAS TRANSPORTATION COMMISSION; 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 state of Texas will be distributing \$3 billion in Proposition 12 funds to Texas Department of Transportation (TxDOT) Districts throughout the state for roadway related improvements; and

WHEREAS, the Austin District of TxDOT is currently programmed to receive \$91 million in Proposition 12 funds categorized for Rehabilitation and Safety;

WHEREAS, the Austin District of TxDOT has requested local jurisdictions to submit a ranking of eligible projects for Proposition 12 funding consideration by the Texas Transportation Commission;

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

SECTION 1. The City Council hereby submits a ranking of projects to TxDOT for Proposition 12 funding consideration by the Texas Transportation Commission as shown and attached hereto in Exhibit A.

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 28th day of July, 2011.

CITY OF CEDAR PARK, TEXAS

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

ATTEST:

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

APPROVED AS TO FORM  
AND CONTENT:

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Charles W. Rowland, City Attorney

# EXHIBIT A:



## CITY OF CEDAR PARK RANKING OF PROJECTS FOR PROPOSITION 12 FUNDING CONSIDERATION BY THE TEXAS TRANSPORTATION COMMISSION

Rank	Project Name	Limits	Project Description	Project Type	Env Req
1	<b>RM1431 at US183</b>	Intersection	Reduce RM1431 median width and revise diverter islands to provide three East/West thru lanes	Operational - Safety	CE
2	<b>US183 at Cypress Creek Road</b>	Intersection	Reconstruct Intersection to create double left turn lanes on EB and WB Cypress Creek Road.	Operational - Safety	CE
3	<b>RM1431 TWLTL</b>	Bagdad Road to Anderson Mill Road	Notch and widen to install two way left turn lane on RM1431 and right turn lanes EB RM1431 at Prize Oaks and Lone Star	Operational - Safety	CE
4	<b>US183 at New Hope Drive</b>	Intersection	Install NB and SB right turn lanes	Operational - Safety	CE
5	<b>RR620</b>	Little Elm Trail to El Salido Parkway	Install right turn lanes on WB RR620 at Little Elm Trail, Hatch Road and El Salido Parkway	Operational - Safety	CE
6	<b>US183 at Walton Way</b>	Intersection	Install SB right turn lane and add second NB left turn lane	Operational - Safety	CE
7	<b>RM1431 at Walton Way</b>	Intersection	Add second EB left turn lane	Operational - Safety	CE
8	<b>RM1431 at Market Street</b>	Intersection	Install EB right turn lane	Operational - Safety	CE



## CITY COUNCIL AGENDA

Date:7-28-2011

Subject: Agenda Item No. 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.**

### **Commentary:**

The purpose of this Resolution is to authorize the Mayor to execute an Economic Development Incentive Project Agreement between the Community Development (4B) Board and Dental Health Management Solutions. The Agreement provides for the payment of incentives related to the retention of jobs, job creation and business expansion.

Subject to terms of the Agreement, 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. Under the economic development agreement with the City of Cedar Park, Dental Health Management Solutions agrees to a long-term commitment to the City.

On June 14, 2011 the 4B Board approved the project for funding consideration with funding not to exceed \$145,845.00. The Board also authorized staff to proceed with Publication of a Project Notice. The notice was published in the Cedar Park Citizen on Thursday, June 23, 2011 per authorization of the Board. A Notice of Public Hearing was also published on June 23, 2011.

The 4B Board conducted a Public Hearing on the Project on July 12, 2011. No public comment was received.

Following the Public Hearing, the 4B Board voted to approve the 4B Resolution 4B-R-11-006 to authorize the President of the Board to execute the Agreement with Dental Health Management Solutions and submit the Resolution and Agreement to City Council with a recommendation for approval.

Copies of the Board Resolution (4B-R-11-006) and the Agreement are attached for reference.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT WITH THE CEDAR PARK COMMUNITY DEVELOPMENT (4B) CORPORATION AND DENTAL HEALTH MANAGEMENT SOLUTIONS TO PROVIDE ECONOMIC DEVELOPMENT INCENTIVES RELATED TO JOB RETENTION, JOB CREATION, AND BUSINESS EXPANSION IN AN AMOUNT NOT TO EXCEED \$145,845.00

WHEREAS, the City of Cedar Park, in cooperation with the Cedar Park Community Development (4B) Corporation and Dental Health Management Solutions desires to participate with the City of Cedar Park to provide an economic development incentive for job retention, job creation, and business expansion;

WHEREAS, the 4B Corporation Board of Directors has approved and authorized the expenditure of 4B funds to provide for said incentives in an amount not to exceed \$145,845.00 with such funds coming from the Corporation's budget for Economic Development Projects; and

WHEREAS, the 4B Corporation Board of Directors has authorized the President of the Corporation to execute an Agreement with the City of Cedar Park and Dental Health Management Solutions and recommends the Agreement to the City Council of the City of Cedar Park for concurrence so that funds can be expended to provide for the payment of incentives as set forth in the Agreement.

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

SECTION 1. The Cedar Park City Council hereby authorizes and directs the Mayor to execute an Economic Development Performance Agreement with the Cedar Park Community Development (4B) Corporation and Dental Health Management Solutions for the expenditure of 4B funds in an amount not to exceed \$145,845.00 to provide economic development incentives related to job retention, job creation, and business expansion.

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

PASSED AND APPROVED this the 28<sup>th</sup> day of July, 2011.

CITY OF CEDAR PARK, TEXAS

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

ATTEST:

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LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

---

Charles W. Rowland, City Attorney

Resolution No. 4B-R-11-006

State of Texas            §  
                                  §  
County of Williamson   §

WHEREAS, the City of Cedar Park Community Development Corporation (the "4B Corporation") seeks to undertake a project in an amount not to exceed \$145,845 to stimulate economic development by providing funding for economic development incentives related to Dental Health Management Solutions which include job retention, business expansion and job creation in Cedar Park, in conformity with The Development Corporation Act, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CEDAR PARK COMMUNITY DEVELOPMENT CORPORATION:

THAT the Cedar Park Community Development Corporation hereby recommends that the City Council for the City of Cedar Park approve funding for the incentives related to Dental Health Management Solutions in an amount not to exceed \$145,845.

CONSIDERED AND APPROVED on the 12<sup>th</sup> day of July, 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.

  
\_\_\_\_\_  
Brian Rice, 4B Board President

ATTEST:  
  
\_\_\_\_\_  
Ryan Wood, 4B Board Secretary

**CEDAR PARK COMMUNITY DEVELOPMENT CORPORATION**  
**PERFORMANCE AGREEMENT**

THE STATE OF TEXAS           §  
  §  
COUNTY OF WILLIAMSON      §

THIS AGREEMENT is entered into between the CEDAR PARK COMMUNITY DEVELOPMENT CORPORATION ("4B CORP"), a Non-Profit Corporation of the State of Texas whose address is 600 North Bell Boulevard, Cedar Park, Texas 78613, and DENTAL HEALTH MANAGEMENT SOLUTIONS ("DHMS"), a Texas corporation.

**I.**  
**BACKGROUND**

**A. Purpose:** 4B CORP is a tax-supported non-profit corporation whose primary income is from sales tax collected within the City of Cedar Park and dedicated to economic development. This sales tax supporting 4B CORP is authorized as a local option under V.A.C.S. Art. 5190.6, Sec. 4B. 4B CORP exists for the primary purpose of promoting economic development within the City of Cedar Park and the State of Texas in order to eliminate unemployment and underemployment, and to promote and encourage employment and the public welfare of, for, and on behalf of the City of Cedar Park.

**B. Project:** The project to be implemented by DHMS under this Agreement is generally described as follows:

DHMS located at 2001 Windy Terrace, Suite F Cedar Park, TX 78613; DHMS has and will maintain forty-two (42) full-time employees with a combined total annual salary of not less than 1.5 Million in Cedar Park, Texas throughout the term of this Agreement; DHMS shall occupy and continue full-time operations at an approximately 15,000 square foot facility in Cedar Park, Texas during the term of this Agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants, warranties, and agreements of the parties, it is agreed as follows:

**II.**  
**DEFINITIONS**

As used in this Agreement, the following words or phrases shall have the following meanings:

**A. Certificate of Occupancy** shall mean that final document issued by the City of Cedar Park, Texas, entitled "Certificate of Occupancy" indicating that all applicable codes, regulations, and ordinances enforced by the City of Cedar Park have been unconditionally, fully and completely complied with in all respects. A Certificate of Occupancy shall not include a certificate issued in error, mistake or misrepresentation of facts, nor any temporary or conditional document authorizing temporary or conditional occupancy.

B. **Compliance** shall mean timely, fully and completely complying with each performance requirement, and each and every obligation, duty, term, condition or warranty, as stated in this Agreement. **Substantial compliance or partial compliance of a particular installment of Schedule A is an act of default for that installment of Schedule A.** 4B CORP may, in its sole discretion, accept substantial compliance of an installment of Schedule A in lieu of full compliance of that installment by waiving such act of default solely by an instrument in writing. Failure by 4B CORP to give notice of default shall not be a waiver of that or any future defaults.

C. **Full-Time Operations** shall mean the operation of the company headquarters in Cedar Park, including forty-two (42) full-time employees, of not less than eight (8) hours per day, five (5) days a week, for fifty (50) weeks every fiscal year, excluding recognized national holidays.

D. **Full-Time Employee or Full-Time Equivalent Employee (FTE)** shall mean an employee whose job requires a minimum of One Thousand Nine Hundred Twenty (1,920) hours of work over a twelve (12) month term [forty (40) hours work per week], including allowance for vacation and sick leave, with full company benefits and employed **exclusively and on-site** in the City of Cedar Park, Texas. Use of a staffing agency is permitted provided all of the conditions herein are met.

E. **Insolvent** shall mean failure to timely pay debts in the ordinary course of business or cannot pay debts as they become due, or is insolvent within the meaning of the federal bankruptcy law.

F. **Force Majeure Event** shall mean severe weather such as tornadoes or flooding, wars, riots fire, earthquake, other act of God or nature, civil disorder, governmental actions, strike or act of terrorism the unavailability of necessary and essential equipment and supplies from all sources or any or other similar cause beyond the reasonable control of a DHMS that delays or prevents DHMS, directly or indirectly, from performing its obligations in accordance with this Agreement.

### III.

#### **ECONOMIC BENEFITS, INCENTIVES AND PERFORMANCE REQUIREMENTS**

##### **DHMS and 4B CORP Understand and Agree as Follows:**

1. **Money Grant:** 4B CORP will convey by grant to DHMS a total amount not to exceed One Hundred Forty Five Eight Hundred Forty Five Dollars (\$145,845.00) as set forth in Schedule A, subject to the performance requirements that DHMS has timely and fully complied with all applicable terms and conditions contained in this Agreement and in Schedule A. The grants shall be made only upon fulfillment by DHMS of the stated Performance Requirements and proof of compliance as set forth in Schedule A. In no event shall 4B CORP be required to convey any grant money prior to any designated time of performance as set forth in Schedule A and shall not pay any partial grant money for any partial performance except as specifically set forth herein.

2. **Performance Requirements and Proof:** DHMS understands and agrees that it must timely, fully and completely comply with each mandatory performance requirement and the required proof as stated in each installment of Schedule A and failure to do so is an act of

default of that particular installment of Schedule A.

3. **Building Ownership.** DHMS agrees that should it decide at any time to expand its own building and real property to locate its business it will give the City of Cedar Park and its 4A and 4B Boards specific details of its business needs and first right of refusal to meet those needs so as to remain within the Cedar Park area.

#### IV.

#### **DHMS'S COVENANTS, WARRANTIES, OBLIGATIONS AND DUTIES**

DHMS makes the following covenants and warranties to 4B CORP and agrees to timely and fully perform the following obligations and duties. Any false or substantially misleading statement contained herein or failure to timely and fully perform as required in this Agreement shall be an act of default by DHMS. Failure to comply with any one covenant, obligation or warranty shall constitute an act of default by DHMS entitling 4B CORP, without any liability to DHMS whatsoever, to terminate this Agreement, cease further payments to DHMS under this Agreement, and to recover from DHMS all of the money grants or consideration previously paid to DHMS by 4B CORP under the terms of this Agreement and Schedule A herein.

1. DHMS is authorized to do business and is in good standing in the State of Texas, and shall remain in good standing in the State of Texas during the term of this Agreement. DHMS shall immediately report to 4B CORP in writing any change in this status as soon as it becomes known to DHMS.
2. The execution of this Agreement has been duly authorized by DHMS's Board of Directors and the corporate officer signing this Agreement is an officer of DHMS, empowered to execute such agreement and bind the corporation, said authorization, signing and binding effect is not in contravention of any law, rule or regulation, or of the provisions of DHMS's Articles of Incorporation or by-laws, or of any agreement or instrument to which DHMS is a party or by which it may be bound, such authority to be evidenced by a corporate resolution, attached hereto at the time of execution.
3. No litigation or governmental proceeding is pending or, to the knowledge of DHMS or DHMS's officers, threatened against or affecting DHMS that may result in any material adverse change in DHMS's business, properties or operation. No consent, approval or authorization of or registration or declaration within any governmental authority is required in connection with the execution of this Agreement or the transactions contemplated hereby. DHMS shall immediately report to 4B CORP in writing any change in this status as soon as it becomes known to DHMS.
4. No certificate or statement delivered or to be delivered by DHMS to 4B CORP in connection herewith, or in connection with any transaction contemplated hereby, shall contain any untrue statement or fails to state any fact necessary to keep the statements contained therein from being misleading.
5. There are no bankruptcy proceedings or other proceedings currently pending or contemplated by DHMS, and DHMS has not been informed of any potential involuntary bankruptcy proceedings. DHMS shall immediately report to 4B CORP in writing the occurrence of such an event(s) as it becomes known to DHMS.

6. To the best of its knowledge, **DHMS** has acquired and maintained all necessary rights, licenses, permits and authority to carry on its business in Cedar Park, Texas, and will continue to use its best efforts to maintain all necessary rights, licenses, permits and authority. **DHMS** shall immediately report to **4B CORP** in writing any change in this status as soon as it becomes known to **DHMS**.

7. The money herein granted shall be utilized by **DHMS** solely for the business to be located and operations conducted in Cedar Park, Texas, together with the purchase and installation of necessary personal property and equipment as contemplated in this Agreement.

8. **DHMS** shall continue its full-time business activities on its property in Cedar Park, Texas, including fully maintaining its employment and salary requirements as set forth in Schedule A herein at all times throughout the term of this Agreement. **DHMS** shall immediately report to **4B CORP** in writing any change in this status as soon as it becomes known to **DHMS**.

9. **DHMS** shall timely pay all sales taxes and all ad valorem taxes due and owing by it to all taxing authorities having jurisdiction. In addition, during the term of this Agreement **DHMS** shall timely pay all employment, income, franchise, and all other taxes due and owing by it to all local, state, and federal entities. All such taxes shall be paid before they become past due unless they are being lawfully contested. **DHMS** shall immediately report to **4B CORP** in writing any past due or delinquent taxes owed by **DHMS**.

10. **DHMS** shall complete the project required by this Agreement and shall provide and staff the required employment positions, salary amounts, investment, and other economic development considerations described in this Agreement and Schedule A herein and fully maintain the same as required herein during the term of this Agreement. **DHMS** shall immediately report to **4B CORP** in writing any changes in this status as it becomes known to **4B CORP**.

11. **DHMS** shall timely and fully comply with all of the terms and conditions of this Agreement.

12. **DHMS** may not sell stock, assets or any ownership interest in **DHMS** that would be more than twenty percent (20%) of the Company's total authorized and issued stock, assets or ownership interest **without prior written notice** to **4B CORP** except in the event of a sale of 100% of **DHMS** to a third party.

13. **DHMS** shall notify **4B CORP** in writing of substantial changes in local management within seven (7) days. Substantial changes mean changes in President or General Manager.

14. **DHMS** agrees that, as to all of the programs and activities arising out of this Agreement, it shall use its best efforts to comply fully with all Civil Rights Acts and specifically will not discriminate against any person on the basis of race, color, national origin, sex, or by reason of being disabled.

15. During the term of this Agreement **DHMS** agrees that it shall timely pay in full all accounts payable as and when due so as to maintain no delinquent accounts payable beyond sixty (60) days. **DHMS** shall immediately report to **4B CORP** in writing all such delinquent or past due accounts payable as soon as they occur.

16. At the time **DHMS** makes a grant payment request or requests any changes, amendments or addendums to or extensions of this Agreement, the authorized owner, president or plant manager shall submit an affidavit on behalf of **DHMS** stating that all of the applicable covenants, warranties, obligations, terms and conditions of this Agreement have been and are now in full and complete compliance by **DHMS**.

17. During the term of this Agreement **DHMS** and its officers and directors shall obey and comply with all federal, state and local laws as such laws apply to the operations of **DHMS** or the professional or private conduct of its officers and directors that tend to bring dishonor or discredit to **DHMS** or to themselves. Such violations of the law, such dishonor or discredit, shall be an act of default and shall be determined in the sole discretion of **4B CORP**.

## V. TERMINATION

In addition to the foregoing provisions of this Agreement, **4B CORP**, under the following circumstances occurring during the term of this Agreement, and in its sole discretion, may terminate this Agreement and cease further payments and shall recover from **DHMS** all of the money grants or consideration paid by **4B CORP** to **DHMS** if **DHMS** has not fully and completely complied with any performance requirements pursuant to Schedule A hereto, without any liability whatsoever to **DHMS**, including the occurrence of any one of the following events, which all are acts of default:

1. The insolvency of **DHMS**. "Insolvent" is defined to mean **DHMS** either has ceased to pay its debts in the ordinary course of business when due and payable or cannot pay its debts as they become due, or is insolvent within the meaning of the federal bankruptcy law.
2. The appointment of a receiver of **DHMS**, or of all or any substantial part of its property, and the failure of such receiver to be discharged within sixty (60) days thereafter. **DHMS** shall immediately report to **4B CORP** in writing the occurrence of such event(s) as soon as it becomes known to **DHMS**.
3. The adjudication of **DHMS** as bankrupt. **DHMS** shall immediately report to **4B CORP** in writing the occurrence of such event(s) as soon as it becomes known to **DHMS**.
4. The filing by **DHMS** of a petition or an answer to a petition seeking bankruptcy, receivership, reorganization, or admitting the material allegations of a petition filed against it in any bankruptcy or reorganization proceeding. **DHMS** shall immediately report to **4B CORP** in writing the occurrence of such event(s) as soon as it becomes known to **DHMS**.

## VI. REPORTING AND MONITORING

**Reports and Monitoring:** **DHMS** agrees to the following reporting and monitoring

provisions, and failure to fully and timely comply with any one requirement shall constitute an act of default:

1. During the term of this Agreement, **DHMS** shall provide to **4B CORP**, no later than January 31<sup>st</sup> of each year, beginning on January 31, 2012, an annual report certifying the status of complete and timely compliance with all of this Agreement through the life of the Agreement specifically including, but not limited to, employment, total payroll and investment requirements in its Cedar Park facility. **DHMS** shall provide to **4B CORP** adequate documentation to support the information required of **DHMS** by Schedule A. Documentation for jobs may be in the form of quarterly IRS 941 returns, TWC Employer Quarterly Reports, or employee rosters that show the hours worked and the positions filled, and such other reports as may reasonably be required.

2. Upon no less than five (5) business days notice, **DHMS**, during normal business hours, at its Cedar Park facility, shall allow **4B CORP** reasonable access to its employment records and books, to verify employment and all other relevant records related to each of the other economic development considerations and incentives, as stated in this Agreement, but the confidentiality of such records and information shall be maintained by **4B CORP** unless disclosure of such records and information shall be required by a court order, a lawfully issued subpoena, or at the direction of the Office of the Texas Attorney General.

## **VII.** **DHMS'S LIABILITY**

A. Should **DHMS** fail to timely, fully and completely comply with any one or more of the performance requirements, obligations, duties, terms, conditions or warranties of this Agreement, such failure shall be an act of default by **DHMS** and, if not fully and completely cured and corrected within thirty (30) days after written notice to do so, or if such failure cannot reasonably be cured or corrected within thirty (30) days, **4B CORP** may terminate this Agreement and pursue all legal remedies as provided by law, provided however that **DHMS's** liability under this Agreement shall be limited to the immediate return by **DHMS** to **4B CORP** of all money grants and consideration previously paid to it by **4B CORP**, the maximum lawful rate of interest on all money paid to **DHMS** until fully repaid, reasonable attorney fees and cost of court to collect such money, and the termination of all further obligations on behalf of **4B CORP** under this Agreement. **DHMS** shall not be liable to **4B CORP** for any alleged consequential damages.

B. In the event of unforeseeable third party delays in the remodeling of the new lease space or the installation of the personal property contemplated herein or a Force Majeure Event and upon a reasonable showing by **DHMS** that it has immediately and in good faith commenced and is diligently and continuously pursuing the correction, removal or abatement of such delays by using its best efforts, **4B CORP** will consent to and excuse any such delays. Failure by **DHMS** to use its best efforts as required in this paragraph shall be an act of default. Upon the occurrence of a Force Majeure Event, **DHMS** will be excused from further performance or observance of its obligations under this Agreement for as long as the Force Majeure Event continues and **DHMS** continues to use its best efforts to perform whenever and to whatever extent is possible without default or interruption provided that: (1) **DHMS** must promptly notify (in no event more than ten (10) business days of discovery of the event) **4B CORP** of the event; (2) **DHMS** (and any other suppliers or contractors of **DHMS** to whom the performance has been delegated) must be without material fault in causing the

default or interruption; and (3) the default or interruption could not have been prevented by reasonable precautions and cannot reasonably be circumvented by **DHMS** through the use of alternate sources, workaround plans or other means.

C. Any delay for any amount of time by **4B CORP** in providing notice of default to **DHMS** shall in no event be deemed or constitute a waiver of such default by **4B CORP** of any of its rights and remedies available in law or in equity.

D. Any waiver granted by **4B CORP** to **DHMS** of an act of default shall not be deemed or constitute a waiver of any other existing or future acts of default by **DHMS** or of a subsequent act of default of the same act or event by **DHMS**.

E. In the event that this Agreement is terminated by **4B CORP** or **DHMS** commits an act of default that is not timely corrected and cured, **DHMS** shall immediately return to **4B CORP** all money grants and consideration previously paid to it by **4B CORP**, reasonable attorney fees, costs of court, and interest until paid in full, and **4B CORP** shall be relieved of any further obligations under this Agreement.

#### **VIII.** **4B CORP'S LIABILITY LIMITATIONS**

**DHMS** SPECIFICALLY AGREES THAT **4B CORP** SHALL ONLY BE LIABLE TO **DHMS** AND **DHMS'S** SOLE AND EXCLUSIVE REMEDY SHALL BE FOR THE ACTUAL AMOUNT OF THE MONEY GRANTS TO BE CONVEYED TO **DHMS** AND **4B CORP** SHALL NOT BE LIABLE TO **DHMS** FOR ANY OTHER ACTUAL OR CONSEQUENTIAL DAMAGES, INTEREST, ATTORNEY FEES, OR COST OF COURT OR FOR ANY OTHER LEGAL OR EQUITABLE REMEDIES INCLUDING INJUNCTION FOR ANY ACT OF DEFAULT BY **4B CORP** UNDER THE TERMS OF THIS AGREEMENT. IT IS FURTHER SPECIFICALLY AGREED BY **DHMS** THAT **4B CORP** SHALL ONLY BE REQUIRED TO PAY THE GRANT AMOUNTS SOLELY OUT OF ITS SALES TAX REVENUE CURRENTLY COLLECTED, ALLOCATED AND BUDGETED AND TO BE ALLOCATED, BUDGETED AND COLLECTED FOR **DHMS** FOR EACH YEAR THROUGH OCTOBER 15, 2015. PAYMENT BY **4B CORP** IS STRICTLY LIMITED TO THOSE FUNDS SO ALLOCATED, BUDGETED AND COLLECTED SOLELY DURING EACH GRANT YEAR FOR THAT YEAR'S GRANT. **4B CORP** SHALL USE ITS BEST EFFORTS TO ANTICIPATE ECONOMIC CONDITIONS AND TO BUDGET ACCORDINGLY. HOWEVER, IT IS FURTHER UNDERSTOOD AND AGREED BY **DHMS** THAT, SHOULD THE ACTUAL TOTAL SALES TAX REVENUE COLLECTED BY **4B CORP** FOR ANY ONE YEAR BE LESS THAN THE TOTAL AMOUNT OF GRANTS TO BE PAID TO ALL CONTRACTING PARTIES WITH **4B CORP** FOR THAT YEAR, THEN, IN THAT EVENT, ALL CONTRACTING PARTIES SHALL RECEIVE ONLY THEIR PRO RATA SHARE OF THE AVAILABLE SALES TAX REVENUE FOR THAT YEAR, LESS **4B CORP'S** CUSTOMARY AND USUAL COSTS AND EXPENSES, AS COMPARED TO EACH CONTRACTING PARTIES' GRANT AMOUNT FOR THAT YEAR, AND **4B CORP** SHALL NOT BE LIABLE TO **DHMS** FOR ANY SUCH DEFICIENCY AT THAT TIME OR AT ANY TIME IN THE FUTURE. In this event, **4B CORP** will provide all supporting documentation, as requested. Payments to be made to **DHMS** shall also require a written request from **DHMS** to be accompanied by all necessary supporting documentation. **4B CORP** shall have forty-five (45) days to make payment after receipt of such payment request. The payment request should be directed to the Economic Development Director of the Cedar Park Community Development Corporation, 600 North Bell Boulevard, Cedar

Park, Texas 78613. Payment to **DHMS** shall be directed to the President of **DHMS**, at 2001 Windy Terrace, Suite F, Cedar Park, TX 78613

**IX.**  
**DEFAULT**

A. **BY 4B CORP.** Failure by **4B CORP** to timely and fully comply with any grant requirement shall be an act of default by **4B CORP** giving **DHMS**, as its sole and exclusive remedy, the right to the contracted amount to be conveyed and further being limited to the terms and conditions contained herein. **DHMS** specifically agrees that in no event shall **DHMS** be entitled to collect or sue for attorney fees, costs of court, interest, consequential damages, or any equitable remedies including injunction.

B. **BY DHMS.** Failure by **DHMS** to timely and fully comply with any performance requirement contained anywhere in this Agreement or any proof of performance of a particular installment of Schedule A during the term of this Agreement shall be an act of default entitling **4B CORP** to terminate this Agreement and terminate any future payments and to recover any and all grant money previously paid to **DHMS** for that particular installment of Schedule A under this Agreement together with reasonable attorney fees, costs of court, and interest on the money due **4B CORP** until paid in full. **DHMS** understands and agrees that any mandatory performance requirement of **DHMS** in Schedule A shall be kept in full force and effect through the term of this Agreement.

**X.**  
**NOTICE OF DEFAULT**

A. **4B CORP** shall give **DHMS** written notice of any act of default by **DHMS**, and **DHMS** shall have thirty (30) days after receipt of the notice to cure. Failure by **DHMS** to timely and fully cure the act of default, shall permit **4B CORP** to pursue all legal remedies provided by law and not specifically prohibited herein. Failure by **4B CORP** to give notice of default shall not be a waiver of that or any future defaults.

B. **DHMS** shall give **4B CORP** written notice of any act of default by **4B CORP**, and **4B CORP** shall have thirty (30) days after receipt of the notice to cure the default. Failure by **4B CORP** to timely and fully cure the act of default shall permit **DHMS** to pursue its legal remedies as provided in this Agreement.

**XI.**  
**MISCELLANEOUS**

A. **Entire Agreement:** This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written, previous and contemporary, agreements between the parties relating to matters in this agreement; and, except as otherwise provided herein, this Agreement cannot be modified or amended without a written agreement of the parties.

B. **Legal Relationships:** No term or provision of this Agreement or act of **DHMS** in the performance of this Agreement shall be construed as making **DHMS**, or its employees, the agent, servant, employee or contractor of **4B CORP** or shall create a partnership or joint enterprise with **4B CORP**.

C. **Termination:** This Agreement may be terminated by mutual agreement of the parties or by either party, upon the failure of the other party to fulfill an obligation as set forth herein. The termination of this Agreement shall extinguish all rights, duties, obligations, and liabilities of **4B CORP** and **DHMS** under this Agreement, except all rights, duties, liabilities, and obligations accrued prior to such termination shall survive termination.

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

E. **Forum Selection:** This Agreement and the relationship between **4B CORP** and **DHMS** shall be governed and interpreted under the laws of Texas without regard to any conflict of laws provision. Venue for any suit arising out of any relationship between **4B CORP** and **DHMS** shall be the appropriate court in Williamson County, Texas. **DHMS** consents to, and waives any objections to, in personam jurisdiction in Williamson County, Texas.

F. **Legal Construction:** In case one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

G. **Law:** This Agreement is subject to all legal requirements in the City Charter and Code of Ordinances of the City of Cedar Park and all other applicable County, State and Federal laws, and **DHMS** agrees that it will promptly comply with all such applicable laws, regulations, orders and rules of the State, City and other applicable governmental agencies. This Agreement shall be governed by and construed in accordance with the laws and court decisions of the State of Texas with venue to be in Williamson County, Texas.

H. **Assignment:** This Agreement shall be binding upon the parties hereto and their successors and assigns. However, this Agreement may not be assigned by either party without the specific prior written consent of the other, which consent will not be unreasonably withheld; however, that, in the event that **DHMS** is sold or merges into or transfers substantially all of its assets into its parent/company or a third party, **4B CORP** hereby consents to such sale, merger or transfer and consents to any assignment of **DHMS's** rights and obligations under this Agreement as a result of such sale, merger or transfer.

I. **Representation:** **DHMS** represents that no **4B CORP** board member or employee, City of Cedar Park officer or employee, has been or will be compensated in any manner with respect to directly or indirectly bringing the parties hereto together, agreement negotiations, or the entering into of this Agreement. In no event will **DHMS** pay a fee to or in any other manner compensate any **4B CORP** board member or employee, City of Cedar Park officer or employee, in connection with the acceptance of this Agreement. A breach of this provision (X.I.) shall result in automatic and immediate termination of this Agreement, and shall be an act of default by **DHMS**.

J. **Notices:** All notices from one party to the other, required under this Agreement, shall be delivered personally or sent by certified mail, postage prepaid, addressed to such party at the addresses shown on the signature page. All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party hereto may change its address

for notice by sending written notice of such change to the other in the manner provided herein.

**K. Other Contracts:** It is understood by **DHMS** that **4B CORP** has heretofore entered, and may hereafter enter, into contracts with other companies or persons upon terms and conditions different from the terms and conditions of this Agreement, and **DHMS** has no standing to object whatsoever to any such contracts or require any modifications or changes to its agreement due to such other agreements as such other agreements exist now or may be entered into in the future.

**L. City of Cedar Park:** The words "City" or "City of Cedar Park" shall mean both the area that is within the city limits of the City of Cedar Park and the area that is within Williamson County, Texas, and any area that **4B CORP** would determine is beneficial to the City on a project by project basis.

**M. Confidential:** **4B CORP**, its officers and employees, and its agents or contractors retained to perform economic development services for **4B CORP**, shall treat as confidential the financial statements of **DHMS** and shall not release such information to the public, unless required by law or court order. **4B CORP** shall immediately notify **DHMS** of requests or court orders to release such information.

**N. Term:** The term of this Agreement shall commence on execution of all parties, hereinafter described which shall be the "Effective Date" and shall continue until the earlier of: (i) October 15, 2017; or (ii) when terminated by mutual agreement of the parties; or (iii) when terminated as hereinabove provided.

**O.** All representations, warranties, covenants and agreements of the parties, as well as any rights and benefits of the parties pertaining to the transaction contemplated hereby, shall survive the original execution date of this Agreement.

**P. Waiver:** Any waiver of any act or event of default shall be in writing to be effective and such waiver shall not be deemed to or constitute a waiver of any other existing or future act of default or of a subsequent act of default of the same act or event. Any delay for any amount of time in notifying a party of their act or event of default shall not constitute a waiver of that act or event of default.

[Remainder of this Page Intentionally Left Blank]

EXECUTED on the date shown opposite the signature of each party.

7/11/11  
Date

CEDAR PARK COMMUNITY DEVELOPMENT CORPORATION

By: Brian Rice  
Brian Rice  
Chairman of the Board  
600 N. Bell Blvd.  
Cedar Park, Texas 78613

7-8-11  
Date

DENTAL HEALTH MANAGEMENT SOLUTIONS

By: Shane Stevens  
Shane Stevens  
CEO  
2001 Windy Terrace, Ste. F  
Cedar Park, Texas 78613

\_\_\_\_\_  
Date

CITY OF CEDAR PARK, TEXAS

By: \_\_\_\_\_  
Robert S. Lemon, Mayor  
600 N. Bell Blvd.  
Cedar Park, Texas 78613

Attest:

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

<b>SCHEDULE A</b>			
	<b>Dental Health Management Solutions Mandatory Performance Requirements to 4B Corp's Money Grant</b>	<b>4B CORP'S Time of Performance</b>	<b>4B CORP'S Grant Payments Within 30 Days of Proof</b>
(1)	Occupancy by <b>Dental Health Management Solutions</b> of not less than 15,000 square feet of space (including expansion of 5,000 sq. ft.), receipt of a Certificate of Occupancy; completed no later than July 1, 2011, all to be continuously maintained throughout the lease period.	Proof of Certificate of Occupancy; grant payment no earlier than July 1, 2011.	\$47,345
(2)	Retain employment of 42 full-time employees with a combined total annual salary of not less than \$1.5 million, all to be continuously maintained throughout the term of this Agreement.	Proof of 42 full-time employees and an annual total combined salary not less than \$1.5 million with grant payment no earlier than July 1, 2011. To be continuously maintained throughout the term of this Agreement.	\$52,000
(3)	Company will achieve \$1.5 million in taxable sales or hire ten (10) additional employees by July 1, 2013 and shall continuously maintain the taxable sales or the ten (10) additional employees throughout the term of this Agreement.	Comptrollers reports documenting gross taxable sales, or proof additional employees bringing total annual payroll of \$2.8 million. Grant Payment no earlier than July 1, 2013.	\$21,500
(4)	Proof of no more than Ten (10) employees relocating from outside of the City of Cedar Park city limits that purchase a home within the City Limits of Cedar Park with proof of a general or special warranty deed in the employees name, to be completed no later than October 1, 2014.	Relocation Bonus to be paid within thirty days after presentation of qualifying deed.	\$2,500.00 residential purchase in Cedar Park for each employee not to exceed 10 employees and not to exceed a total of \$25,000.00.
<b>Total Value of Proposed Dental Health Management Solutions Incentive: \$145,845</b>			



## CITY COUNCIL AGENDA

Date:7-28-2011

Subject: Agenda Item No. 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.**

### Commentary:

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 (see attached plan). Phase A, which this item refers to, is 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.

The City's engineer for the project, HDR Engineering, prepared bid documents and the request for bids was issued on June 30, 2011. The City received six sealed bids on July 19, 2011. Excel Construction Services, LLC submitted the low bid for the *Base Bid Joint Transmission System* in the amount of \$3,524,290 and W.L. Hailey submitted the low bid for the *Alternate Bid Stand-alone Cedar Park Transmission System* in the amount of \$3,060,743.50.

The *Base Bid Joint Transmission System* is a partnership between the Cities of Cedar Park and Leander for a 42-inch diameter pipeline. The cost sharing for the partnership is based upon capacity with Cedar Park paying 69.6% and Leander paying 30.4% of project cost. Based on a bid amount of \$3,524,290, the City of Cedar Park's share is \$2,252,905.84. The City of Leander's share is \$1,071,384.16.

The *Alternate Bid Stand-alone Cedar Park Transmission System* is a 36-inch diameter pipeline designed for Cedar Park only. The low bid for this option is from W.L. Hailey & Company in the amount of \$3,060,743.50. Cedar Park would pay 100% of this cost.

The engineer's letter of recommendation and sealed bid tabulation are attached.

Director

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**Fiscal Impact**

**Account No.: 216-32-35-6184**

**Budget**

**Budget/Expended: \$4,736,000/\$744,819**

This project is included in the FY11 Utility CIP Budget and funding is available.

**Finance Director Review**

**Associated Information:** Engineer's Letter of Recommendation and Bid Tab Attached.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE FLOATING RAW WATER INTAKE CONTINGENCY PROJECT PHASE A UNDERWATER PIPELINE WITH EXCEL CONSTRUCTION SERVICES, LLC IN THE AMOUNT OF \$3,524,290 CONDITIONED UPON WRITTEN CONFIRMATION FROM CITY OF LEANDER OF THEIR PARTICIPATION ON OR BEFORE AUGUST 5, 2011 OR WITH W.L. HAILEY & COMPANY IN THE AMOUNT OF \$3,060,743.50 WITHOUT CONFIRMATION FROM CITY OF LEANDER BY AUGUST 5, 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 Floating Raw Water Intake Contingency Project Phase A Underwater Pipeline deliver raw water to Cedar Park and Leander's existing water treatment plants during extreme low lake level conditions on Lake Travis; and

WHEREAS, Six sealed bids were received at the bid opening on July 19, 2011; and

WHEREAS, Excel Construction Services, LLC was the low bidder with a bid of \$3,524,290 for the *Base Bid Joint Transmission System*; and

WHEREAS, the *Base Bid Joint Transmission System* is a partnership between the City of Cedar Park and the City of Leander with a cost share based upon capacity; and

WHEREAS, W.L. Hailey and Company was the low bidder with a bid of \$3,060,743.50 for the *Alternative Bid Stand-Alone Cedar Park Transmission System*; and

WHEREAS, the *Alternative Bid Stand-Alone Cedar Park Transmission System* is an exclusively Cedar Park project in which Cedar Park covers 100% of the project cost.

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

SECTION 1. The City Manager is hereby authorized and directed to execute 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 conditioned upon written confirmation from City of Leander of their participation on or before August 5, 2011 or with W.L. Hailey & Company in the amount of \$3,060,743.50 without confirmation from City of Leander by August 5, 2011.

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 28th day of July, 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



ONE COMPANY | *Many Solutions*™

July 20, 2011

Mr. Kenneth Wheeler, P.E.  
Assistant Director of Utilities  
2401 183A Toll Road  
Cedar Park, Texas 78613

Re: Floating Raw Water Intake Contingency Project  
Phase A Underwater Pipeline  
Recommendation to Award Construction Contract

Dear Mr. Wheeler:

On July 19, 2011, HDR Engineering assisted the City in opening bids for the above referenced project. Six responsive bid proposals were submitted for constructing the Phase A Underwater Pipeline. Total bid prices on the base bid for a joint transmission system ranged from \$3,524,290.00 to \$8,366,020.00. Total bid prices on the alternate bid for a stand-alone Cedar Park transmission system ranged from \$3,060,743.50 to \$3,973,640.00. A detailed Bid Tabulation is enclosed for your review. Based on our evaluation of the bids and supplemental materials, Excel Construction Services, LLC (Excel Construction), of Leander, Texas, is the apparent lowest evaluated responsive base bid, and W.L. Hailey and Company, Inc. (W.L. Hailey), is the apparent lowest evaluated responsive alternate bid.

A background check was performed via telephone poll of owners and engineering firms for similar projects Excel Construction and W.L. Hailey have worked on over the past several years. The overall impression from the references we spoke with is that Excel Construction and W.L. Hailey provide quality work in a timely and professional manner and that all would gladly work with them on future projects. Also, HDR has previously completed successful marine projects with Excel Construction. Financially both companies appear to have a solid financial condition, credit rating, and payment history.

Based on the information presented and our evaluation of the bids, we recommend the City of Cedar Park accept the *Base Bid Joint Transmission System* of Excel Construction in the amount of \$3,524,290.00 if the City of Leander elects to cost share in the project. If the City of Leander chooses not to cost share in the project, we recommended the City of Cedar Park accept the *Alternate Bid Cedar Park Transmission System* of W.L. Hailey in the amount of \$3,060,743.50. We will prepare the Notice of Award Letter and other contract documents to be forwarded to the appropriate bidder pending final acceptance and direction from the City of Cedar Park.

Sincerely,  
HDR Engineering, Inc.

Aaron Archer, P.E.  
Project Manager

Enclosure: Detailed Bid Tabulation

HDR Engineering, Inc.  
Texas Registered Engineering Firm F-754

4401 West Gate Blvd.  
Suite 400  
Austin, TX 78745

Phone: 512-912-5100  
Fax: 512-912-5158  
www.hdrinc.com



City of Cedar Park and City of Leander, Texas  
 Floating Raw Water Intake Contingency Project - Phase A Underwater Pipeline  
 Bids Opened July 19, 2011 2:00 PM



Bidder		Orion Construction			Austin Engineering Co.		
Bid Item #	Description	Quantity	Units	Unit Price	Total Price	Unit Price	Total Price
<b>Attachments:</b>							
	Acknowledgement of Addendum 1						✓
	Acknowledgement of Addendum 2						✓
	Bid Security						✓
	Vendor Compliance to State Law						✓
	Bidder's Questionnaire						✓
<b>BASE BID ITEMS (JOINT TRANSMISSION SYSTEM)</b>							
1	Mobilization & Demobilization	1	LS	\$ 199,976.00	\$ 199,976.00	\$ 520,000.00	\$ 520,000.00
2	Bonding & Insurance	1	LS	\$ 46,273.00	\$ 46,273.00	\$ 198,000.00	\$ 198,000.00
3	Silt Fence	400	LF	\$ 2.00	\$ 800.00	\$ 2.00	\$ 800.00
4	Tree Protection Fencing	200	LF	\$ 50.00	\$ 10,000.00	\$ 2.00	\$ 400.00
5	Revegetation	220	SY	\$ 5.00	\$ 1,100.00	\$ 2.00	\$ 440.00
6	Trench Safety	200	LF	\$ 7.00	\$ 1,400.00	\$ 10.00	\$ 2,000.00
7	Cement Stabilized Backfill	250	CY	\$ 299.00	\$ 74,750.00	\$ 200.00	\$ 50,000.00
8	Storm Water Pollution Prevention Plan (SWPPP)	1	LS	\$ 16,487.00	\$ 16,487.00	\$ 2,500.00	\$ 2,500.00
9	Marine Construction & Navigation Safety Plan	1	LS	\$ 3,893.00	\$ 3,893.00	\$ 50,000.00	\$ 50,000.00
10	Twelve (12) High Strength Threaded Steel Rock Anchor Bolts with Grout Surround	300	VF	\$ 838.00	\$ 251,400.00	\$ 400.00	\$ 120,000.00
11	Two-Piece Bolted Concrete Ballast Block for 24 IN HDPE Pipeline	27	EA	\$ 3,198.00	\$ 86,346.00	\$ 1,700.00	\$ 45,900.00
12	Two-Piece Bolted Concrete Ballast Block for 42 IN HDPE Pipeline	200	EA	\$ 3,108.00	\$ 621,600.00	\$ 2,000.00	\$ 400,000.00
13	Concrete Retard	4	EA	\$ 7,665.00	\$ 30,660.00	\$ 15,000.00	\$ 60,000.00
14	42 IN HDPE Pipeline (PE4710 - DR11 - IPS). Laid on Lake Bottom	4,010	LF	\$ 418.00	\$ 1,676,180.00	\$ 485.00	\$ 1,944,850.00
15	24 IN HDPE Pipeline (PE4710 - DR11 - IPS). Laid on Lake Bottom	400	LF	\$ 175.00	\$ 70,000.00	\$ 408.00	\$ 163,200.00
16	30 IN Ball Joint DIP (250 Class) and Fittings. Laid on Lake Bottom	200	LF	\$ 1,458.00	\$ 291,600.00	\$ 955.00	\$ 191,000.00
17	30 IN Restrained Joint Buried DIP (250 Class) and Fittings and Appurtenances	200	LF	\$ 1,223.00	\$ 244,600.00	\$ 620.00	\$ 124,000.00
18	20 IN Restrained Joint Buried DIP (250 Class) and Fittings and Appurtenances	40	LF	\$ 1,489.00	\$ 59,560.00	\$ 1,800.00	\$ 72,000.00
19	20 IN Butterfly Valve	2	EA	\$ 9,735.00	\$ 19,470.00	\$ 11,000.00	\$ 22,000.00
20	Underwater Manifold Assembly	1	LS	\$ 178,045.00	\$ 178,045.00	\$ 230,000.00	\$ 230,000.00
21	Leander Delivery Assembly	1	LS	\$ 62,353.00	\$ 62,353.00	\$ 128,000.00	\$ 128,000.00
22	2 IN Air Release Valve and Fittings	2	EA	\$ 20,480.00	\$ 40,960.00	\$ 5,500.00	\$ 11,000.00
<b>TOTAL BASE BID (SUM OF ITEMS 1-22)</b>					<b>\$ 3,987,453.00</b>	<b>\$ 4,335,090.00</b>	<b>\$ 4,335,090.00</b>



City of Cedar Park and City of Leander, Texas  
 Floating Raw Water Intake Contingency Project - Phase A Underwater Pipeline  
 Bids Opened July 19, 2011 2:00 PM



ALTERNATE BID: CEDAR PARK TRANSMISSION SYSTEM: Bidder		Orion Construction			Austin Engineering Co.		
Bid Item #	Description	Quantity	Units	Unit Price	Total Price	Unit Price	Total Price
1	Mobilization & Demobilization	1	LS	\$ 210,947.00	\$ 210,947.00	\$ 520,000.00	\$ 520,000.00
2	Bonding & Insurance	1	LS	\$ 47,505.00	\$ 47,505.00	\$ 198,000.00	\$ 198,000.00
3	Silt Fence	400	LF	\$ 2.00	\$ 800.00	\$ 2.00	\$ 800.00
4	Tree Protection Fencing	200	LF	\$ 52.00	\$ 10,400.00	\$ 2.00	\$ 400.00
5	Revegetation	220	SY	\$ 5.00	\$ 1,100.00	\$ 2.00	\$ 440.00
6	Trench Safety	200	LF	\$ 7.00	\$ 1,400.00	\$ 10.00	\$ 2,000.00
7	Cement Stabilized Backfill	250	CY	\$ 313.00	\$ 78,250.00	\$ 200.00	\$ 50,000.00
8	Storm Water Pollution Prevention Plan (SWPPP)	1	LS	\$ 17,252.00	\$ 17,252.00	\$ 2,500.00	\$ 2,500.00
9	Marine Construction & Navigation Safety Plan	1	LS	\$ 4,076.00	\$ 4,076.00	\$ 50,000.00	\$ 50,000.00
10	Six (6) High Strength Threaded Steel Rock Anchor Bolts with Grout Surround	150	VF	\$ 846.00	\$ 126,900.00	\$ 400.00	\$ 60,000.00
11	Two-Piece Bolted Concrete Ballast Block for 36 IN HDPE Pipeline	200	EA	\$ 2,490.00	\$ 498,000.00	\$ 1,830.00	\$ 366,000.00
12	Concrete Retard	4	EA	\$ 10,022.00	\$ 40,088.00	\$ 15,000.00	\$ 60,000.00
13	36 IN HDPE Pipeline (PE4710 - DR11 - IPS). Laid on Lake Bottom	4,010	LF	\$ 333.00	\$ 1,335,330.00	\$ 424.00	\$ 1,700,240.00
14	30 IN Ball Joint DIP (250 Class) and Fittings. Laid on Lake Bottom	200	LF	\$ 1,522.00	\$ 304,400.00	\$ 955.00	\$ 191,000.00
15	30 IN Restrained Joint Buried DIP (250 Class) and Fittings	200	LF	\$ 1,183.00	\$ 236,600.00	\$ 620.00	\$ 124,000.00
16	20 IN Restrained Joint Buried DIP (250 Class) and Fittings and Appurtenances	40	LF	\$ 1,386.00	\$ 55,440.00	\$ 1,800.00	\$ 72,000.00
17	20 IN Butterfly Valve	2	EA	\$ 11,114.00	\$ 22,228.00	\$ 11,000.00	\$ 22,000.00
18	Underwater Manifold Assembly	1	LS	\$ 152,520.00	\$ 152,520.00	\$ 200,000.00	\$ 200,000.00
19	2 IN Air Release Valve & Fittings	2	EA	\$ 21,980.00	\$ 43,960.00	\$ 5,500.00	\$ 11,000.00
<b>TOTAL ALTERNATE BID (SUM OF ITEMS 1-19)</b>					<b>\$ 3,187,216.00</b>		<b>\$ 3,630,380.00</b>



City of Cedar Park and City of Leander, Texas  
 Floating Raw Water Intake Contingency Project - Phase A Underwater Pipeline  
 Bids Opened July 19, 2011 2:00 PM



<b>Bidder</b>		<b>Boyer, Inc.</b>	<b>Holloman Corporation</b>				
<b>Attachments:</b>							
Acknowledgement of Addendum 1		✓	✓				
Acknowledgement of Addendum 2		✓	✓				
Bid Security		✓	✓				
Vendor Compliance to State Law		✓	✓				
Bidders Questionnaire		✓	✓				
<b>BASE BID ITEMS (JOINT TRANSMISSION SYSTEM)</b>							
<b>Bid Item #</b>	<b>Description</b>	<b>Quantity</b>	<b>Units</b>	<b>Unit Price</b>	<b>Total Price</b>	<b>Unit Price</b>	<b>Total Price</b>
1	Mobilization & Demobilization	1	LS	\$ 85,000.00	\$ 85,000.00	\$ 505,500.00	\$ 505,500.00
2	Bonding & Insurance	1	LS	\$ 135,000.00	\$ 135,000.00	\$ 50,800.00	\$ 50,800.00
3	Silt Fence	400	LF	\$ 6.00	\$ 2,400.00	\$ 1.00	\$ 400.00
4	Tree Protection Fencing	200	LF	\$ 75.00	\$ 15,000.00	\$ 2.00	\$ 400.00
5	Revegetation	220	SY	\$ 15.00	\$ 3,300.00	\$ 3.00	\$ 660.00
6	Trench Safety	200	LF	\$ 1.00	\$ 200.00	\$ 1.00	\$ 200.00
7	Cement Stabilized Backfill	250	CY	\$ 150.00	\$ 37,500.00	\$ 16.00	\$ 4,000.00
8	Storm Water Pollution Prevention Plan (SWPPP)	1	LS	\$ 7,500.00	\$ 7,500.00	\$ 621.00	\$ 621.00
9	Marine Construction & Navigation Safety Plan	1	LS	\$ 150,000.00	\$ 150,000.00	\$ 565.00	\$ 565.00
10	Twelve (12) High Strength Threaded Steel Rock Anchor Bolts with Grout Surround	300	VF	\$ 750.00	\$ 225,000.00	\$ 350.00	\$ 105,000.00
11	Two-Piece Bolted Concrete Ballast Block for 24 IN HDPE Pipeline	27	EA	\$ 350.00	\$ 9,450.00	\$ 438.00	\$ 11,826.00
12	Two-Piece Bolted Concrete Ballast Block for 42 IN HDPE Pipeline	200	EA	\$ 750.00	\$ 150,000.00	\$ 910.00	\$ 182,000.00
13	Concrete Retard	4	EA	\$ 2,500.00	\$ 10,000.00	\$ 966.00	\$ 3,864.00
14	42 IN HDPE Pipeline (PE4710 - DR11 - IPS), Laid on Lake Bottom	4,010	LF	\$ 567.00	\$ 2,273,670.00	\$ 656.00	\$ 2,630,560.00
15	24 IN HDPE Pipeline (PE4710 - DR11 - IPS), Laid on Lake Bottom	400	LF	\$ 595.00	\$ 238,000.00	\$ 110.00	\$ 44,000.00
16	30 IN Ball Joint DIP (250 Class) and Fittings, Laid on Lake Bottom	200	LF	\$ 2,500.00	\$ 500,000.00	\$ 900.00	\$ 180,000.00
17	30 IN Restrained Joint Buried DIP (250 Class) and Fittings and Appurtenances	200	LF	\$ 20,000.00	\$ 4,000,000.00	\$ 810.00	\$ 162,000.00
18	20 IN Restrained Joint Buried DIP (250 Class) and Fittings and Appurtenances	40	LF	\$ 1,250.00	\$ 50,000.00	\$ 929.00	\$ 37,160.00
19	20 IN Butterfly Valve	2	EA	\$ 20,000.00	\$ 40,000.00	\$ 9,100.00	\$ 18,200.00
20	Underwater Manifold Assembly	1	LS	\$ 400,000.00	\$ 400,000.00	\$ 206,400.00	\$ 206,400.00
21	Leander Delivery Assembly	1	LS	\$ 25,000.00	\$ 25,000.00	\$ 20,400.00	\$ 20,400.00
22	2 IN Air Release Valve and Fittings	2	EA	\$ 4,500.00	\$ 9,000.00	\$ 5,900.00	\$ 11,800.00
<b>TOTAL BASE BID (SUM OF ITEMS 1-22)</b>					<b>\$ 8,366,020.00</b>	<b>\$ 4,176,356.00</b>	<b>\$ 4,176,356.00</b>



City of Cedar Park and City of Leander, Texas  
 Floating Raw Water Intake Contingency Project - Phase A Underwater Pipeline  
 Bids Opened July 19, 2011 2:00 PM



ALTERNATE BID: CEDAR PARK TRANSMISSION SYSTEM:					
Bidder					
Bid Item #	Description	Quantity	Units	Boyer, Inc.	Holloman Corporation
				Unit Price	Unit Price
				Total Price	Total Price
1	Mobilization & Demobilization	1	LS	\$ 75,000.00	\$ 75,000.00
2	Bonding & Insurance	1	LS	\$ 120,000.00	\$ 120,000.00
3	Silt Fence	400	LF	\$ 6.00	\$ 2,400.00
4	Tree Protection Fencing	200	LF	\$ 75.00	\$ 15,000.00
5	Revegetation	220	SY	\$ 15.00	\$ 3,300.00
6	Trench Safety	200	LF	\$ 1.00	\$ 200.00
7	Cement Stabilized Backfill	250	CY	\$ 150.00	\$ 37,500.00
8	Storm Water Pollution Prevention Plan (SWPPP)	1	LS	\$ 7,500.00	\$ 7,500.00
9	Marine Construction & Navigation Safety Plan	1	LS	\$ 145,000.00	\$ 145,000.00
10	Six (6) High Strength Threaded Steel Rock Anchor Bolts with Grout Surround	150	VF	\$ 750.00	\$ 112,500.00
11	Two-Piece Bolted Concrete Ballast Block for 36 IN HDPE Pipeline	200	EA	\$ 600.00	\$ 120,000.00
12	Concrete Retard	4	EA	\$ 2,500.00	\$ 10,000.00
13	36 IN HDPE Pipeline (PE4710 - DR11 - IPS), Laid on Lake Bottom	4,010	LF	\$ 524.00	\$ 2,101,240.00
14	30 IN Ball Joint DIP (250 Class) and Fittings, Laid on Lake Bottom	200	LF	\$ 2,500.00	\$ 500,000.00
15	30 IN Restrained Joint Buried DIP (250 Class) and Fittings	200	LF	\$ 2,000.00	\$ 400,000.00
16	20 IN Restrained Joint Buried DIP (250 Class) and Fittings and Appurtenances	40	LF	\$ 1,250.00	\$ 50,000.00
17	20 IN Butterfly Valve	2	EA	\$ 20,000.00	\$ 40,000.00
18	Underwater Manifold Assembly	1	LS	\$ 225,000.00	\$ 225,000.00
19	2 IN Air Release Valve & Fittings	2	EA	\$ 4,500.00	\$ 9,000.00
<b>TOTAL ALTERNATE BID (SUM OF ITEMS 1-19)</b>				<b>\$ 3,973,640.00</b>	<b>\$ 3,506,060.00</b>



City of Cedar Park and City of Leander, Texas  
 Floating Raw Water Intake Contingency Project - Phase A Underwater Pipeline  
 Bids Opened July 19, 2011 2:00 PM



Bidder		Excel Construction Services			W.L. Hailey & Company		
<b>Attachments:</b>							
	Acknowledgement of Addendum 1		✓				✓
	Acknowledgement of Addendum 2		✓				✓
	Bid Security		✓				✓
	Vendor Compliance to State Law		✓				✓
	Bidder's Questionnaire		✓				✓
<b>BASE BID ITEMS (JOINT TRANSMISSION SYSTEM)</b>							
Bid Item #	Description	Quantity	Units	Unit Price	Total Price	Unit Price	Total Price
1	Mobilization & Demobilization	1	LS	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00
2	Bonding & Insurance	1	LS	\$ 50,000.00	\$ 50,000.00	\$ 30,000.00	\$ 30,000.00
3	Silt Fence	400	LF	\$ 2.00	\$ 800.00	\$ 3.50	\$ 1,400.00
4	Tree Protection Fencing	200	LF	\$ 5.00	\$ 1,000.00	\$ 10.00	\$ 2,000.00
5	Revegetation	220	SY	\$ 2.00	\$ 440.00	\$ 2.25	\$ 495.00
6	Trench Safety	200	LF	\$ 5.00	\$ 1,000.00	\$ 5.00	\$ 1,000.00
7	Cement Stabilized Backfill	250	CY	\$ 150.00	\$ 37,500.00	\$ 50.00	\$ 12,500.00
8	Storm Water Pollution Prevention Plan (SWPPP)	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 21,000.00	\$ 21,000.00
9	Marine Construction & Navigation Safety Plan	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 10,000.00	\$ 10,000.00
10	Twelve (12) High Strength Threaded Steel Rock Anchor Bolts with Grout Surround	300	VF	\$ 450.00	\$ 135,000.00	\$ 300.00	\$ 90,000.00
11	Two-Piece Bolted Concrete Ballast Block for 24 IN HDPE Pipeline	27	EA	\$ 400.00	\$ 10,800.00	\$ 500.00	\$ 13,500.00
12	Two-Piece Bolted Concrete Ballast Block for 42 IN HDPE Pipeline	200	EA	\$ 800.00	\$ 160,000.00	\$ 1,000.00	\$ 200,000.00
13	Concrete Retard	4	EA	\$ 500.00	\$ 2,000.00	\$ 13,000.00	\$ 52,000.00
14	42 IN HDPE Pipeline (PE4710 - DR11 - IPS), Laid on Lake Bottom	4,010	LF	\$ 575.00	\$ 2,305,750.00	\$ 588.50	\$ 2,359,885.00
15	24 IN HDPE Pipeline (PE4710 - DR11 - IPS), Laid on Lake Bottom	400	LF	\$ 400.00	\$ 160,000.00	\$ 300.00	\$ 120,000.00
16	30 IN Ball Joint DIP (250 Class) and Fittings, Laid on Lake Bottom	200	LF	\$ 750.00	\$ 150,000.00	\$ 1,200.00	\$ 240,000.00
17	30 IN Restrained Joint Buried DIP (250 Class) and Fittings and Appurtenances	200	LF	\$ 300.00	\$ 60,000.00	\$ 500.00	\$ 100,000.00
18	20 IN Restrained Joint Buried DIP (250 Class) and Fittings and Appurtenances	40	LF	\$ 600.00	\$ 24,000.00	\$ 900.00	\$ 36,000.00
19	20 IN Butterfly Valve	2	EA	\$ 7,000.00	\$ 14,000.00	\$ 6,000.00	\$ 12,000.00
20	Underwater Manifold Assembly	1	LS	\$ 175,000.00	\$ 175,000.00	\$ 225,000.00	\$ 225,000.00
21	Leander Delivery Assembly	1	LS	\$ 75,000.00	\$ 75,000.00	\$ 115,000.00	\$ 115,000.00
22	2 IN Air Release Valve and Fittings	2	EA	\$ 5,000.00	\$ 10,000.00	\$ 9,000.00	\$ 18,000.00
<b>TOTAL BASE BID (SUM OF ITEMS 1-22)</b>					<b>\$ 3,524,290.00</b>		<b>\$ 3,809,780.00</b>



City of Cedar Park and City of Leander, Texas  
 Floating Raw Water Intake Contingency Project - Phase A Underwater Pipeline  
 Bids Opened July 19, 2011 2:00 PM



**ALTERNATE BID: CEDAR PARK TRANSMISSION SYSTEM:**

Bidder		Excel Construction Services		W.L. Halley & Company	
Bid Item #	Description	Quantity	Units	Unit Price	Total Price
1	Mobilization & Demobilization	1	LS	\$ 140,000.00	\$ 140,000.00
2	Bonding & Insurance	1	LS	\$ 40,000.00	\$ 40,000.00
3	Silt Fence	400	LF	\$ 2.00	\$ 800.00
4	Tree Protection Fencing	200	LF	\$ 5.00	\$ 1,000.00
5	Revegetation	220	SY	\$ 2.00	\$ 440.00
6	Trench Safety	200	LF	\$ 5.00	\$ 1,000.00
7	Cement Stabilized Backfill	250	CY	\$ 150.00	\$ 37,500.00
8	Storm Water Pollution Prevention Plan (SWPPP)	1	LS	\$ 1,000.00	\$ 1,000.00
9	Marine Construction & Navigation Safety Plan	1	LS	\$ 1,000.00	\$ 1,000.00
10	Six (6) High Strength Threaded Steel Rock Anchor Bolts with Grout Surround for 36 IN HDPE Pipeline	150	VF	\$ 500.00	\$ 75,000.00
11	Concrete Retard	200	EA	\$ 650.00	\$ 130,000.00
12	36 IN HDPE Pipeline (PE4710 - DR11 - IPS), Laid on Lake Bottom	4	EA	\$ 500.00	\$ 2,000.00
13	30 IN Ball Joint DIP (250 Class) and Fittings. Laid on Lake Bottom	4,010	LF	\$ 560.00	\$ 2,245,600.00
14	30 IN Restrained Joint Buried DIP (250 Class) and Fittings	200	LF	\$ 750.00	\$ 150,000.00
15	20 IN Restrained Joint Buried DIP (250 Class) and Fittings and Appurtenances	200	LF	\$ 300.00	\$ 60,000.00
16	20 IN Butterfly Valve	40	LF	\$ 600.00	\$ 24,000.00
17	Underwater Manifold Assembly	2	EA	\$ 7,000.00	\$ 14,000.00
18	2 IN Air Release Valve & Fittings	1	LS	\$ 225,000.00	\$ 225,000.00
19	2 IN Air Release Valve & Fittings	2	EA	\$ 5,000.00	\$ 10,000.00
<b>TOTAL ALTERNATE BID (SUM OF ITEMS 1-19)</b>				<b>\$ 3,158,340.00</b>	<b>\$ 3,060,743.50</b>

Unit price entered as \$20,000 and extended price entered as \$400,000

I, Aaron D. Archer, Texas P.E. # 100967, do hereby certify that this bid tab is accurate and true.

*(Signature)*  
 Signature

7-20-11  
 Date

Prepared by:



HDR Engineering, Inc.  
 Texas P.E. Firm Reg # F-745  
 4401 West Gate Blvd., Suite 400  
 Austin, TX 78745  
 512-912-5100 Telephone  
 512-912-5188 Fax



**CITY COUNCIL AGENDA**

Date:7-28-2011

Subject: Agenda Item No. F.6  
**Final Update On The 82nd Legislative Session As It Impacted The City's Adopted 2011  
Legislative Agenda.**

**Commentary:**

Philip Rodriguez, Assistant to the City Manager, will be providing a summary of the Legislative Session and bills that will impact the City.



## CITY COUNCIL AGENDA

Date:7-28-2011

Subject: Agenda Item No. F.7  
**Consideration To Approve The City Council Goals And Strategies (Strategic Map) For 2012.**

### **Commentary:**

At the City Council's June retreat, the Council reviewed and revised their annual Goals and Strategies for 2011-2012. The broad goals have remained the same from the 2010-2011 Strategic Map, but the specific strategies have been amended and updated.

The goals are as follows:

Strategic Prioritization

Economic Development

Redevelopment/Enhancement (Public/Private)

Diversified Tax Base/ Balanced Land Use

Entertainment/Destination/Culture

Facilities

Public Transportation & Mobility

# **CITY OF CEDAR PARK**

## **STRATEGIC MAP**

JUNE 2011

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### **GOAL 1: STRATEGIC PRIORITIZATION**

#### **Communications:**

- **Develop comprehensive plan for engaging and communicating with citizens and other stakeholders**
- **Develop legislative strategy**
- **Pursue acquiring a State designation**

#### **Fiscal Management:**

- **Develop methods to improve collection of outstanding court fines**
- **Develop a grant priority and strategy plan for 2012**

#### **Operational Efficiency:**

- **Identify and implement innovative and sustainable strategies for conservation of resources including: power, fuel, water and recyclable waste**
- **Improve efficiency at City Council meetings**
- **Continue charter elections if cost effective**
- **Assess and support technological efficiencies throughout the City**
- **Continue Ordinance Review process**
- **Evaluate opportunities for online customer service and citizen access through the website redesign process**

#### **Regional Planning and Participation:**

- **Pursue implementation of Phase II BCRUA Regional Water Project**
- **Implement strategic plan to address delivery of fire service in the City's Exterritorial Jurisdiction (ETJ)**
- **Evaluate long-term water sources**
- **Evaluate opportunities and develop strategies for collaboration with regional elected officials**
- **Update annexation model in support of Council decision making annually, or as needed**
- **Capitalize on tourism development opportunities**

#### **Organizational Development:**

- **Assess Staffing levels and service delivery effectiveness**
- **Develop Strategic Plan for Police Department**
  - **Evaluate and implement ICMA Police Study**

- Evaluate strategy for enforcement campaign for uninsured motorists
- Provide continuing education and development opportunities for Staff and Council to enhance organizational effectiveness and efficiency
- Develop City's Core Values

**Goal 2: ECONOMIC DEVELOPMENT**

- Explore opportunities for higher education partnerships
- Attract major primary job employers
- Explore feasibility of business incubators
- Utilize Transportation Plan to facilitate economic development
- Support 4A Strategic Map

**Goal 3: REDEVELOPMENT/ ENHANCEMENT (PUBLIC/PRIVATE)**

- Leverage development of New City Hall Complex to enhance and establish the "Center of the City"
- Explore options City-wide to enhance beautification of residential thoroughfares
- Conduct scope and feasibility study of Drainage Utility Fund
  - Public communication plan for affected neighborhoods on Public Improvement Districts (PIDs)
- Develop strategy for redevelopment of quarry
- Develop and implement strategy for a Bell Blvd redevelopment corridor
- Continue Bell Blvd 4B beautification program
- Review and evaluate sign standards for visual enhancement
- Assess concept plan and funding options for City entry signs
  - Choose key entry points
- Continue phase III of street sign replacement and identify funding
- Identify partnership opportunities in support of the public arts board strategic plan
- Ensure City Ordinances provide all tools available for redevelopment

**Goal 4: DIVERSIFIED TAX BASE AND LAND USE**

- Utilize Future Land Use Map as a guide to ensure efficient land use for all development
- Evaluate strategic rezoning of Tier I and Tier II Development Reserve and Plan Development zoning districts
- Incorporate use of best practices in planning and development efforts
- Develop and implement a "Planning and Building a 21st Century City" program for landlocked cities

**Goal 5: ENTERTAINMENT / DESTINATION / CULTURE**

- **Implement agreement with Schlitterbahn**
- **Implement strategic plan for tourism**
- **Define and explore a science based destination**
- **Implement improvements for neighborhood parks**
- **Evaluate and implement trail improvements for connectivity to major destinations**
- **Explore additional sports and entertainment opportunities**
- **Leverage Cedar Park Center as a tool for tourism**

#### **Goal 6: FACILITIES**

- **Occupy New City Hall - on time and on budget**
- **Inventory vacant City property and evaluate potential uses**
- **Divest excess City properties**
- **Pursue options for Buildings 5 and 6 at New City Hall Campus**
- **Evaluate timeline for Police Station Phase II**
- **Utilize energy and resource-efficient methods and technologies when long-term benefits justify front-end costs**
- **Pursue construction of parks maintenance facility**

#### **Goal 7: PUBLIC TRANSPORTATION / MOBILITY**

- **Convene Williamson County Transportation Forum**
- **Prioritize CAMPO Surface Transportation Projects (STP) submitted**
- **Explore multi-modal opportunities**
- **Evaluate funding feasibility of Cottonwood Creek project**
- **Continue progress and implementation of Roadway Plan**



## CITY COUNCIL AGENDA

Date:7-28-2011

Subject: Agenda Item No. F.8  
**Consideration Of Appointments To A Charter Review Committee.**

### Commentary:

	NAME	APPOINTED BY
1	Cobby Caputo ** Apptd as Chair **	Mayor Lemon
2	Bob Marstiller	Mayor Lemon
3		Mayor Lemon
4		Matt Powell
5		Matt Powell
6		Mitch Fuller
7		Mitch Fuller
8	Alan Yore	Scott Mitchell
9	Michael Dion	Scott Mitchell
10		Lowell Moore
11		Lowell Moore
12	Jon Lux	Tony Dale
13	Stephen Thomas	Tony Dale
14		Don Tracy
15		Don Tracy



## CITY COUNCIL AGENDA

Date:7-28-2011

Subject: Agenda Item No. F.9  
**Consideration of Appointments to a Festival Planning Committee - Mark Lewis.**

### **Commentary:**

In November, 2010, Tourism Chair Alain O'Tool and Tourism Board member Wayne Brooks, appeared before the Arts Advisory Board for the purpose of discussing a possible Cedar Park Arts, Wine, and Food Festival. Both presenters and Board agreed that a festival of this type could help further the Strategic Plan's Entertainment/Destination/Culture goal. The November presentation was followed by additional discussions involving, at various times, the Arts, 4B, and Tourism Boards.

As an outgrowth of these discussions, working committee has formed. The committee, supported by staff, is comprised of members of the Arts Advisory, 4B, and Tourism Boards. Over the course of approximately three informal meetings, the group has continued to research and discuss the feasibility of either developing or importing a major, multi-day, Cedar Park based festival.

Conclusions reached by the committee include the following:

- The festival should combine art, wine, and food and should showcase local and regional artists, chefs, wineries, and craft beer brewers.
- To ensure viability, a major festival should be held over the course of not less than one & a half, to two days.
- Launching a major festival will require twelve to eighteen months of advance planning.
- Identification and cultivation of community stakeholders is a critical part of the planning process.
- City Council support and participation will greatly enhance the planning process.

Based on these conclusions, staff, on behalf of the planning committee, is requesting that City Council consider appointing one to two members to serve as committee members.

The committee is currently meeting on a monthly basis. Meetings, which primarily take place on Mondays, are held during business hours. The next meeting will most likely be scheduled for either August 15, or August 22.





**CITY COUNCIL AGENDA**  
Date:7-28-2011

Subject: Agenda Item No. F.10  
**Consideration Of Appointment To Place One On The Parks and Recreation Advisory Board With A Term To Expire July 31, 2013.**

**Commentary:**

**Parks and Recreation –Two Year Term**

NAME		TERM	APPOINTED	EXPIRES
Ruark, Wayne	1	2 yr	June 5, 2008 Reappt 7-23-09	July 31, 2011 New Term July 31, 2013
Rogers, Scott	2	2 yr	11-17-05 Reappt. 7-27-06 Reappted 7-10-08 Reappted 12-9-10	July 31,2012
Caputo, Mary	3	2 yr	November 18, 2010 Unexpired Term	July 31, 2011 New Term July 31, 2013
Powers, David	4	2 yr	Apptd 7-10-08	July 31, 2010 New Term July 31,2012
Greeley, John	5	2 yr	July 23, 2009	July 31, 2011 New Term July 31, 2013
Holguin, Jesse	6	2 yr	12-16-04 Reappt. 7-27-06 Reappt 7-10-08	July 31, 2010 New Term July 31,2012
Bartles, Janet	7	2 yr	August 10, 2006 Reappt. August 9, 2007 Reappt 7-23-09	July 31, 2011 New Term July 31, 2013



**CITY COUNCIL AGENDA**

Date:7-28-2011

Subject: Agenda Item No. F.11  
**Update On Central Texas Regional Mobility Authority ("CTRMA") Traffic Signal At  
Brushy Creek Road. (Powell)**

**Commentary:**



**CITY COUNCIL AGENDA**

Date:7-28-2011

Subject: Agenda Item No. F.12  
**Consideration For A Business Incubator Development In Cedar Park. (Fuller)**

**Commentary:**



**CITY COUNCIL AGENDA**  
Date:7-28-2011

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



**CITY COUNCIL AGENDA**

Date:7-28-2011

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 Council Rules Of Procedure.**
- b. Legal Issues Concerning Terms And Conditions Of Leases At City Hall Complex Located On Cypress Creek.**



**CITY COUNCIL AGENDA**

Date:7-28-2011

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:7-28-2011

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



**CITY COUNCIL AGENDA**  
Date:7-28-2011

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