



**CITY OF CEDAR PARK  
REGULAR SCHEDULED CITY COUNCIL MEETING  
CEDAR PARK CITY HALL - COUNCIL CHAMBERS  
450 CYPRESS CREEK ROAD, BUILDING FOUR  
JANUARY 14, 2021 AT 6:00 PM**

**Link For Meeting:** <https://councilmtg.cedarparktexas.gov/>

**Event Password:** CedarPark2021

**United States Toll Free:** 1-844-992-4726

**Access Code:** 126 396 2688

Corbin Van Arsdale, Mayor  
Tim Kelly, Council Place One  
Mel Kirkland, Council Place Two  
Eric Boyce, Council Place Four

Anne Duffy, Mayor Pro Tem  
Rodney T. Robinson, Council Place Five  
Heather Jefts, Council Place Six  
Brenda Eivens, City Manager

*All electronic and printed materials to be presented at the Council Meeting must be submitted for cybersecurity and legal obscenity screening in accordance with City Policy. **Electronic material must be submitted by 12:00 p.m., day of meeting, and printed material must be submitted prior to the Call To Order.** Any electronic or printed material not submitted in accordance with the Policy, that poses a cybersecurity risk, or is legally obscene, will not be allowed. You may email the entire Council on any issue at [Council@cedarparktexas.gov](mailto:Council@cedarparktexas.gov).*

### **AGENDA**

**A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.**

#### **I. EXECUTIVE SESSION**

*In accordance with Chapter 551, Government Code, the City Council will now convene in a Closed Executive Session pursuant to the following provisions of the Texas Open Meetings Act, Chapter 551, of the Texas Government Code:*

**B.1 NO ITEMS POSTED FOR EXECUTIVE SESSION.**

*An unscheduled Closed Executive Session may be called to discuss any item on this posted agenda provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.*

The Council Reconvenes into Open Meeting.

**II. OPEN MEETING**  
**To Commence At 6:00 p.m.**

- C.1 Invocation. (1)
- C.2 Pledges Of Allegiance (U.S. and Texas).
- C.3 Public Communications. (Regarding items not listed on this Agenda. Three Minutes each. No deliberations with the Council. The Council may respond only with factual statements, recitation of existing policy, and requests for an item to be placed on a future Agenda.)
- [C.4](#) Presentation: Recognition For The 40th Anniversary Of The Cedar Park Public Library.
- C.5 City Manager Report: Employee Recognition For Service With The City Of Cedar Park
  - a. Chief James Mallinger, Fire Department, Twenty Five Years Of Service.

**Consent Agenda**

*Pursuant to Council Rule 2.3, the City Council Consent Agenda consists of Agenda Items D, E, and F.*

- [D.1](#) Approval Of Minutes From The Regular Scheduled City Council Meeting Of November 19, 2020.
- [D.2](#) Approval Of Minutes From The Regular Scheduled City Council Meeting Of December 3, 2020.
- [D.3](#) Approval Of Minutes From The Regular Scheduled City Council Meeting Of November 17, 2020.
- [E.1](#) (OA-20-001) Second Reading And Approval Of An Ordinance Amending Chapter 11 Zoning. ***The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of The Amendments.***
- [F.1](#) Approval For Reappointment Of Audrey Wernecke To Place Four On The Planning And Zoning Commission. (Boyce)
- [F.2](#) Approval For Reappointment Of Linda Ayotte To Place Six On The Tourism Advisory Board. (Jefts)
- [F.3](#) A Resolution Authorizing An Agreement For The Transfer Of Retired Law Enforcement K-9 Officer “Stryker” To Officer Ian White.
- [F.4](#) A Resolution Approving The City of Cedar Park Legislative Platform For The 87th Legislative Session.
- [F.5](#) A Resolution Consenting To The Brushy Creek Regional Utility Authority (“BCRUA”) Authorizing An Emergency Agreement With Excel Construction Services, LLC For Repairs To

*An unscheduled Closed Executive Session may be called to discuss any item on this posted agenda provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.*

The 36-Inch Underwater Raw Water Pipeline For The Amount Of \$665,316, With Cedar Park's Portion In The Amount Of \$177,439.78.

**Public Hearings**

- [G.1](#) (Z-20-014) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 4.56 Acres From Development Reserve (DR) To General Business (GB), Located At The Southeast Corner of W Whitestone Boulevard and Toro Grande Boulevard. ***The Planning and Zoning Commission Voted 4-2 To Recommend Denial Of General Business (GB).***
- [G.2](#) (Z-20-015) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 13.64 Acres From Light Industrial (LI) To Heavy Industrial – Conditional Overlay (HI-CO), Located At 1800 Hur Industrial Boulevard. ***The Planning and Zoning Commission Voted 6-0 To Recommend Heavy Industrial – Conditional Overlay (HI-CO) As Requested.***
- [G.3](#) (OA-20-003) First Reading And Public Hearing Of An Ordinance Amending Cedar Park Code Of Ordinances Chapter 6, Seasonal, Temporary And Mobile Business And Events Regarding Seasonal Businesses And Special Events.
- [G.4](#) First Reading And Public Hearing Of An Ordinance Calling And Ordering A Special Called Election To Be Held On May 1, 2021 For The Purpose Of Considering Amendments To The City Charter; Making Provisions For The Conduct Of The Election, And Resolving Other Matters Related To Such Election.

**Regular Agenda (Non-Consent)**

- [H.1](#) Discussion For Appointment Of Kimberly Bradford-Brown To Place Six On The Planning And Zoning Commission. (Jefts)
- [H.2](#) Second Reading Of An Ordinance Authorizing An Agreement With Pedernales Electric Cooperative, Inc. Granting Its Legal Representatives, Successors, Lessees And Assigns Certain Powers, Licenses, Rights-Of-Way, Privileges And Franchise To Construct, Maintain, Operate And Use A Transmission And Distribution System In The City Of Cedar Park To Provide Electric Utility Service.
- [H.3](#) Review And Consideration Of Acceptance Of The 2020 Cedar Park Transit Study.
- [H.4](#) Update On The Future Redevelopment Of The Lime Creek Quarry.
- [H.5](#) Consideration Of A Resolution Approving Proposed Amendments To The City Council Rules Of Procedure.
- [H.6](#) Discussion And Possible Action Regarding The City’s Revolving Door Policy.
- [H.7](#) Discussion Regarding The COVID-19 Declaration Of Local State Of Disaster For The City Of Cedar Park.

*An unscheduled Closed Executive Session may be called to discuss any item on this posted agenda provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.*

H.8 Consider Action, If Any, On Items Discussed In Executive Session.

H.9 Mayor And Council Closing Comments.

H.10 Adjournment.

*The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time. All agenda items are subject to final action by the City Council. Separate agenda items may be combined and discussed together at the discretion of the Chair.*

*Any final action, decision, or vote on a matter deliberated in Closed Executive Session shall be made in an open meeting pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.*

*Certain information may be presented to and by the City Council, under the headings of "Citizen Communications", and "Council Comments" however, by law, the Council shall not discuss, deliberate or vote upon such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.*

*The City Attorney has approved the Executive Session Items on this agenda.*

**CERTIFICATION**

I certify that the above notice of the Regular Scheduled City Council Meeting of the City of Cedar Park, Texas was posted on the bulletin board of the City of Cedar Park City Hall, 450 Cypress Creek Road, Building Four, Cedar Park, Texas. This notice was posted on:

Date Posted: \_\_\_\_\_  
Date Stamped (Month, Day, Year, AM/PM, Time)

The Cedar Park City Hall Council Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (512) 401-5002 or FAX (512) 401-5003 for further information.

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

Notice Removed: \_\_\_\_\_  
Date Stamped (Month, Day, Year, AM/PM, Time)

*An unscheduled Closed Executive Session may be called to discuss any item on this posted agenda provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.*

# CITY OF CEDAR PARK 2018-2020 STRATEGIC GOALS



## DISTINCTLY CEDAR PARK

### PURPOSE

Cedar Park is a unique location with a distinct identity shaped by its distinguishing projects and programs.

### OBJECTIVES

- Encourage unique and distinctive developments
- Revitalize Bell Boulevard area
- Create gathering places, including parks and library
- Design special events that attract people to Cedar Park
- Leverage the value of aesthetics on community culture



## OPEN HERE, GROW HERE

### PURPOSE

Use economic development resources to expand and diversify our tax base by actively recruiting new employers and supporting existing businesses.

### OBJECTIVES

- Identify markets and actively recruit targeted industries and employers
- Evaluate economic development tool box
- Protect areas already designated for business
- Develop and launch business retention program



## SAFETY IS TOP-OF-MIND

### PURPOSE

Our community feels safe, secure and comfortable.

### OBJECTIVES

- Ensure timely and appropriate response for calls for service
- Provide resources necessary to meet community expectations
- Enhance citizen safety level



**CEDAR PARK**



## OPERATIONAL & FISCAL EXCELLENCE

### PURPOSE

Deliver high-quality services in a fiscally-responsible manner.

### OBJECTIVES

- Provide high-value services to our community
- Demonstrate fiscal responsibility
- Improve and ensure a well-maintained infrastructure, including storm water
- Attract and retain a qualified workforce



## LINK PEOPLE, PLACES & THINGS

### PURPOSE

Improve mobility through multi-modal transportation options that best serve the community's needs.

### OBJECTIVES

- Continue implementing Roadway Master Plan
- Expand pedestrian and bike networks
- Complete Transit Study
- Use technology to improve traffic/mobility
- Advance 183A frontage road project



## STRONG COMMUNITY CONNECTIONS

### PURPOSE

Encourage and expand civic engagement and understanding of government to inspire trust and confidence.

### OBJECTIVES

- Develop and leverage innovative ways to engage the community
- Evaluate and enhance current engagement programs
- Support development and recognition of board and commission members



## SUSTAINABLE FUTURE

### PURPOSE

Demonstrate responsible stewardship of community and natural resources.

### OBJECTIVES

- Use our resources wisely
- Explore environmental programs
- Update Comprehensive Plan
- Support neighborhood maintenance

An unscheduled Closed Executive Session may be called to discuss any item on this posted agenda provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

**File Attachments for Item:**

C.4 Presentation: Recognition For The 40th Anniversary Of The Cedar Park Public Library.



**CITY COUNCIL AGENDA**  
January 14, 2021

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**Item/Subject:** Recognition For The 40<sup>th</sup> Anniversary of Cedar Park Public Library

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**Commentary**

The Cedar Park Public Library turns “40 & Fabulous” on January 17, 2021. In honor of this anniversary, the Library will be holding special activities and sharing stories from the Library’s forty years of history throughout the month of January.

The Cedar Park Public Library’s history began in 1979, when a group of concerned Cedar Park citizens brought a proposition before the Cedar Park City Council advocating for a local library. The City Council approved the first annual budget for the library, and dedicated volunteers worked diligently to establish the Cedar Park Public Library. Later in December of 1980, the city hired Pauline Lam to serve as the Library Director. The Library officially opened on January 17, 1981 in a small storefront space in Cedar Park Plaza. It was moved that same year to a 1,500 square-foot remodeled laundromat on Commercial Parkway, where it remained for nine years. In 1990, the City completed construction of a 7,300 square-foot space at 550 Discovery Boulevard. By 2001, thanks to bond funding passed by the citizens of Cedar Park and fundraising efforts of the Cedar Park Public Library Foundation, the Library was able to expand the space to 25,500 square feet, as it remains today.

The Library has come a long way from humble beginnings in a 500 square-foot space, to become the busiest of all Cedar Park facilities – offering everything from books and technology, to early literacy and STEM education resources. The new Cedar Park Public Library facility is currently under design and will anchor the Bell District.

For more information on dates, times and details of the 40<sup>th</sup> anniversary celebrations, please visit [www.cedarparktexas.gov/cpplfab40](http://www.cedarparktexas.gov/cpplfab40).

**Initiating Dept:** Library

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**Fiscal Impact**  
**Fund:**

**Budget**  
**Budget:**

**Finance Director Review**

**Legal Certification**

Approved as to form and content:

Yes       No **City Attorney**

**Associated Information:**



**File Attachments for Item:**

D.1 Approval Of Minutes From The Regular Scheduled City Council Meeting Of November 19, 2020.

## MINUTES

**CITY OF CEDAR PARK**  
**REGULAR SCHEDULED CITY COUNCIL MEETING**  
**CEDAR PARK CITY HALL - COUNCIL CHAMBERS**  
**450 CYPRESS CREEK ROAD, BUILDING FOUR**  
**NOVEMBER 19, 2020 AT 7:00 PM**

**Link For Meeting:** <https://councilmtg.cedarparktexas.gov/>

**Event Password:** CedarPark2020

**United States Toll Free:** 1-844-992-4726

**Access Code:** 126 800 4653

Corbin Van Arsdale, Mayor  
 Tim Kelly, Council Place One  
 Anne Duffy, Council Place Three  
 Kevin Harris, Council Place Four

Mel Kirkland, Mayor Pro Tem  
 Rodney T. Robinson, Council Place Five  
 Dorian Chavez, Council Place Six  
 Brenda Eivens, City Manager

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A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.

**Mayor Van Arsdale called the meeting to order at 7:00 p.m.**

**Councilmembers Kelly absent from meeting. All others present.**

A.2 Invocation. (5)

**Sean Oliver, Jail-To-Jobs, gave the Invocation.**

A.3 Pledges Of Allegiance (U.S. and Texas).

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

A.4 Ceremonial Swearing-In Of Elected Officials From The General Election Of November 3, 2020.

**Council recessed from 7:03 p.m. to 7:20 p.m. and the elected officials were sworn-in in front of Building Four.**

a. Mayor - Corbin Van Arsdale. **Sworn in by LeAnn Quinn, City Secretary.**

b. Council Place Two - Mel Kirkland. **Sworn in by LeAnn Quinn, City Secretary.**

c. Council Place Four - Eric Boyce. **Sworn in by LeAnn Quinn, City Secretary.**

d. Council Place Six - Heather Jefts. **Sworn in by Rep. John Bucy.**

A.5 Recess For Installation Of Council On The Dais.

**Upon reconvening, Councilmember Boyce and Councilmember Jefts were installed on the dais.**

A.6 Announcement Of Mayor Pro Tem In Accordance With Council Rules Of Procedure Rule 4.2. (Van Arsdale)

**Mayor Van Arsdale thanked Mayor Pro Tem Kirkland for his service and announced the new Mayor Pro Tem would be Councilmember Duffy.**

A.7 Public Communications. (Regarding items not listed on this Agenda. Three Minutes each. No deliberations with the Council. The Council may respond only with factual statements, recitation of existing policy, and requests for an item to be placed on a future Agenda.)

**Interim Chief Harmon, Cedar Park Police Dept., commented on the Blue Santa Program and encouraged citizens to participate with monetary donations.**

**CONSENT AGENDA**

*Pursuant to Council Rule 2.3, the City Council Consent Agenda consists of Agenda Items B, C, and D.*

**Agenda Item D.1 removed from the Consent Agenda by Councilmember Kirkland.**

***Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C, and D, excluding D.1.***

**Movant: Councilmember Kirkland  
Second: Councilmember Jefts  
Roll Call Vote conducted:**

- Councilmember Kirkland    Aye**
- Mayor Pro Duffy            Aye**
- Councilmember Boyce       Aye**
- Councilmember Robinson   Aye**
- Councilmember Jefts        Aye**
- Mayor Van Arsdale          Aye**

**Vote 6-0 with Councilmember Kelly absent from meeting.**

B.1 Approval Of Minutes From The Regular Scheduled City Council Meeting Of November 5, 2020.

**Approved under the Consent Agenda.**

C.1 (Z-20-010) Second Reading And Approval Of An Ordinance To Rezone Approximately 8.62 Acres From Neighborhood Business (NB) To Local Business (LB), Located At The Northwest

Corner Of Ranch Trails And Brushy Creek Road. *The Planning and Zoning Commission Voted 4-0 To Recommend Local Business (LB) As Requested.*

**Approved under the Consent Agenda.**

**Ordinance Number Z002.20.11.19.C1**

C.2 Second Reading And Approval Of An Ordinance Amending Cedar Park Code Of Ordinances, Chapter 9, Human Resources, Article 9.11 Municipal Civil Service, Section 9.11.002(a) Classification And Number Of Positions, Revising The Classification And Number of Positions In The Police Department.

**Approved under the Consent Agenda.**

**Ordinance Number CO03.20.11.19.C2**

D.1 A Resolution For City Acceptance Of C-Bar Ranch Trail Roadway Improvements.

**Agenda Item D.1 removed from the Consent Agenda by Councilmember Kirkland.**

**Councilmember Kirkland thanked Staff for working with Forest Oaks and the community.**

*Motion to approve Agenda Item D.1 as presented.*

*“A Resolution for City Acceptance of C-Bar Ranch Trail Roadway Improvements”.*

**Movant: Councilmember Kirkland**

**Second: Councilmember Jefts**

**Roll Call Vote conducted:**

- Councilmember Jefts      Aye**
- Councilmember Robinson   Aye**
- Councilmember Boyce      Aye**
- Mayor Pro Duffy          Aye**
- Councilmember Kirkland   Aye**
- Mayor Van Arsdale        Aye**

**Vote: 6-0 with Councilmember Kelly absent from meeting.**

**Resolution Number R014.20.11.19.D1**

- D.2 A Resolution Granting Utility Easements To Oncor Electric Delivery Company, LLC, For Electric Infrastructure To Support The Brushy Creek Regional Wastewater System East Plant Expansion Project.

**Approved under the Consent Agenda.**

**Resolution Number R015.20.11.19.D2**

- D.3 A Resolution Authorizing An Interlocal Agreement For Mosquito Control Services With Williamson County And Cities Health District.

**Approved under the Consent Agenda.**

**Resolution Number R016.20.11.19.D3**

- D.4 A Resolution Authorizing An Agreement With Brycer, LLC For Fire System Inspection Monitoring Through The Compliance Engine.

**Approved under the Consent Agenda.**

**Resolution Number R017.20.11.19.D4**

- D.5 A Resolution Authorizing The Purchase Of Storage Expansion Technologies Approved In The FY 2021 Budget Through The Texas Department Of Information Resources (DIR) Purchasing Cooperative DIR-TSO-4299 In An Amount Not To Exceed \$173,536.

**Approved under the Consent Agenda.**

**Resolution Number R018.20.11.19.D5**

- D.6 A Resolution Authorizing An Amendment To The Meet & Confer Agreement Between The Cedar Park Professional Firefighters Association And The City of Cedar Park.

**Approved under the Consent Agenda.**

**Resolution Number R019.20.11.19.D6**

### **PUBLIC HEARINGS**

- E.1 First Reading And Public Hearing Of An Ordinance Amending Chapter 5 Of The City Of Cedar Park Code Of Ordinances, Fire And Emergency Management, Article 5.01 Fire Code, Section 5.01.002 Amendments, To Adopt Sections 315.3.1 & 510 Of The 2018 International Fire Code.

**Chief Mallinger, Fire Dept., reviewed the proposed amendments to the Fire Code located in Chapter Five of the Cedar Park Code of Ordinances.**

**Mayor Van Arsdale opened the Public Hearing.**

No Public Comment.

Mayor Van Arsdale closed the Public Hearing.

**REGULAR AGENDA (NON-CONSENT)**

F.1 Consideration Of A Resolution Authorizing An Agreement For Construction Of The Sidewalk Gap Closure Program Phase 5 Project With WJC Constructors Services LLC In An Amount Not To Exceed \$280,000.

**Tom Gdala, Sr. Engineering Assoc., reviewed the fourteen (14) areas included in Phase 5 of the Sidewalk Gap Closure Program. The Project is a FY19 Capital Improvement Project, funded by the Community Development Corporation (Type B).**

*Motion to approve a Resolution authorizing an Agreement for construction of the Sidewalk Gap Closure Program Phase 5 Project with WJC Constructors Services LLC in an amount not to exceed \$280,000.*

**Movant: Councilmember Robinson**

**Second: Mayor Pro Tem Duffy**

**Roll Call Vote conducted:**

- Councilmember Boyce      Aye**
- Councilmember Robinson   Aye**
- Councilmember Jefts        Aye**
- Councilmember Kirkland   Aye**
- Mayor Pro Tem Duffy        Aye**
- Mayor Van Arsdale          Aye**

**Vote: 6-0 with Councilmember Kelly absent from meeting.**

**Resolution Number R020.20.11.19.F1**

F.2 Consideration Of The Official Ballot For The Candidate For The Travis Central Appraisal District Board Of Directors And Casting Of Vote.

**Kevin Klosterboer, Asst. Finance Director, reviewed the ballot for the Travis Central Appraisal District. The ballot was corrected from the last meeting to reflect the correct spelling of Randy Strader’s name.**

*Motion to approve the vote and submission for Randy Strader.*

**Movant: Councilmember Kirkland**

**Second: Councilmember Boyce**

**Roll Call Vote conducted:**

- Mayor Pro Tem Duffy      Aye**
- Councilmember Kirkland   Aye**
- Councilmember Boyce      Aye**
- Councilmember Robinson   Aye**
- Councilmember Jefts      Aye**
- Mayor Van Arsdale        Aye**

**Vote: 6-0 with Councilmember Kelly absent from meeting.**

F.3 Consideration Of A Resolution To Nominate A Candidate For The Williamson Central Appraisal District Board Of Directors And Approval For Submission Of Nomination.

**Kevin Klosterboer, Asst. Finance Director, reviewed the process for submission of a nomination to the Williamson Central Appraisal District Board of Directors. No responses were received regarding interest in being nominated.**

**No action taken**

F.4 Consideration For The 2021 City Of Cedar Park Meeting Calendar.

**LeAnn Quinn, City Secretary, stated the 2021 Meeting Calendar is being provided for Council’s review and will be placed on a future agenda for approval.**

F.5 Discussion Regarding The COVID-19 Declaration Of Local State Of Disaster For The City Of Cedar Park.

**John Cummings, Emergency Mgmt. Coordinator, provided an update on the COVID-19 pandemic in Cedar Park.**

**Agenda Item F.5 recalled after Executive Session.**

**Katherine Caffrey, Asst. City Manager, addressed the Council pertaining to implementation of safety measures.**

**EXECUTIVE SESSION**

*In accordance with Chapter 551, Government Code, the City Council will now convene in a Closed Executive Session pursuant to the following provisions of the Texas Open Meetings Act, Chapter 551, of the Texas Government Code:*

**Council convened into Executive Session in Building Three, Multi-Purpose Room, at 7:58 p.m.**

- G.1 Section § 551.071 (2) Consultation With Attorney Regarding Matters In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflict With This Chapter:
- a. Legal Issues Concerning A Public Utility Franchise Agreement With Pedernales Electric Cooperative.
- G.2 Section § 551.087 Deliberation Regarding Economic Development Negotiations.
- a. Update Regarding Negotiations With Economic Development Prospects.

The Council reconvenes into Open Meeting.

**OPEN MEETING**

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

- H.1 Consider Action, If Any, On Items Discussed In Executive Session.

**Council reconvened from Executive Session into Open Meeting at 8:23 p.m.**

**Agenda Item F.5 recalled after Executive Session.**

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

- H.2 Mayor And Council Closing Comments.

**Councilmember Jefts thanked everyone that volunteered and helped with her campaign.**

**Councilmember Boyce commented on being elected by his peers and serving the City.**

**Council congratulated re-elected and newly elected Councilmembers.**

**Councilmember Kirkland commented on being re-elected and thanked everyone that participated in the election.**

**Mayor Van Arsdale thanked Kevin Harris for serving in the Place Four vacancy and thanked everyone involved with the election. He reminded Council of Board appointments that need to be made.**

- H.3 Adjournment.

**Mayor Van Arsdale adjourned the meeting at 8:34 p.m. in honor of Don Schliesser.**



**PASSED AND APPROVED THIS 14<sup>th</sup> DAY OF JANUARY, 2021**

\_\_\_\_\_  
**Corbin Van Arsdale, Mayor**

**ATTEST:**

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

**File Attachments for Item:**

D.2 Approval Of Minutes From The Regular Scheduled City Council Meeting Of December 3, 2020.

## MINUTES

**CITY OF CEDAR PARK**  
**REGULAR SCHEDULED CITY COUNCIL MEETING**  
**CEDAR PARK CITY HALL - COUNCIL CHAMBERS**  
**450 CYPRESS CREEK ROAD, BUILDING FOUR**  
**DECEMBER 03, 2020 AT 6:00 PM**

**Link For Meeting:** <https://councilmtg.cedarparktexas.gov/>

**Event Password:** CedarPark2020

**United States Toll Free:** 1-844-992-4726

**Access Code:** 126 142 3783

Corbin Van Arsdale, Mayor  
 Tim Kelly, Council Place One  
 Mel Kirkland, Council Place Two  
 Eric Boyce, Council Place Four

Anne Duffy, Mayor Pro Tem  
 Rodney T. Robinson, Council Place Five  
 Heather Jefts, Council Place Six  
 Brenda Eivens, City Manager

A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.

**Mayor Van Arsdale called the meeting to order at 6:00 p.m.**

**All Council present with CM Kelly and Duffy arriving at 6:05 p.m. and CM Robinson arriving at 6:14 p.m. Councilmember Kelly attended the meeting by video conference.**

**I. EXECUTIVE SESSION**  
**To Commence At 6:00 p.m.**

*In accordance with Chapter 551, Government Code, the City Council will now convene in a Closed Executive Session pursuant to the following provisions of the Texas Open Meetings Act, Chapter 551, of the Texas Government Code:*

**Council convened into Executive Session in Building Three, Multi-Purpose Room, at 6:00 p.m.**

B.1 Section § 551.071 (1) Consultation With City Attorney Concerning Pending Or Contemplated Litigation Or Settlement Offer.

a. Civil Action No. 1:20-CV-00481-RP; In The United States District Court, Western District, Austin Division, *Gregory Raymond Kelly vs. The City Of Cedar Park, Sean Mannix, And Christopher Dailey.*

B.2 Section § 551.071 (2) Consultation With Attorney Regarding Matters In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflict With This Chapter:

- a. Legal Issues Concerning Enforcement Of Zoning Code Regarding Unpermitted Uses.
- B.3 Section § 551.074 Deliberate The Appointment, Employment, Evaluation, And Duties Of A Public Officer Or Employee.
  - a. Brenda Eivens, City Manager.
  - b. J.P. LeCompte, City Attorney.

The Council Reconvenes into Open Meeting.

**II. OPEN MEETING**  
**To Commence At 7:00 p.m.**

**Council reconvened from Executive Session into Open Meeting at 7:13 p.m.**

- C.1 Invocation. (6)

**Councilmember Jefts gave a reflection on gratitude.**

- C.2 Pledges Of Allegiance (U.S. and Texas).

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

- C.3 Public Communications. (Regarding items not listed on this Agenda. Three Minutes each. No deliberations with the Council. The Council may respond only with factual statements, recitation of existing policy, and requests for an item to be placed on a future Agenda.)

**No Public Comment.**

- C.4 City Manager Report: FY 2020 Fourth Quarter Investment Report – Kent Meredith, Finance Director.

**Kent Meredith, Finance Director, presented the Fiscal Year 2020 Fourth Quarter Investment Report.**

- C.5 City Manager Report: FY 2020 Fourth Quarter Finance Report – Kent Meredith, Finance Director.

**Kevin Klosterboer, Asst. Finance Director, presented the Fiscal Year 2020 Fourth Quarter Finance Report.**

**Consent Agenda**

*Pursuant to Council Rule 2.3, the City Council Consent Agenda consists of Agenda Items D, E, and F.*

**Agenda Item F.7 withdrawn from the Agenda.**

**Agenda Item F.3 removed from the Consent Agenda by Councilmember Kirkland.**

*Motion to approve all items on the Consent Agenda consisting of Agenda Items D, E, and F, excluding F.3 and F.7.*

**Movant: Councilmember Kirkland**

**Second: Mayor Pro Tem Duffy**

**Roll Call Vote conducted:**

- Councilmember Jefts            Aye**
- Councilmember Robinson    Aye**
- Mayor Pro Tem Duffy        Aye**
- Councilmember Boyce        Aye**
- Councilmember Kirkland    Aye**
- Councilmember Kelly        Aye**
- Mayor Van Arsdale          Aye**

**Vote: 7-0**

D.1 Receipt Of Minutes From The Cedar Park Community Development (Type B) Corporation Meeting of September 8, 2020.

**Received under the Consent Agenda.**

E.1 Second Reading And Approval Of An Ordinance Amending Chapter 5 Of The City Of Cedar Park Code Of Ordinances, Fire And Emergency Management, Article 5.01 Fire Code, Section 5.01.002 Amendments, To Adopt Sections 315.3.1 And 510 Of The 2018 International Fire Code.

**Approved under the Consent Agenda.**

**Ordinance Number CO04.20.12.03.E1**

F.1 A Resolution Authorizing A License Agreement With Clayton Properties Group, Inc (Brohn Homes) And Cross Creek Ranch Condominium Community, Inc. For Installation And Maintenance Of Landscaping, Signage And Hardscape Within C-Bar Ranch Trail Right Of Way Between East Whitestone Boulevard And Lynnwood Trail.

**Approved under the Consent Agenda.**

**Resolution Number R021.20.12.03.F1**

- F.2 A Resolution Authorizing An Agreement With NAFECO For the Purchase Of Bunker Pants And Bunker Coats Through The Houston-Galveston Area Council Cooperative Purchasing Contract EE08-19 In An Amount Not To Exceed \$80,000.

**Approved under the Consent Agenda.**

**Resolution Number R022.20.12.03.F2**

- F.3 A Resolution Authorizing An Agreement With Angela Effenberger For The Commissioning Of A Mural Project At Rosemary Denny Park.

**Agenda Item F.3 removed from the Consent Agenda by Councilmember Kirkland.**

**Councilmember Kelly commented on the design and the use of the phrase “uniquely Cedar Park”. He is concerned with new messaging being used by the PACE Board that may conflict with current branding.**

**No action taken.**

- F.4 A Resolution Authorizing Agreements With Artist Jennifer Geiger In A Total Amount Not To Exceed \$1,627.

**Approved under the Consent Agenda.**

**Resolution Number R024.20.12.03.F4**

- F.5 A Resolution Authorizing The Acceptance Of CARES Act Funds From The Williamson County, Wilco Forward Phase II Program In An Estimated Amount Of \$155,797.27 To Reimburse The City For Necessary Expenditures Incurred Due To The COVID-19 Public Health Emergency.

**Approved under the Consent Agenda.**

**Resolution Number R025.20.12.03.F5**

- F.6 A Resolution Authorizing An Agreement With Insight Public Sector, Inc. For The Purchase Of Data Center Core Switch Software, Hardware And Maintenance And Support In An Amount Not To Exceed \$145,197.72 Over Three (3) Years.

**Approved under the Consent Agenda.**

**Resolution Number R026.20.12.03.F6**

- F.7 A Resolution Authorizing Performance Agreements For The Expenditure Of Hotel Occupancy Tax (HOT) Funds As Recommended By The Tourism Advisory Board For Fiscal Year 2020-2021 In A Total Amount Not To Exceed \$55,309.

**Agenda Item F.7 withdrawn from Agenda.**

### Public Hearings

- G.1 First Reading And Public Hearing Of An Ordinance Authorizing An Agreement With Pedernales Electric Cooperative, Inc. Granting Its Legal Representatives, Successors, Lessees And Assigns Certain Powers, Licenses, Rights-Of-Way, Privileges And Franchise To Construct, Maintain, Operate And Use A Transmission And Distribution System In The City Of Cedar Park To Provide Electric Utility Service.

**Jackson Brockway, Asst. to the City Mgr., reviewed the proposed Pedernales Electric Cooperative Franchise Agreement. The current agreement was approved in 2000 for a twenty (20) year term.**

**General discussion followed regarding the history of the Agreement, historical franchise fee and proposed franchise fee, and proposed term for new agreement.**

**Mayor Van Arsdale opened the Public Hearing.**

**No Public Comment.**

**Mayor Van Arsdale closed the Public Hearing.**

- G.2 (Z-20-012) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 4.38 Acres From Local Business - Conditional Overlay (LB-CO) To Local Business - Conditional Overlay (LB-CO), Located At 2601 Brushy Creek Road. *The Planning and Zoning Commission Voted 6-0 To Recommend Local Business – Conditional Overlay (LB-CO) As Requested, With The Additional Conditions Of A 30-Foot Buffer Yard At The Northern Boundary Of The Lot And All Lighting Fixtures Meeting International Dark-Sky Association Requirements.*

**Amy Link, Director of Dvlp. Services, reviewed the Applicant’s request to rezone 4.38 acres to Local Business (LB) – Conditional Overlay (LB-CO) to add Place of Public Assembly as a permitted use.**

**Discussion followed related to drainage, access, traffic, and lighting.**

**Pastor Chris Plekenpol, Applicant, addressed the Council regarding the request.**

**Mayor Van Arsdale opened the Public Hearing.**

**Public Comment:**

**Michael Thompson, Reserve at Brushy Creek HOA, expressed concerns on the proposed development.**

**Mayor Van Arsdale closed the Public Hearing.**

**General discussion continued regarding traffic and parking.**

**Regular Agenda (Non-Consent)**

- H.1 (FLU-20-002) Second Reading And Consideration Of Approval Of An Ordinance To Amend The Future Land Use Plan From Medium Density Residential (MDR) To Local Office/Retail/Commercial (LOC) For Approximately 3.42 Acres Located At The Northeast Corner of South Lakeline Boulevard and West Riviera Drive. *The Planning and Zoning Commission Motion To Approve The Future Land Use Plan Amendment Failed By A Vote Of 3-4.*

**Agenda Item H.1 withdrawn from Agenda per Applicant's request to postpone to January 14<sup>th</sup> Council Meeting.**

- H.2 (Z-20-009) Second Reading And Consideration Of Approval Of An Ordinance To Rezone Approximately 3.42 Acres From Semi-Urban Residential (SU) To Neighborhood Business - Conditional Overlay (NB-CO) Located At The Northeast Corner Of South Lakeline Boulevard And West Riviera Drive. (Z-20-009) (related to FLU-20-002). *The Planning and Zoning Commission Voted 4-3 to Recommend Denial of Neighborhood Business-Conditional Overlay (NB-CO) as Requested.*

**Agenda Item H.1 withdrawn from Agenda per Applicant's request to postpone to January 14<sup>th</sup> Council Meeting.**

- H.3 (FLU-20-006) Consideration Of A Future Land Use Plan Amendment Petition Requesting An Amendment From Regional Office/Retail/Commercial (REG) To Heavy Commercial (HC) For Approximately 17.4 Acres Located At The Northwest Corner Of West Whitestone Boulevard and Anderson Mill Road (2225 W Whitestone Blvd).

**Amy Link, Director of Dvlp. Services, reviewed the petition requesting to amend the Future Land Use Plan to Heavy Commercial for 17.4 acres of land located at 2225 W. Whitestone Blvd. The current zoning of the property is General Business (GB).**

**TrammellCrowCompany addressed the Council regarding the request for the development of an Amazon Delivery Station.**

**General discussion followed regarding truck traffic, location, development of adjacent quarry, impact to roadway, and proximity to single-family residential.**

**Mayor Van Arsdale opened the Public Hearing.**

**Public Comment:**

**Dick Lewis, Whitestone Oaks HOA, spoke in opposition to the request.**

**Registered comments in opposition to the request:**

**Matthew Bradley**

**Jenny Paulson**



**Julia Preston**  
**William Bucher**  
**Jennifer Pagano**  
**Kristin Sheppard**  
**Haley Heskiel**  
**Steve Wilson**  
**Gerrud Wallaert**  
**Rebecca Wang**  
**Kelly Wallaert**  
**Anita Eaton**  
**Katie Duncan**  
**Roxanne Nichols**  
**Charina Fenton**  
**Nicholas Pape**  
**Michael Nichols**  
**Megan Wolske**

**Mayor Van Arsdale closed the Public Hearing.**

**Discussion continued regarding the request.**

***Motion to approve a Future Land Use Plan Amendment Petition Requesting An Amendment From Regional Office/Retail/Commercial (REG) To Heavy Commercial (HC) For Approximately 17.4 Acres Located At The Northwest Corner Of West Whitestone Boulevard and Anderson Mill Road (2225 W Whitestone Blvd).***

**Movant: Councilmember Boyce**

**Second: Councilmember Kirkland**

**Roll Call Vote conducted:**

**Councilmember Jefts      Aye**

**Councilmember Robinson**    **Nay**  
**Councilmember Boyce**        **Aye**  
**Mayor Pro Tem Duffy**        **Nay**  
**Councilmember Kirkland**    **Aye**  
**Councilmember Kelly**        **Aye**  
**Mayor Van Arsdale**          **Aye**

**Vote: 5-2 with Mayor Pro Tem Duffy and Councilmember Robinson voting against.**

H.4 Consideration Of A Resolution Authorizing The Purchase Of Vehicles And Equipment Funded In The Approved FY21 Vehicle And Equipment Services Fund ("VES") Budget, To Authorize The Purchase Of A New Vehicle Shown In The Approved FY21 Budget, And To Authorize The Sale Of Existing Vehicles And Equipment To Be Retired Or Salvaged, In An Amount Not To Exceed \$1,832,500.

**Nick Long, Fleet Manager, reviewed the vehicle and equipment replacements.**

*Motion to approve Agenda Item H.4 as presented.*

*“A Resolution Authorizing The Purchase Of Vehicles And Equipment Funded In The Approved FY21 Vehicle And Equipment Services Fund ("VES") Budget, To Authorize The Purchase Of A New Vehicle Shown In The Approved FY21 Budget, And To Authorize The Sale Of Existing Vehicles And Equipment To Be Retired Or Salvaged, In An Amount Not To Exceed \$1,832,500.”*

**Movant: Councilmember Jefts**

**Second: Councilmember Robinson**

**Roll Call Vote conducted:**

**Councilmember Kirkland**    **Aye**  
**Mayor Pro Tem Duffy**        **Aye**  
**Councilmember Boyce**        **Aye**  
**Councilmember Robinson**    **Aye**  
**Councilmember Jefts**        **Aye**  
**Councilmember Kelly**        **Aye**  
**Mayor Van Arsdale**          **Aye**

**Vote: 7-0**

**Resolution Number R027.20.12.03.H4**

H.5 Consideration Of A Resolution Authorizing A Performance Based Economic Development Agreement With Momentum Extraction, LLC And A Lease Guaranty In Favor of Green Street Trust International.

**Ben White, Economic Development Director, reviewed the Economic Development Agreement with Momentum Extraction.**

**Public Comment:**

**Tony Moline, Cedar Park Chamber of Commerce, registered support for the agreement.**

*Motion to approve a Resolution Authorizing A Performance Based Economic Development Agreement With Momentum Extraction, LLC And A Lease Guaranty In Favor of Green Street Trust International.*

**Movant: Councilmember Boyce**

**Second: Mayor Pro Tem Duffy**

**Roll Call Vote conducted:**

- Mayor Pro Tem Duffy      Aye**
- Councilmember Kirkland    Aye**
- Councilmember Boyce      Aye**
- Councilmember Robinson    Aye**
- Councilmember Jefts        Aye**
- Councilmember Kelly        Aye**
- Mayor Van Arsdale         Aye**

**Vote: 7-0**

**Resolution Number R028.20.12.03.H5**

H.6 Consideration Of A Resolution Authorizing A Professional Services Agreement With Perkins & Will, Inc. For An End Of Mining Plan For The Lime Creek Quarry In An Amount Not To Exceed \$190,000.

**Chris Cople, Asst. City Manager, reviewed the history of the Quarry.**

**Stephen Coulston, Perkins & Will, addressed the Council regarding the Redevelopment Feasibility Study.**

*Motion to approve Agenda Item H.6 as presented.*

*“A Resolution Authorizing A Professional Services Agreement With Perkins & Will, Inc. For An End Of Mining Plan For The Lime Creek Quarry In An Amount Not To Exceed \$190,000.”*

**Movant: Mayor Van Arsdale**

**Second: Councilmember Kirkland**

**Roll Call Vote conducted:**

- Councilmember Jefts            Aye**
- Councilmember Robinson    Aye**
- Councilmember Boyce        Aye**
- Mayor Pro Tem Duffy        Aye**
- Councilmember Kirkland    Aye**
- Councilmember Kelly        Off dais during vote**
- Mayor Van Arsdale            Aye**

**Vote: 6-0**

**Resolution Number R029.20.12.03.H6**

H.7 Discussion And Possible Action Regarding Special Event Regulations Of The City of Cedar Park Code Of Ordinances.

**Amy Link, Director of Dvlp. Services, reviewed the current Special Event Ordinance and proposed amendments that include revising the consecutive days allowed per event, number of events per year, and restriction of hours of operation.**

**Public Comment:**

**Trey Edwards, Leander, commented on the permitting process related to a specific event.**

**Rachelle Grossman, Austin, commented on consecutive day events and the permitting process.**

**General discussion followed regarding the special use permit, benchmark analysis, and regulations.**

- H.8 Discussion For Appointment Of Erin Osman To Place Three On The Economic Development Sales Tax (Type A) Corporation Board. (Duffy)

**Erin Osman expressed interest in serving.**

- H.9 Discussion For Appointment Of Kevin Harris To Place Four On The Economic Development Sales Tax (Type A) Corporation Board. (Boyce)

**Kevin Harris expressed interest in serving.**

- H.10 Discussion For Appointment Of Sade Fashokun To Place Six On The Economic Development Sales Tax (Type A) Corporation Board. (Jefts)

**Sade Fashokun expressed interest in serving.**

- H.11 Discussion For Reappointment Of Ginger Goodin To Place Three On The Community Development (Type B) Corporation Board. (Duffy)

**Ginger Goodin expressed interest in serving.**

- H.12 Discussion For Appointment Of Larry Norris To Place Four On The Community Development (Type B) Corporation Board. (Boyce)

**Larry Norris expressed interest in serving.**

- H.13 Discussion For Reappointment Of Ryan Wood To Place Six On The Community Development (Type B) Corporation Board. (Jefts)

**Ryan Wood expressed interest in serving.**

- H.14 Discussion For Appointment Of Christina Legrand To Place Six On The Parks, Arts, And Community Enrichment (“PACE”) Board. (Jefts)

**Christina Legrand expressed interest in serving.**

- H.15 Discussion For Reappointment Of Sara Groff To Place Three On The Planning And Zoning Commission. (Duffy)

**Sara Groff expressed interest in serving.**

- H.16 Discussion For Appointment Of Jonathan Edwards To Place Two On The Tourism Advisory Board. (Kirkland)

**Jonathan Edwards expressed interest in serving.**

H.17 Discussion For Appointment Of Al K. Shivji To Place Three On The Tourism Advisory Board. (Duffy)

**Al K. Shivji expressed interest in serving.**

H.18 Discussion For Reappointment Of Malin Daniels To Place Four On The Tourism Advisory Board. (Boyce)

**Malin Daniels expressed interest in serving.**

H.19 Discussion Of A Proposed Virtual City Council Town Hall Meeting For January 2021.

**Fran Irwin, Community Affairs Director, reviewed proposed dates for a January 2021 Town Hall Meeting.**

H.20 Consideration Of Appointment To The Capital Area Council Of Governments ("CAPCOG") General Assembly. (Mayor)

**Mayor Van Arsdale stated the current members for the CAPCOG General Assembly is Councilmember Kirkland, Councilmember Robinson, and former Councilmember Guevara. He inquired if any Councilmembers had interest in serving.**

**Councilmember Kirkland, Councilmember Boyce, and Councilmember Jefts expressed interest in being appointed to the General Assembly.**

*Motion to appoint Councilmember Kirkland, Councilmember Jefts, and Councilmember Boyce to the CAPCOG General Assembly.*

**Movant: Mayor Van Arsdale**

**Second: Councilmember Robinson Moved by mayor**

**Roll Call Vote conducted:**

- Councilmember Kirkland    Aye**
- Mayor Pro Tem Duffy        Aye**
- Councilmember Boyce        Aye**
- Councilmember Robinson    Aye**
- Councilmember Jefts        Aye**
- Councilmember Kelly        Aye**
- Mayor Van Arsdale          Aye**

**Vote: 7-0**

- H.21 Discussion And Possible Action Regarding Length Of Terms For Councilmembers And Term Limits. (Mayor)

**Mayor Van Arsdale requested this agenda item to discuss Council's opinion on term limits for the Mayor and the length of terms for Council.**

**General discussion followed regarding extending terms for Council from two (2) years to three (3) years, implications of moving to three-year terms, term limits for Council, and amending the Charter by Special Called Election.**

**J.P. LeCompte, City Attorney, addressed the process to amend the City Charter. Amendments must be presented to the voters. The deadline to call a Special Election is February 12, 2021 and would require two meetings since it must be called by Ordinance.**

- H.22 Discussion And Possible Action On Amending City Charter 3.08(d) Regarding Attorney Client Privilege And Executive Session. (Mayor)

**Mayor Van Arsdale stated this item was to discuss adding wording to the Charter related to items discussed in Executive Session, in accordance with the Texas Open Meetings Act, to include not only items related to attorney-client privilege but also all items discussed in Executive Session.**

**J.P. LeCompte, City Attorney, addressed the legal obligations for the amendments.**

**General discussion followed regarding consequences of violations.**

- H.23 Discussion And Possible Action On Amending City Charter 5.02(f) Regarding Timing And Effect Of Filing For Other Office. (Mayor)

**Mayor Van Arsdale stated this item was to discuss the resignation from Council if filing for another office.**

**General discussion followed regarding the timing for the resignation from Council.**

- H.24 Consideration For The 2021 City Of Cedar Park Meeting Calendar.

*Motion to adopt the 2021 City of Cedar Park Meeting Calendar as presented.*

**Movant: Councilmember Kirkland**

**Second: Councilmember Jeffs**

**Roll Call Vote conducted:**

**Councilmember Kirkland    Aye**

**Mayor Pro Tem Duffy        Aye**

**Councilmember Boyce      Aye**  
**Councilmember Robinson   Aye**  
**Councilmember Jefts        Aye**  
**Councilmember Kelly        Aye**  
**Mayor Van Arsdale          Aye**

**Vote: 7-0**

H.25 Discussion Regarding The COVID-19 Declaration Of Local State Of Disaster For The City Of Cedar Park.

**John Cummings, Emergency Mgmt. Coordinator, provided an update on the COVID-19 pandemic in Cedar Park.**

H.26 Consider Action, If Any, On Items Discussed In Executive Session.

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

H.27 Mayor And Council Closing Comments.

**Councilmember Kirkland thanked Dr. Anne Miller for her service on the Tourism Advisory Board.**

**Mayor Pro Tem Duffy reminded everyone to get a flu shot, wear a mask, and wash their hands.**

**Mayor Van Arsdale thanked Council for their fast submittals for the Board/Commission appointments and commented on the quality of the applicants.**

H.28 Adjournment.

**Mayor Van Arsdale adjourned the meeting at 10:58 p.m.**

**PASSED AND APPROVED THIS 14<sup>th</sup> DAY OF JANUARY, 2021.**

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**Corbin Van Arsdale, Mayor**



**ATTEST:**

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

**File Attachments for Item:**

D.3 Approval Of Minutes From The Regular Scheduled City Council Meeting Of November 17, 2020.

## MINUTES

**CITY OF CEDAR PARK  
REGULAR SCHEDULED CITY COUNCIL MEETING  
CEDAR PARK CITY HALL - COUNCIL CHAMBERS  
450 CYPRESS CREEK ROAD, BUILDING FOUR  
DECEMBER 17, 2020 AT 6:00 PM**

**Link For Meeting:** <https://councilmtg.cedarparktexas.gov/>

**Event Password:** CedarPark2020

**United States Toll Free:** 1-844-992-4726

**Access Code:** 126 645 9512

Corbin Van Arsdale, Mayor  
Tim Kelly, Council Place One  
Mel Kirkland, Council Place Two  
Eric Boyce, Council Place Four

Anne Duffy, Mayor Pro Tem  
Rodney T. Robinson, Council Place Five  
Heather Jefts, Council Place Six  
Brenda Eivens, City Manager

A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.

**Mayor Van Arsdale called the meeting to order at 6:00 p.m.**

**Councilmember Jefts arriving at 6:03 p.m. Councilmember Robinson attended meeting by video conference, arriving at 6:10 p.m. Councilmember Kelly was absent. All others present.**

**I. EXECUTIVE SESSION**  
**To Commence At 6:00 p.m.**

*In accordance with Chapter 551, Government Code, the City Council will now convene in a Closed Executive Session pursuant to the following provisions of the Texas Open Meetings Act, Chapter 551, of the Texas Government Code:*

**Council convened into Executive Session in Building Three, Multi-Purpose Room, at 6:01 p.m.**

**Council reconvened into a second Executive Session, in Building Three, Multi-Purpose Room, at 9:52 p.m.**

B.1 Section § 551.071 (1) Consultation With City Attorney Concerning Pending Or Contemplated Litigation Or Settlement Offer.

a. Civil Action No. 1:20-CV-00481-RP; In The United States District Court, Western District, Austin Division, *Gregory Raymond Kelley vs. The City Of Cedar Park, Sean Mannix, And Christopher Dailey.*

B.2 Section § 551.071 (2) Consultation With Attorney Regarding Matters In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflict With This Chapter:

- a. Legal Issues Concerning The Settlement Agreement Between The City Of Cedar Park, Emerus Holdings, Inc., And ESWCT Cedar Park, LLC.
- B.3 Section § 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property.
  - a. The Bell Boulevard Roadway Realignment Project.
- B.4 Section § 551.074 Deliberate The Appointment, Employment, Evaluation, And Duties Of A Public Officer Or Employee.
  - a. Brenda Eivens, City Manager.
  - b. J.P. LeCompte, City Attorney.
- B.5 Section § 551.087 Deliberation Regarding Economic Development Negotiations.
  - a. Update Regarding Negotiations With Economic Development Prospects.

The Council Reconvenes into Open Meeting.

**II. OPEN MEETING**  
**To Commence At 7:00 p.m.**

**Council reconvened from Executive Session into Open Meeting at 7:02 p.m.**

- C.1 Invocation. (Myr)

**Mayor Van Arsdale read a quote by Robert Zimmerman and Bob Dillon.**

- C.2 Pledges Of Allegiance (U.S. and Texas).

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

- C.3 Public Communications. (Regarding items not listed on this Agenda. Three Minutes each. No deliberations with the Council. The Council may respond only with factual statements, recitation of existing policy, and requests for an item to be placed on a future Agenda.)

**Bob Hucker, Cedar Park, registered to speak regarding trees. Due to audio issues the speaker could not be heard.**

- C.4 City Manager Report: Employee Recognition For Service With The City Of Cedar Park.
  - a. Randle Blesing, Asst. Fire Chief, Twenty Six Years Of Service And Retirement.

**Chief Mallinger, Fire Chief, addressed the service of Asst. Fire Chief Blesing.**

**Consent Agenda**

*Pursuant to Council Rule 2.3, the City Council Consent Agenda consists of Agenda Items D, E, and F.*

**Agenda Item D.1 removed from the Consent Agenda.**

*Motion to approve the items on the Consent Agenda consisting of Agenda Items D, E, and F excluding D.1.*

**Movant: Councilmember Kelly**

**Second: Mayor Pro Tem Duffy**

**Roll Call Vote conducted.**

- Councilmember Jefts      Aye**
- Councilmember Boyce      Aye**
- Mayor Pro Tem Duffy      Aye**
- Councilmember Kirkland      Aye**
- Councilmember Robinson      Aye**
- Mayor Van Arsdale      Aye**

**Vote: 6-0 with Councilmember Kelly absent from meeting.**

D.1 Approval Of Minutes From The Special Called City Council Meeting Of November 17, 2020.

**Agenda Item D.1 removed from the Consent Agenda.**

*Motion to approve Agenda Item D.1 as amended by Staff.*

**Movant: Councilmember Kirkland**

**Second: Councilmember Jefts**

**Roll Call Vote conducted:**

- Councilmember Robinson      Aye**
- Councilmember Kirkland      Aye**
- Mayor Pro Tem Duffy      Aye**
- Councilmember Boyce      Aye**
- Councilmember Jefts      Aye**
- Mayor Van Arsdale      Aye**

**Vote: 6-0 with Councilmember Kelly absent from meeting.**

- E.1 (Z-20-012) Second Reading And Approval Of An Ordinance To Rezone Approximately 4.38 Acres From Local Business - Conditional Overlay (LB-CO) To Local Business - Conditional Overlay (LB-CO), Located At 2601 Brushy Creek Road. ***The Planning and Zoning Commission Voted 6-0 To Recommend Local Business – Conditional Overlay (LB-CO) As Requested, With The Additional Conditions Of A 30-Foot Buffer Yard At The Northern Boundary Of The Lot And All Lighting Fixtures Meeting International Dark-Sky Association Requirements.***

**Approved under the Consent Agenda.**

**Ordinance Number Z05.21.12.17.E1**

- F.1 A Resolution Authorizing An Agreement For Construction Of The City Of Cedar Park Field Operations Parking Lot Expansion Project With Terra Path, Inc., In An Amount Not To Exceed \$209,375.10.

**Approved under the Consent Agenda.**

**Resolution Number R030.20.12.17.F1**

- F.2 A Resolution Authorizing Application For And Acceptance Of A Texas Department of Transportation STEP Grant For Fiscal Year 2022.

**Approved under the Consent Agenda.**

**Resolution Number R031.20.12.17.F2**

- F.3 A Resolution Authorizing A Contract For Public Affairs Consulting Services With Hillco Partners.

**Approved under the Consent Agenda.**

**Resolution Number R032.20.12.17.F3**

- F.4 Approval For Appointment Of Erin Osman To Place Three On The Economic Development Sales Tax (Type A) Corporation Board. (Duffy)

**Approved under the Consent Agenda.**

- F.5 Approval For Appointment Of Kevin Harris To Place Four On The Economic Development Sales Tax (Type A) Corporation Board. (Boyce)

**Approved under the Consent Agenda.**

- F.6 Approval For Appointment Of Sade Fashokun To Place Six On The Economic Development Sales Tax (Type A) Corporation Board. (Jefts)

**Approved under the Consent Agenda.**

- F.7 Approval For Reappointment Of Ginger Goodin To Place Three On The Community Development (Type B) Corporation Board. (Duffy)

**Approved under the Consent Agenda.**

- F.8 Approval For Appointment Of Larry Norris To Place Four On The Community Development (Type B) Corporation Board. (Boyce)

**Approved under the Consent Agenda.**

- F.9 Approval For Reappointment Of Ryan Wood To Place Six On The Community Development (Type B) Corporation Board. (Jefts)

**Approved under the Consent Agenda.**

- F.10 Approval For Appointment Of Christina Legrand To Place Six On The Parks, Arts, And Community Enrichment (“PACE”) Board. (Jefts)

**Approved under the Consent Agenda.**

- F.11 Approval For Reappointment Of Sara Groff To Place Three On The Planning And Zoning Commission. (Duffy)

**Approved under the Consent Agenda.**

- F.12 Approval For Appointment Of Jonathan Edwards To Place Two On The Tourism Advisory Board. (Kirkland)

**Approved under the Consent Agenda.**

- F.13 Approval For Appointment Of Al K. Shivji To Place Three On The Tourism Advisory Board. (Duffy)

**Approved under the Consent Agenda.**

- F.14 Approval For Reappointment Of Malin Daniels To Place Four On The Tourism Advisory Board. (Boyce)

**Approved under the Consent Agenda.**

### **Public Hearings**

- G.1 (OA-20-001) First Reading And Public Hearing Of Amendments To Cedar Park Code Of Ordinances Chapter 11 Zoning. *The Planning And Zoning Commissioner Voted 6-0 To Recommend Approval Of the Amendments As Presented.*

**Amy Link, Director of Dvlp. Services, reviewed the proposed amendments to Chapter 11 Zoning. The amendments include land use, design standards, and administrative clean up.**

**Mayor Van Arsdale opened the Public Hearing.**

**No Public Comment.**

**Mayor Van Arsdale closed the Public Hearing.**

**Regular Agenda (Non-Consent)**

H.1 Discussion For Reappointment Of Linda Ayotte To Place Six On The Tourism Advisory Board. (Jefts)

**Agenda Item H.1 called after the Consent Agenda.**

**Linda Ayotte addressed the Council regarding her interest in serving.**

H.2 Discussion For Reappointment Of Audrey Wernecke To Place Four On The Planning And Zoning Commission. (Boyce)

**Audrey Wernecke addressed the Council regarding her interest in serving.**

H.3 (FLU-20-007) Consideration Of A Future Land Use Plan (FLUP) Amendment Petition Requesting An Amendment From Local Office/Retail/Commercial (LOC) To High Density Residential (HDR) For Approximately 5.46 Acres Located At 2230 And 2300 East Whitestone Boulevard.

**Amy Link, Director of Dvlp. Services, reviewed the petition to amend the Future Land Use Plan to High Density Residential for 5.46 acres.**

**Michelle Lynch, representing the Applicant, addressed Council regarding the petition request.**

**Discussion followed regarding high-density residential, commercial uses, limited frontage access on E. Whitestone, and access from Vista Ridge Blvd.**

*Motion to approve Agenda Item H.3 as presented.*

*“A Future Land Use Plan (FLUP) Amendment Petition Requesting An Amendment From Local Office/Retail/Commercial (LOC) To High Density Residential (HDR) For Approximately 5.46 Acres Located At 2230 And 2300 East Whitestone Boulevard”.*

**Movant: Councilmember Jefts**

**Second: Mayor Van Arsdale**

**Roll Call Vote conducted:**

**Councilmember Jefts      Aye**

**Councilmember Boyce      Aye**



**Mayor Pro Tem Duffy      Aye**  
**Councilmember Kirkland   Aye**  
**Councilmember Robinson   Nay**  
**Mayor Van Arsdale        Aye**

**Vote: 5-1 with Councilmember Robinson voting against and Councilmember Kelly absent from meeting.**

H.4 (FLU-20-008) Consideration Of A Future Land Use Plan Amendment Petition Requesting An Amendment From Local Office/Retail/Commercial (LOC) To Low Density Residential (LDR) For Approximately 57 Acres Located North Of County Road 180 And West Of Ronald Reagan Boulevard.

**Amy Link, Director of Dvlp. Services, reviewed the petition to amend the Future Land Use Plan to Low Density Residential for 57 acres.**

**Mike Boswell, Toll Brothers, addressed the Council regarding the petition request. Joel Wixson, Kimley-Horn, was available for questions.**

**Public Comment:**

**Rodney Shane, Leander, registered a comment on wanting to understand the proposal.**

**General discussion followed related to commercial development on the frontage of Ronald Reagan Blvd, timing for development of commercial, property located in the City’s ETJ, required future annexation, and access to proposed development.**

*Motion to approve a Future Land Use Plan Amendment Petition Requesting An Amendment From Local Office/Retail/Commercial (LOC) To Low Density Residential (LDR) For Approximately 57 Acres Located North Of County Road 180 And West Of Ronald Reagan Boulevard.*

**Movant: Councilmember Robinson**

**Second: Councilmember Kirkland**

**Roll Call Vote conducted:**

**Councilmember Boyce      Nay**  
**Councilmember Jefts        Nay**  
**Mayor Pro Tem Duffy        Nay**  
**Councilmember Kirkland   Aye**

**Councilmember Robinson Aye**

**Mayor Van Arsdale Nay**

**Vote: 2-4 with Councilmember Kelly absent from meeting. Motion fails.**

H.5 Consideration Of A Resolution Authorizing The Execution Of An Agreement For Professional Architectural Services With Lake | Flato Architects, Inc. For The Design Of The New Cedar Park Public Library In An Amount Not To Exceed \$3,110,000.

**Randy Lueders, Sr. Project Manager, reviewed the process for the selection of an architect for the new Cedar Park Public Library.**

*Motion to approve Agenda Item H.5 as presented.*

*“A Resolution Authorizing The Execution Of An Agreement For Professional Architectural Services With Lake | Flato Architects, Inc. For The Design Of The New Cedar Park Public Library In An Amount Not To Exceed \$3,110,000.”*

**Movant: Councilmember Kirkland**

**Second: Councilmember Jefts**

**Roll Call Vote conducted:**

**Councilmember Robinson Aye**

**Councilmember Kirkland Aye**

**Mayor Pro Tem Duffy Aye**

**Councilmember Boyce Aye**

**Councilmember Jefts Aye**

**Mayor Van Arsdale Aye**

**Vote: 6-0 with Councilmember Kelly absent from meeting.**

**Resolution Number R033.20.12.17.H5**

H.6 Discussion And Possible Action Regarding Proposed Amendments To The Cedar Park City Charter.

**JP LeCompte, City Attorney, reviewed the proposed amendments to the City Charter as addressed by Council at the December 3<sup>rd</sup> Council Meeting. The amendments include term lengths, appointments to fill vacancies, expansion of confidentiality, and resign to run.**

**Discussion followed regarding the process and transition for amending Council terms and resign to run requirement.**

H.7 Discussion And Possible Action Regarding Proposed Amendments To The City Council Rules Of Procedure.

**JP LeCompte, City Attorney, reviewed the proposed amendments to the Council Rules of Procedure.**

**General discussion followed related to Roberts Rules of Order, mobile devices being used during Executive Session, and video conferencing into Executive Session.**

H.8 Discussion Regarding The COVID-19 Declaration Of Local State Of Disaster For The City Of Cedar Park.

**Called Item H.8 called after Agenda Item H.5.**

**John Cummings, Emergency Mgmt. Coordinator, provided an update on the COVID-19 pandemic in Cedar Park.**

H.9 Consider Action, If Any, On Items Discussed In Executive Session.

**Council convened into a second Executive Session from 9:52 p.m. to 11:05 p.m.**

**Agenda Item B.3a**

*Motion that outside counsel and the City Manager be authorized to execute documents necessary to settle the pending eminent domain litigation between the City and N.E. Walker on the terms discussed in Executive Session, under the direction and with the approval of the City Attorney.*

**Movant: Councilmember Kirkland**

**Second: Councilmember Boyce**

**Roll Call Vote conducted:**

- Councilmember Jefts      Aye**
- Councilmember Boyce      Aye**
- Councilmember Robinson   Aye**
- Mayor Pro Tem Duffy      Aye**
- Councilmember Kirkland   Aye**
- Mayor Van Arsdale        Aye**

**Vote: 6-0 with Councilmember Kelly absent from meeting.**

**Agenda Item B.4a**

*Motion to authorize the Mayor to execute an amendment to the City Manager’s Employment Agreement revising Section 3 to change the submittal deadline from October 1 to November 1 and increase annual base salary by five percent (5%) as of April 1, 2021.*

**Movant: Mayor Pro Tem Duffy**

**Second: Councilmember Kirkland**

**Roll Call Vote conducted:**

- Councilmember Robinson    Aye**
- Mayor Pro Tem Duffy        Aye**
- Councilmember Kirkland    Aye**
- Councilmember Boyce        Aye**
- Councilmember Robinson    Aye**
- Mayor Van Arsdale            Aye**

**Vote: 6-0 with Councilmember Kelly absent from meeting.**

**Agenda Item B.4b**

*Motion to authorize the Mayor to execute an amendment to the City Attorney Employment Agreement, which strikes the waiver of jury trial, which increases the severance determination without cause from six (6) months to twelve (12) months, which changes the annual accomplishment submittal deadline from October 1 to November 1 and increase annual base salary by five percent (5%) as of April 1, 2021.*

**Movant: Mayor Van Arsdale**

**Second: Councilmember Boyce**

**Roll Call Vote conducted:**

- Councilmember Boyce        Aye**
- Councilmember Jefts         Aye**
- Councilmember Robinson    Aye**

**Councilmember Kirkland Aye**

**Mayor Pro Tem Duffy Aye**

**Mayor Van Arsdale Aye**

**Vote: 6-0 with Councilmember Kelly absent from meeting.**

H.10 Mayor And Council Closing Comments.

**Mayor Pro Tem Duffy reflected on the recent passing of a family member due to COVID.**

**Councilmember Robinson and Councilmember Jeffs wished Happy Birthdays to the Mayor and Brenda Eivens, City Manager.**

**Councilmember Boyce recognized Jack Vickers, watching the meeting, for working on his communication badge.**

**Mayor Van Arsdale commented on the past year.**

H.11 Adjournment.

**Mayor Van Arsdale adjourned the meeting at 11:12 p.m.**

**PASSED AND APPROVED THIS 14<sup>th</sup> DAY OF JANUARY, 2021.**

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**Corbin Van Arsdale, Mayor**

**ATTEST:**

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

**File Attachments for Item:**

E.1 (OA-20-001) Second Reading And Approval Of An Ordinance Amending Chapter 11 Zoning. ***The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of The Amendments.***



**CITY COUNCIL AGENDA**  
January 14, 2021

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**Item/Subject:** (OA-20-001) Second Reading And Approval Of Amendments To Cedar Park Code Of Ordinances Chapter 11 Zoning. *The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of The Amendments As Presented.*

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<b>Staff</b>	Amy Link, 512-401-5056, Amy.Link@cedarparktexas.gov
<b>Summary of Request</b>	Staff is proposing general amendments to Chapter 11 Zoning of the Code of Ordinances. These amendments propose to clean up conditions, clarify text intentions, and provide text updates on common practice.

**COMMENTARY**

The current Zoning Code was adopted in November 2017. After applying this Code for the past three (3) years, staff has identified some minor amendments for consideration. The amendments generally include minor text updates to address common practices not previously codified, and additional text to strengthen established development regulations. Attached are the proposed amendments, with all changes shown in red. Only the language in red will be ~~removed~~ or added.

Based on comments received from City Council during the first reading and public hearing, staff has modified Section 11.05.032.B to clearly state that the Planning and Zoning Commission shall consist of 7 residents of the City. This amendment is reflected in Exhibit A of the ordinance.

**Summary of Proposed Amendments:**

Land Uses and Conditional standards

- Removed Bed and Breakfast use from Neighborhood Business (NB) District based on updates to the NB standards adopted in 2018

- Clarified conditional standards for automobile, minor service and car wash uses in order to further protect residentially zoned districts from light pollution and glare



## Design Standards

- Table 11.03.061B, Townhome design, has been revised to specify that lot width applies to each unit
- Building Façade requirements have been revised to provide more specific parameters and clarify the intentions of nonresidential development standards to ensure a high quality product
- Clarification of nonresidential use requirements have been added to Mixed Use regulations
- Toro Grande between East Whitestone Boulevard and Parmer Lane is proposed as a major corridor

## Board and Commissions

- The requirement that members on the Planning and Zoning Commission and Zoning Board of Adjustment shall own real property within the City limits has been removed

### Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission discussed the proposed amendments and held a public hearing on November 17, 2020. No public testimony was received.

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

On November 17, 2020 the Planning and Zoning Commission voted 6-0 to recommend approval of the proposed amendments to Chapter 11 Zoning.

In favor: Sara Groff, Audrey Wernecke, Jeff Baker, Randy Strader, Bobbi Hutchinson, and Bob Ingraham

Opposed: None

Absent: None

### Stated Reasons for P&Z Recommendation:

Support staff recommendation.

### City Council Public Hearing:

The City Council held a public hearing on December 17, 2020. No public testimony was received.

### Staff Recommendation:

Staff recommends adoption of the proposed amendments as presented and requests a recommendation of support from the Planning and Zoning Commission.

Public Information Plan:

- November 4, 2020:* Public notice of the Planning and Zoning Commission and City Council public hearings published in the Austin American Statesman
- November 17, 2020:* Planning and Zoning Commission public hearing and recommendation
- December 17, 2020:* City Council 1<sup>st</sup> Reading and Public Hearing
- January 14, 2021:* City Council 2<sup>nd</sup> Reading

**Initiating Dept:** Development Services

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**Fiscal Impact**

**Account No.:** n/a

**Budget**

**Budget/Expended:** n/a

**Legal Certification**

Approved as to form and content:

- Finance Director Review**
- Yes       No **City Attorney**

**Associated Information:**

Chapter 11 Zoning Ordinance Redlines

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING THE CEDAR PARK CODE OF ORDINANCES CHAPTER 11 ZONING (OA-20-001); PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Cedar Park (“City Council”) desires to update regulations related to zoning regulations; and

WHEREAS, City Staff has determined that the proposed amendments provide consistency with other Chapters within the City’s Code of Ordinances; and

WHEREAS, the proposed amendments provide additional clarifications regarding design standard requirements; and

WHEREAS, the City’s Comprehensive Plan, recommends updating the City’s development regulations as needed to address design characteristics within Cedar Park; and

WHEREAS, the City posted proper notice and conducted public hearings in accordance with Texas Local Government Code Chapter 211; and

WHEREAS, the Cedar Park City Charter Section 2.04 authorizes the Council to zone the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority vested in the cities by State statutes; and

WHEREAS, on November 17, 2020 the Planning and Zoning Commission voted 6-0 to recommend approval of the proposed amendments to Chapter 11 Zoning; and

WHEREAS, the City Council finds that the proposed amendments to Chapter 11 Zoning in the best interest of the City and its residents.

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

SECTION 1. That Chapter 11 Zoning of the Cedar Park Code of Ordinances be amended as provided in the attached 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 AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 17<sup>th</sup> day of December, 2020 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 14th day of January, 2021, 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:

\_\_\_\_\_  
Corbin Van Arsdale, Mayor

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

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
JP LeCompte, City Attorney

**EXHIBIT A**

Amendments to Chapter 11 Zoning are shown in red. Only the text shown in red shall change.

# CHAPTER 11

## ZONING

### Sec. 11.02.033 Land use

A. Prohibited uses in the ~~Downtown District~~ Town Center. The following uses are prohibited on any portion of property where the Town Center (TC) is applicable regardless of the designation of the development area or adopted development standards:

1. Motor vehicle sales, service, fueling, storage, repair, parts and accessory sales and automotive and machinery repair or painting, except that motor vehicle fueling is permitted in the Neighborhood Commercial Area;
2. Wrecking and salvage yards;
3. Sexually oriented businesses;
4. Flea markets, but not excluding temporary or permanent outdoor markets approved by the City for such use;
5. Public storage, commercial warehouses, office warehouses, and mini-warehouses;
6. Pawnshops;
7. Portable building sales or lease;
8. Recreational vehicle parks;
9. Outdoor shooting ranges;
10. Automobile, boat, recreational vehicle, trailer, heavy equipment, and other motorized vehicle sales or lease;
11. Kennels, except as provided herein for development within the Neighborhood Commercial Area;
12. Industrial uses, except those permitted in the Professional Office (PO) district;
13. Funeral homes and mortuaries;
14. Drive-through commercial uses; except as provided for herein for development within the Neighborhood Commercial Area;
15. Any uses involved with hazardous materials;
16. Self-service laundry facilities, except as provided as an accessory use to a residential lodging use;
17. Car washes, except that car washes are permitted within the Neighborhood Commercial Area;
18. Motels;
19. Portable building sales; and
20. Private pitch and putt, golf courses, and driving ranges.

(Ordinance CO02-17-11-09-H1, exh. A, sec. 11.02.02.03, adopted 11/9/17)

**Sec. 11.02.063 Residential uses by zoning district**

**Table 11.02.063. Residential Uses by Zoning District**

Land Use	Standards Reference	Zoning Districts																		
		Interim	Residential					Nonresidential									Mixed Use Districts		Overlay District	
		DR	ES	SR	SU	UR	MF	NB	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	PA
Legend: P = Permitted; C = Conditional; S = Special Use; - = Prohibited																				
Accessory dwelling unit	<a href="#">11.02.092 (1)</a>	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Apartment	<a href="#">11.02.092 (8)</a>	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Bed-and-breakfast facility	<a href="#">11.02.092 (12)</a>	C	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	C	C	C

**Sec. 11.02.092 Conditional and special use standards and conditions**

In accordance with the land use designations noted in [table 11.02.063](#), *Residential Uses by Zoning District*, [table 11.02.064](#), *Nonresidential Uses by Zoning District* and [table 11.02.065](#), *Temporary Uses by Zoning District*, the following uses are permitted as conditional uses or may be considered as special uses if the following requirements are met:

9. Automotive, minor service, is permitted subject to the following conditions:
  - a. All service and repairs are performed within a fully enclosed building;
  - b. Wrecked or inoperable vehicles are not stored within or outside of the facility;
  - c. Automobile bay doors are located perpendicular to the public right-of-way and are not visible from abutting residentially zoned districts; -and and
  - d. Primary Access-access is taken from a collector or higher roadway classification.
  
15. Car wash, is permitted subject to the following conditions:
  - a. It is automatic or full-service;
  - b. There are no more than three (3) car washing bays;
  - c. All mechanical equipment, excluding vacuum and air units is enclosed within a building;
  - d. All facilities are designed and configured such that any outdoor spraying preparation or drying activities are directed away from any abutting residential district;
  - e. Bay access is designed oriented to prevent headlights from shining onto any street or abutting a residential district;
  - f. If self-service vacuums are provided, a minimum of one (1) parking space per vacuum is required, which will not interfere with site circulation, driveways, or fire lanes;
  - g. Access is taken from a collector or higher classification roadway; and
  - h. All new full-service vehicle wash facilities; are equipped with, operate, and maintain in operation, a water recycling system that will recycle not less than 50 percent of the water being used by the facility, and for existing automobile wash facilities, such system is required as a condition of any permit to:
    - i. Expand the floor area of the vehicle wash facility building by more than 50 percent of the area of the vehicle wash facility building as it existed on the effective date of this Chapter;

- ii. Demolish, destroy or remove and then replace more than 50 percent of the floor area of the vehicle wash facility building as it existed on the effective date of this Chapter, except for the purpose of replacing or repairing water recycling equipment; or
- iii. Enlarge the water tap, meter, or service line.

**ARTICLE 11.03 DEVELOPMENT AND DESIGN STANDARDS**

**Division 1. Purpose and Applicability**

Secs. 11.03.034–11.03.060 Reserved

**Table 11.03.061B. Townhome and Garden-Style Apartment Lot and Building Standards**

District and Housing Type		Maximum Gross Density (units/acre)	Minimum Lot		Minimum Setbacks				Maximum Building Height <sup>6</sup>	Minimum Living Area
			Area <sup>1</sup>	Standard/Corner Width	Front <sup>2</sup>	Interior Side	Street Side <sup>4,5</sup>	Rear		
<b>Urban Residential (UR)</b>										
Townhome <sup>3</sup>	Front entry	8	3,000 sf	30' <u>per unit</u>	25'	0/15' <sup>9</sup>	15'/20'/25'	20'	35'	1,100 sf
	Rear entry		2,500 sf	25' <u>per unit</u>	10'					
<b>Multifamily (MF)</b>										
Garden-style apartment <sup>7,8</sup>		20	2,178 sf	150'/165'	25'	10'	25'	25'	48'	450 sf efficiency 650 sf one bedroom 730 sf two bedroom 80 sf each additional bedroom

**Table Notes:**

1. For townhome and apartment dwellings, the lot area is measured on a per dwelling unit basis.
2. If the front setback along the entire length of the property (street side) is common open space, the minimum front setback may be reduced to zero feet.
3. When two (2) principal structures are arranged face-to-face or back-to-back, the minimum distance between them shall be 40 feet. The points of measurement shall be the exterior walls of the buildings, which do not include balconies, railings, or other architectural features.
4. The street side yard for garden-style apartment dwellings is also the minimum separation between buildings on



the same parcel.

5. The minimum street side setback shall be 15' on local streets, 20' on collector streets, and 25' on arterial streets.
6. Principal structures shall not exceed one (1) story within 100 feet of the property line when abutting a single-family residential district. Additionally, building height shall be measured by existing grade if the structure is abutting or within 100 feet of a single-family residential district. Building height shall be measured by finished grade if the structure is located more than 100 feet from a single-family residential district.
7. The front and interior and street-side setbacks must accommodate a sidewalk.
8. The minimum site area is 10 acres.
9. The second number represents the minimum separation between townhome buildings consisting of three (3) or more contiguous dwelling units.

### **Sec. 11.03.151 Major corridors**

A. Purpose. The standards of this section establish requirements of site design that supplement the standards of the applicable zoning district. The intent of these standards is to heighten the design and aesthetic appearance for highly visible properties that are directly adjacent to the City's most highly traveled thoroughfares. These roadways serve as major entrances to the community, where higher development standards enhance the visual appearance, economic viability, and hence, quality of life for the citizens of Cedar Park.

B. Applicability. This section establishes standards for development along major corridors which is defined to mean land within 500 feet on either side of the street right-of-way of the following roadways:

1. Anderson Mill Road.
2. Arterial A: Arrow Point Drive south of East Whitestone Boulevard.
3. Bagdad Road from West Whitestone Boulevard to the City limits.
4. Brushy Creek Road.
5. C-Bar Ranch Trail, north of East Whitestone Boulevard.
6. Colonial Parkway.
7. Cottonwood Creek Trail (CR 185).
8. Cypress Creek Road and East Cypress Creek Road.
9. Lakeline Boulevard.
10. Little Elm Trail from Wood Ridge Lane to U.S. 183.
11. Medical Parkway.
12. East New Hope Road.
13. West New Hope Road from U.S. 183 to West Whitestone Boulevard.
14. East Park Street from Greater Scaup Lane to Vista Ridge Boulevard.
15. West Park Street from Lakeline Boulevard to Anderson Mill Road.
16. Parmer Lane.
17. Ronald W. Reagan Boulevard.
18. Vista Ridge Boulevard.
19. RM 620 (SH 45).
20. RM 1431 (Whitestone Boulevard).
21. Sam Bass Road (CR 175) north of East Whitestone Boulevard.
22. Toro Grande Boulevard from RM 1431 (Whitestone Boulevard) to Parmer Lane.
- ~~23.~~ U.S. 183 (Bell Boulevard).
- ~~24.~~ 183A Toll Road.

### **Sec. 11.03.154 Nonresidential development**

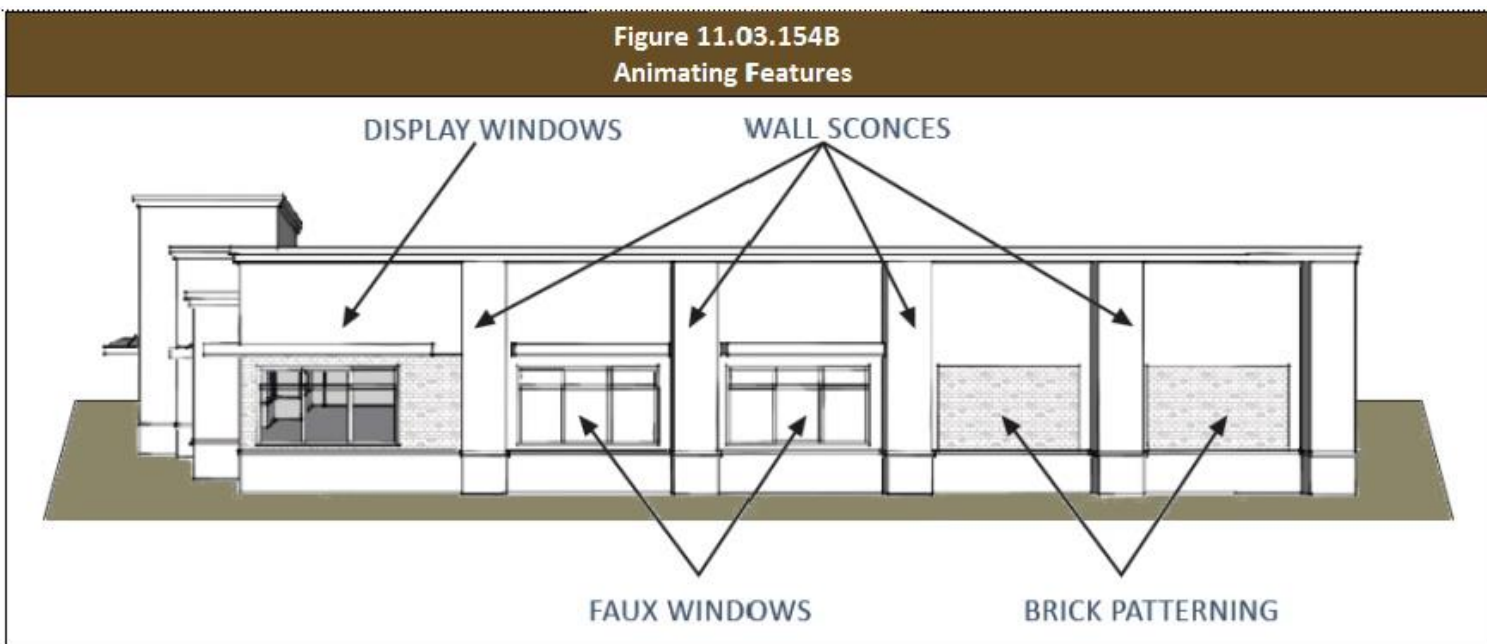
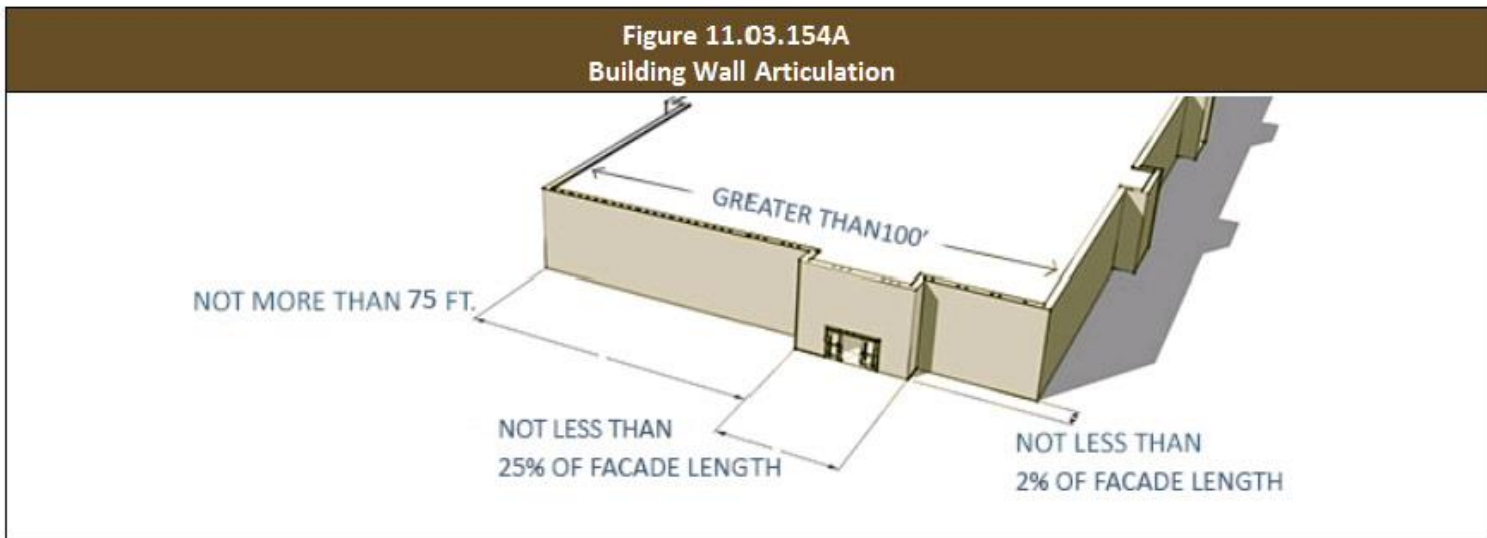
B. Nonresidential developments.

1. Design standards. The building and site design standards shall be as stated below.
  - a. Exterior building facades. The design of buildings in the applicable districts shall comply with the standards stated in this section, and all other applicable standards and requirements of this Chapter.
  - b. Building facades.

1. Each facade that is greater than 100 linear feet shall be articulated with recesses or projections, which total no less than 25 percent of the facade length. Recesses or projections shall be a minimum depth of two (2) percent of the length of the facade. No uninterrupted length of any facade shall exceed 75 linear feet. (See [figure 11.03.154A](#), *Building Wall Articulation*.) Rear facades are exempt from this requirement if:

- a. Landscaping is provided along the rear facade totaling no less than 25% of the facade length;
- b. No uninterrupted length of the rear facade exceeds 75 linear feet;
- c. Landscape areas about the building, are a minimum length of 10 feet and minimum depth of 10 feet, and include one 4-inch caliper shade/canopy tree and one 15-gallon evergreen ornamental tree for every 100 square feet of the landscaped area; and
- d. the rear facade is not visible from a public roadway.

2. Any public, ground floor entrance facade(s) shall have arcades, display windows, entry areas, awnings, or other such design features along no less than 60 percent of the entrance facade. (See [figure 11.03.154B](#), *Animating Features*.)



c. Mechanical equipment and meters. Mechanical equipment associated with building operations

(e.g., HVAC systems, electric meter banks, etc.) shall be screened as stated in this subsection.

1. Roof-mounted equipment. Mechanical equipment shall be fully screened from ground-level views from ~~all adjacent property~~ the subject property boundary and adjacent rights-of-way by:
  - a. Parapet walls, which shall include cornice treatments that are of adequate height to fully screen the equipment such that the equipment cannot be seen by pedestrian-level at the property line; or
  - b. Screening walls of adequate height to fully screen the equipment, which use materials and colors that match or are consistent with the design of the principal building; or
  - c. Sloped roof systems or other architectural elements of adequate height to fully screen the equipment from all adjacent property and rights-of-way.
2. Building-mounted equipment. Mechanical equipment that is mounted on a building wall that is within public view shall be enclosed, screened by opaque fencing, landscaping, or painted to match the building facade.
- d. Canopies. Gasoline canopies, car washes, and other accessory uses with canopies shall be constructed of the same materials as the principal structure. The design of the canopy shall complement the design of the principal structure.
- e. Service entrances. All service entrances and other non-public building sides or areas shall be screened from public rights-of-way using vegetation or masonry fencing of the same materials as the principal structure.
- f. Outdoor displays. In addition to the requirements stated in [table 11.03.091](#), *Nonresidential and Mixed Use Standards*, permanent and seasonal outdoor sales areas shall be incorporated into the design of the building and site. Only designated and approved permanent or seasonal outdoor sales areas shall be permitted. Unenclosed areas for the sale and storage of seasonal inventories shall be permanently designated and separated with walls or fences, while keeping with the common design of the principal structure.
- g. Outdoor storage, trash collection, and loading areas. In addition to the requirements stated in [table 11.03.091](#), *Nonresidential and Mixed Use Standards*, as well as Cedar Park Code of Ordinances, [Chapter 14](#), *Site Development*, these areas shall be screened, recessed, or enclosed as follows:
  1. No area for outdoor storage, trash collection, compaction, loading, or other such uses shall be located within 20 feet of any public street, public sidewalk, or internal pedestrian walkway.
  2. Outdoor shopping-cart storage areas shall be provided in the parking lot, and adjacent to the buildings if they are not available at the entrance.
  3. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other such service functions shall be incorporated into the overall design of the structure and landscaped so that they are visually screened from public view.
- h. Parking and vehicular and pedestrian circulation. The parking lot design and pedestrian circulation routes shall provide safe, convenient, and efficient access for vehicles, pedestrians, and bicyclists. Pedestrian circulation via internal public sidewalks shall be required. The placement of structures shall enhance and promote pedestrian circulation on the site.
  1. At a minimum, one (1) internal continuous sidewalk with at least five (5) feet of clearance shall be provided from the public street to the building entrance(s). Additionally, walkways at least four ~~feet in width-foot wide walkways~~ shall connect focal points of pedestrian activity, ~~such as transit stops, street crossings or store entry points~~, and shall feature adjoining landscaped areas to provide a separated and pedestrian-friendly access route.

2. All internal pedestrian walkways shall be physically separated from the drive lanes. Additionally, all sidewalks and crosswalks shall be visually distinct from the driving surface by use of striping, pavers, bricks, or scored concrete.
  3. Sidewalks, at least six (6) feet in width, shall be provided along any facade featuring a customer entrance, and along any facade abutting public parking areas. At all times, such sidewalks shall maintain a clear pedestrian passage that extends the entire width of the sidewalk. Additionally, such sidewalks shall connect all customer entrances to other internal sidewalks, and shall be located an average of at least three (3) feet from the facade of the building to provide planting beds for living foundation landscaping, except where architectural features, such as covered walkways, arcades, or entryways, are part of the facade.
- i. Roofs. In addition to the regulations stated in [section 11.03.152](#), *General Standards for All Districts*, all roof designs must use at least one (1) of the following design features:
1. Three (3) or more roof slope planes;
  2. Overhanging eaves or canopy projections, which extend no fewer than two (2) feet past the supporting walls; or
  3. Flat roof with an architecturally articulated parapet or cornice.
- j. Facade treatments. ~~All-Each~~ building facades shall use no less than four (4) of the following design features, for which the Administrator may allow minor deviations to the full requirement of each chosen feature if the petitioner adequately demonstrates that the overall intent and spirit of this subsection adheres to the overall development design:
1. Colors, materials or textures. Facades shall have two (2) or more exterior contrasting colors and have more than three (3) exterior materials or texture changes.
  2. Building wall offsets. Building facades ~~facing the front lot line~~ shall have minimum 12-inch offsets, such as pilasters, columns, and/or reveals, or other decorative elements.
  3. ~~Covered walkways~~Awnings. Across ~~the entire~~ at least 50% of the front facade of the structure, ~~an awning-covered pedestrian walkway~~ with a minimum depth of ~~six eight (68)~~ six (6) feet is provided.
  4. Display windows. Clear glass window displays cover no less than 20 percent of ~~one (1) facade or 30 percent of two (2) facades; the facade.~~
  5. Integral planters or walls. Planters or landscape walls constructed adjacent to the face of the building and incorporate living landscaped areas and/or places for sitting. Such areas shall be a minimum of two (2) feet wide and 19 inches high for sitting, and five (5) feet wide for a planter and cover at least 50 percent of the facade.
  6. Open space pedestrian plaza. A plaza may be incorporated for gathering and sitting adjacent to the main entrance or on the front facade, which must be equivalent to two (2) percent of the gross square footage of the subject building. Such area shall include seating with benches and/or tables and chairs at a minimum rate of one (1) seat per 15,000 square feet of gross floor area, and may include any of the following features:
    - a. Kiosk(s);
    - b. Outdoor playground area;
    - c. Water feature;
    - d. Gazebo;
    - e. Clock tower; or
    - f. Other such focal feature and amenity that enhances the public space.
  7. Atrium skylight(s), with a minimum depth of 20 feet that visually enhances the exterior architectural style and design of the front entrance, facade, and roof area.

8. Exterior lighting. Enhanced exterior lighting, such as wall sconces, are located at least every 20 linear feet along the ~~front~~ facade.
9. Prominent landmark. The front facade of the building contains a prominent three-dimensional landmark feature such as a tower, turret, arches, etc.

(Ordinance CO02-17-11-09-H1, exh. A, sec. 11.03.06.04, adopted 11/9/17)

### **Sec. 11.03.155 Mixed use development**

#### **C. Mixed use requirements.**

1. Building area and density. Depending on whether a development includes horizontal or vertical mixed use, the residential and nonresidential building areas and residential densities vary.
  - a. In horizontal mixed use developments, the maximum percentage of gross building area allowed for residential uses is 60 percent and the minimum percentage of gross building area allowed for nonresidential uses is 40 percent. Amenities associated directly with the residential component of the development including amenity centers, laundry, business and exercise facilities, shall not be included in the nonresidential building area. The minimum residential density shall be 60 dwelling units per acre, based upon the net acreage of the residential development.
  - b. In vertical mixed use buildings, the maximum percentage of gross building area allowed for residential uses is 85 percent and the minimum percentage of gross building area allowed for nonresidential uses is 15 percent. Amenities associated directly with the residential component of the development including amenity centers, laundry, business and exercise facilities shall not be included in the nonresidential building area. The minimum residential density shall be 40 dwelling units per acre, based upon the net acreage of the site.
2. Building types.
  - a. Vertically mixed use buildings require the ground floor to be devoted to retail, services, office or institutional uses, with residential uses on the upper floors.
  - b. Single-use multifamily buildings are allowed provided they are of an urban character, using on-street or structured parking in lieu of surface parking.
  - c. Single-use retail, office, services, and institutional buildings are allowed provided they are a minimum of two (2) stories.

### **Sec. 11.04.002 General provisions**

The following provisions apply to both Article 11.04, division 2, Residential Uses, and Article 11.04, division 3, Nonresidential and Mixed Uses.

#### **A. General regulations.**

1. A manufactured or mobile home is not permitted as an accessory building or structure.
2. An accessory building or structure may not be rented, sublet, or sold separately from the sale of the entire property.
3. An accessory building or structure is not allowed without the presence of a principal building or principal use.
4. Accessory buildings or structures shall not be located in front of the principal building or use.
5. A use that is prohibited in a zoning district shall not be permitted as an accessory use in the district, with the exception of outdoor storage.

(Ordinance CO02-17-11-09-H1, exh. A, sec. 11.04.01.02, adopted 11/9/17)

#### **B. Residential accessory building coverage.**

1. The sum of all accessory uses (including home occupations) in a principal building shall not exceed 25 percent of the total gross floor area of the principal building.
2. The total of all accessory buildings cannot exceed 20 percent coverage of the back yard of a single-

family residence, and each accessory building shall not to exceed the size of the principal building.

3. For any lot of five (5) acres or greater, the total square footage of accessory buildings shall not exceed 4,000 square feet, with the exception of a private airplane hangar as provided in this Article.
4. For property of any size located within 1,000 feet of an airport landing strip, a private airplane hangar for the sole purpose of airplane storage is permitted; however, the airplane hangar shall only for the owner or lessee of the principal building.

(Ordinance CO09-19-12-12-E2 adopted 12/12/19)

- C. Attached accessory buildings or structures. Accessory buildings or structures that are structurally attached to a principal building shall conform to all standards that are applicable to the principal building; however, the attached accessory structure may encroach into the rear setback as long as a minimum rear setback of 10 feet is maintained.
- D. Residential occupancy. No accessory building shall be used as a dwelling unit unless it is specifically permitted for such purpose.
- E. Location, height and setbacks. Square footage, setback and height requirements for accessory structures and buildings are noted in table 11.04.002, Accessory Building and Structure Standards.

### **Sec. 11.05.032 Planning and Zoning Commission**

- A. Generally. The Planning and Zoning Commission, established by Cedar Park Home Rule Charter, Article VIII [VII], Planning and Zoning, shall have the following powers and duties pursuant to Local Government Code chapter 211, Municipal Zoning Authority.
  1. Zoning text amendment. The Planning and Zoning Commission shall recommend to the City Council approval or disapproval of proposed changes to this Chapter and the appropriate zoning regulations for each zoning district pursuant to section 11.06.086, Zoning Text Amendment.
  2. Original zonings and rezonings. The Planning and Zoning Commission shall recommend boundaries for the original zoning districts and rezonings pursuant to section 11.06.082, Rezoning Request.
  3. Other matters. The Planning and Zoning Commission shall hear, decide, and/or make recommendations as authorized by this Chapter, the Cedar Park Home Rule Charter, and Texas Local Government Code chapter 211, including recommendations related to master development plans, as stated in section 11.06.083, planned developments, as stated in section 11.06.084, and special use permits as stated in section 11.06.085.
- B. Composition and rules. The Planning Commission shall also serve as a zoning commission and which shall be known as the Planning and Zoning Commission. The Planning and Zoning Commission shall consist of ~~no fewer than five (5) or more than seven (7) members, and all shall be~~ residents of the City ~~who own real property within the City~~. The members of the commission shall be appointed by the Council for ~~to~~ staggered two (2) year terms, with seats 1, 3, and 5 running from August 1st through July 31st of odd-numbered years and seats 2, 4, 6 and 7 running from August 1st through July 31st of even-numbered years, or until their successors are appointed and qualified. Vacancies on the commission shall be filled for the unexpired term by the Council. The commission shall elect a chairperson, vice-chairperson and a Secretary from among its appointed members. Four (4) commission members shall constitute a quorum and a minimum of four (4) affirmative votes shall be required to take official action for the transaction of business. Each commission member shall be at least 18 years of age, a registered voter of the City and have resided within the City for 12 consecutive months before being appointed.

(Ordinance CO33-19-09-12-E2, sec. 4, adopted 9/12/19)

**State law reference**—Zoning commission, V.T.C.A., Local Government Code, sec. 211.007.

### **Sec. 11.05.034 Zoning Board of Adjustment**

- A. Generally. The zoning board of adjustment, established by Cedar Park Home Rule Charter, Article VIII [VII] Planning and Zoning, shall have the following powers and duties pursuant to Local Government Code chapter 211, Municipal Zoning Authority.
  1. Administrative appeals. The zoning board of adjustment shall hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of

this Chapter.

2. Special exceptions. The zoning board of adjustment shall hear and decide special exceptions to the terms of this Chapter.
3. Variances. The zoning board of adjustment shall authorize in specific cases a variance from the terms of this Chapter if the variance is not contrary to the public interest, and due to special conditions, a literal enforcement of this Chapter would result in unnecessary hardship, and so that the spirit of this Chapter is observed and substantial justice is done.
4. Other matters. The zoning board of adjustment shall hear and decide other matters, as authorized by this Chapter, the Cedar Park Home Rule Charter, and [Texas Local Government Code Chapter 211](#).

B. Composition and rules. The zoning board of adjustment shall consist of seven (7) members and not more than four (4) alternates. All shall be residents of the City, ~~and shall own real property within the City.~~ The members and alternates of the board shall be appointed by the Council for staggered two (2) year terms, with seats 1, 3, and 5 running August 1st through July 31st of odd-numbered years and seats 2, 4, 6, and 7 running from August 1st through July 31st of even years, or until their successors are appointed and qualified. Vacancies on the board shall be filled for the unexpired term by the Council. The board shall elect a chairperson, vice-chairperson, and secretary from among its appointed members and adopt its own rules of procedure consistent with due process of law and in accordance with the laws of the State of Texas. Seventy-five percent of the members of the board shall constitute a quorum. Each member shall be at least 18 years of age, a registered voter of the City and have resided within the City for 12 consecutive months before being appointed. Where required by law, a concurring vote of 75 percent of the members of the board shall be necessary for action.

(Ordinance CO33-19-09-12-E2, sec. 5, adopted 9/12/19)

**State law reference**—Establishment and authority of zoning board of adjustment, [V.T.C.A., Local Government Code, sec. 211.008](#) et seq.

C. Loss of nonconforming use status. The right to operate a nonconforming use ceases if: (1) such use is lost pursuant to [section 11.07.005](#), *Amortization of Nonconforming Uses and Nonconforming Structures*; (2) the use is changed; or (3) the intent of the owner to discontinue the use is apparent, as determined by the Administrator. Factors to consider by the Administrator when determining apparent intent include:

1. Discontinuance of the use for a period of 180 days or more; and
2. Removal of the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 180 days or more.

(Ordinance CO02-17-11-09-H1, exh. A, sec. 11.07.03, adopted 11/9/17)

## ARTICLE 11.09 DEFINITIONS

### Sec. 11.09.001 Definitions

Restaurant, dine-in only. The use of a site for the preparation and retail sale of food and beverages for on-premises consumption, including the on-premises sale and consumption of alcoholic beverages as an accessory use (must be less than ~~50~~4 percent of gross sales). The use does not include drive-in or drive-through facilities.

Structure. Anything constructed or erected with a fixed location on the ground or attached or resting on something having a fixed location on the ground. ~~The following shall always be considered structures:~~

~~A.—Buildings;~~

~~B.—Billboards;~~

~~C.—Fences;~~

~~D.—Signs;~~

~~E.—Storage tanks; and~~

~~F.—Walls.~~

**File Attachments for Item:**

F.1 Approval For Reappointment Of Audrey Wernecke To Place Four On The Planning And Zoning Commission. (Boyce)





**CITY COUNCIL AGENDA**  
January 14, 2021

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**Item/Subject:** Approval For Reappointment Of Audrey Wernecke To Place Four On The Planning And Zoning Commission. (Boyce)

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**Commentary**

		Term Length: 2 yr	
		Term: 8/1-7/31	
		Residency Requirement	
	<b>Apptd by:</b>	<b>Current Members/Term Expires</b>	<b>Applicant</b>
Place One	<b>Kelly</b>	VACANT	
		7.31.21	
Place Two	<b>Kirkland</b>	Bob Ingraham	
		7.31.20	
Place Three	<b>Duffy</b>	Sara Groff	
		7.31.21	
Place Four	<b>Boyce</b>	Audrey Wernecke	<b>Audrey Wernecke</b>
		7.31.20	<i>Term Expires: 7.31.22</i>
Place Five	<b>Robinson</b>	Jeff Baker	
		7.31.21	
Place Six	<b>Jefts</b>	Bobbi Hutchinson	
		7.31.20	
Place Seven	<b>Van Arsdale</b>	Randy Strader	
		7.31.20	

**File Attachments for Item:**

F.2 Approval For Reappointment Of Linda Ayotte To Place Six On The Tourism Advisory Board. (Jefts)



**CITY COUNCIL AGENDA**  
January 14, 2021

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**Item/Subject:** Approval For Reappointment Of Linda Ayotte To Place Six On The Tourism Advisory Board. (Jefts)

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**Commentary**

		Term Length: 2 yr	
		Term: 8/1-7/31	
		Residency Requirement (3)	
	<b>Apptd by:</b>	<b>Current Members/Term Expires</b>	<b>Applicant</b>
<b>Place One</b>	<b>Kelly</b>	Robert Schoen (NR)	
		7.31.13	
<b>Place Two</b>	<b>Kirkland</b>	Jonathan Edwards	
		7.31.22	
<b>Place Three</b>	<b>Duffy</b>	Al K. Shivji	
		7.31.21	
<b>Place Four</b>	<b>Boyce</b>	Malin Daniels (NR)	
		7.31.22	
<b>Place Five</b>	<b>Robinson</b>	Sean Christopher	
		7.31.21	
<b>Place Six</b>	<b>Jefts</b>	Linda Ayotte	<b>Linda Ayotte</b>
		7.31.20	<b>Term Expires: 7.31.22</b>
<b>Place Seven</b>	<b>Van Arsdale</b>	Matthew Olguin	
		7.31.20	

**File Attachments for Item:**

F.3 A Resolution Authorizing An Agreement For The Transfer Of Retired Law Enforcement K-9 Officer "Stryker" To Officer Ian White.



**CITY COUNCIL AGENDA**  
January 14, 2021

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**Item/Subject:** A Resolution Authorizing An Agreement For The Transfer Of Retired Law Enforcement K-9 Officer “Stryker” To Officer Ian White.

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**Commentary**

Texas Government Code Chapter 614, Subchapter L provides for the transfer of a retired law enforcement animal, including a law enforcement dogs, to the a peace officer at no cost. Subchapter L requires the governing body of a political subdivision to enter into a contract for transfer of the retired animal upon determination by the head of the law enforcement agency that the animal is suitable for transfer and that the transferee is capable of humanely caring for the animal.

Interim Police Chief Mike Harmon has determined that K-9 Officer “Stryker” is eligible for retirement, suitable for transfer, and that a peace officer, Officer Ian White, is capable of humanely caring for Stryker. Accordingly, staff recommend City Council approve an agreement for the transfer of K-9 Officer Stryker to Officer White upon Stryker’s retirement.

**Initiating Dept:**      Police

**Fiscal Impact**  
**Fund:**

**Budget**  
**Amount:**

**Finance Director Review**

**Legal Certification**

Approved as to form and content:

Yes

No **City Attorney**

**Associated Information:**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR THE TRANSFER OF RETIRED K-9 OFFICER “STRYKER” TO OFFICER IAN WHITE; AND 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, Texas Government Code Section 614.212 authorizes the governing body of a municipality to enter into a contract with a person for the transfer of a law enforcement dog that has been determined by the chief of police to be suitable for transfer and surplus to the needs of the department because the dog is at the end of its working life; and

WHEREAS, Cedar Park Chief of Police has, after consultation with the animal’s veterinarian, handlers, and other caretakers, determined K-9 Officer “Stryker” is eligible for retirement, suitable for transfer, and surplus to the needs of the Cedar Park Police Department; and

WHEREAS, Officer Ian White is a peace officer and is capable of humanely caring for “Stryker”; and

WHEREAS, the City Council has determined that the transfer of K-9 Officer “Stryker” is in the best interest of the animal and of the health, safety, and welfare of the City.

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

SECTION 1. That the City Manager is hereby authorized and directed to negotiate and execute an agreement for the transfer of retired K-9 Officer “Stryker” to Officer Ian White without charge, subject to final approval of the City Attorney.

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

PASSED AND APPROVED this the 14<sup>th</sup> day of January, 2021.

CITY OF CEDAR PARK, TEXAS

\_\_\_\_\_  
Corbin Van Arsdale, Mayor

ATTEST:

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LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

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J.P. LeCompte, City Attorney



**File Attachments for Item:**

F.4 A Resolution Approving The City of Cedar Park Legislative Platform For The 87th Legislative Session.



**CITY COUNCIL AGENDA**  
January 14, 2021

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**Item/Subject:** A Resolution Approving The City of Cedar Park Legislative Platform For The 87<sup>th</sup> Legislative Session.

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**Commentary**

In advance of each Legislative Session conducted by the State Legislature, the City of Cedar Park has approved a legislative platform to state the City’s legislative philosophy. During legislative sessions, numerous bills will be filed that may have an impact on the City of Cedar Park, both positive and negative.

The legislative platform serves to provide the basis for legislation that the City may either support or oppose. As stated in the legislative platform attached as Exhibit A, the City may support any legislation that advances the strategic goals and interests of the City and conversely, may oppose any legislation that the Council views as detrimental or contrary to the City’s ability to govern itself as a Home Rule City.

**Initiating Dept:** City Manager Office

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**Fiscal Impact**  
**Fund:**

**Budget**  
**Amount:**

**Finance Director Review**

**Legal Certification**

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

**Associated Information:**



Exhibit A - Draft 2021 Legislative Platform

**City of Cedar Park 2021 Legislative Agenda – 87<sup>th</sup> Legislative Session**

The City of Cedar Park seeks to preserve (1) its authority as a Home Rule City and (2) its ability to govern in the best interest of its residents. The City's elected leaders believe local level governance is closest and most responsive to the taxpayers and is best able to produce positive outcomes for Cedar Park's residents. Proactively monitoring the Texas Legislature's activity helps ensure that Cedar Park's taxpayers will continue to enjoy the quality of life that they have come to expect and deserve.

The City of Cedar Park will look favorably on legislation that advances the strategic goals and interests of the City and, conversely, will look unfavorably on legislation that the Council views as detrimental or contrary to the City's ability to govern itself as a Home Rule City. The City will monitor legislation concerning local fiscal policy, infrastructure issues, economic development programs, preservation of local land use and annexation authority, public safety (including Civil Service), and other issues that may impact Cedar Park residents.

The City reserves the right to support, oppose, or respond to legislation according to the principles above.

**File Attachments for Item:**

F.5 A Resolution Consenting To The Brushy Creek Regional Utility Authority ("BCRUA") Authorizing An Emergency Agreement With Excel Construction Services, LLC For Repairs To The 36-Inch Underwater Raw Water Pipeline For The Amount Of \$665,316, With Cedar Park's Portion In The Amount Of \$177,439.78.



## CITY COUNCIL AGENDA

January 14, 2021

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**Item/Subject:** A Resolution Consenting To The Brushy Creek Regional Utility Authority (“BCRUA”) Authorizing An Emergency Agreement With Excel Construction Services, LLC For Repairs To The 36-Inch Underwater Raw Water Pipeline For The Amount Of \$665,316, With Cedar Park's Portion In The Amount Of \$177,439.78.

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### Commentary

This item provides the City of Cedar Park’s consent to the BCRUA to enter into an emergency construction agreement between BCRUA and Excel Construction Services, LLC (“Excel”) for repairs to a 36-inch underwater pipeline that supplies untreated water to the BCRUA Water Treatment Plant (“WTP”). The BCRUA is a regional water system jointly owned by Cedar Park, Round Rock, and Leander (“Cities”) to provide treated drinking water to the Cities.

On December 19, 2020, the BCRUA raw water pipeline that supplies water from a pumping barge on Lake Travis to the BCRUA WTP incurred a mechanical failure, which rendered the BCRUA WTP unable to supply treated water to the Cities. Investigations determined that the raw water pipeline had pulled apart on the bed of Lake Travis at a depth of approximately 55 feet. This interruption of water treatment service from the BCRUA WTP does not currently affect Cedar Park’s provision of water service to our customers as we have ample capacity in our City owned water plant. However, it is imperative to begin this repair quickly in order for it to be complete before water demands begin to increase through the spring and into the summer.

Due to the size and depth under water of the needed repair, specialized divers, equipment, and construction techniques are required. The number of contractors that have the ability to repair this type of pipeline is limited. The BCRUA determined that Excel Construction Services, LLC has the experience and capability to construct the emergency repairs to the pipeline.

Local Government Code 252.022 provides for an exception to the requirement of competitive bidding for expenditures of more than \$50,000 for a procurement necessary to preserve or protect the public health or safety of a municipality’s residents. The BCRUA Board determined that this emergency repair meets the requirements of this exception. On January 7, 2021, the BCRUA Board approved an emergency construction time and materials agreement with Excel for the repairs, subject to approval of the Cities. The duration of the repair work is estimated to be 35 days.

Costs will be shared by Cedar Park, Round Rock, and Leander based on each City’s capacity in the BCRUA. Based on this capacity allocation, Cedar Park’s share of costs will be \$177,439.78. The funding for this emergency repair would come from savings from the BCRUA Phase 1C Expansion Project, which was funded through Texas Water Development Board bonds.

**Initiating Dept:** Public Works

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**Fiscal Impact**  
**Fund: Utility**

**Budget**  
**Amount: \$177,439.78**

**Finance Director Review**

**Legal Certification**

Approved as to form and content:

Yes       No **City Attorney**

**Associated Information:**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, CONSENTING TO THE BRUSHY CREEK REGIONAL UTILITY AUTHORITY EXECUTING AN EMERGENCY AGREEMENT WITH EXCEL CONSTRUCTION SERVICES, LLC FOR REPAIRS TO THE 36-INCH UNDERWATER RAW WATER PIPELINE FOR THE AMOUNT OF \$665,316, WITH CEDAR PARK'S PORTION IN THE AMOUNT OF \$177,439.78; AND 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, in 2008 the cities of Cedar Park, Round Rock, and Leander (“Cities”) entered into a Master Contract for the Financing, Construction and Operation of the Brushy Creek Regional Utility Authority Regional Water Treatment and Distribution Project, with amendments in January 2009, October 2010, February 2012, and April 2018; and

WHEREAS, the Brushy Creek Regional Utility Authority supplies treated drinking water to the Cities; and

WHEREAS, on December 19, 2020, the Brushy Creek Regional Utility Authority raw water pipeline that supplies water from a pumping barge on Lake Travis to the Brushy Creek Regional Utility Authority’s Water Treatment Plant incurred a mechanical failure, rendering the Water Treatment Plant unable to treat water; and

WHEREAS, the Brushy Creek Regional Utility Authority Board has determined that this pipeline failure is an emergency that needs immediate repair to preserve and protect the public health and safety; and

WHEREAS, Local Government Code 252.022 provides for a public health and safety exception to the requirement for competitive bidding for expenditures of more than \$50,000; and

WHEREAS, utilizing Local Government Code 252.022, on January 7, 2021 the Brushy Creek Regional Utility Authority Board approved an emergency construction contract with Excel Construction, LLC for repairs to the raw water pipeline, subject to approval by the participating Cities; and

WHEREAS, the emergency repairs would be funded through cost savings from the Brushy Creek Regional Utility Authority Phase 1C Expansion Project, which was funded through Water Development Board bond funds.

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

SECTION 1. The City Council hereby consents to the Brushy Creek Regional Utility Authority executing an emergency construction time and materials agreement with Excel Construction Services, LLC for repairs to the 36-Inch underwater raw water pipeline, for the amount of \$665,316, with Cedar Park's portion in the amount of \$177,439.78, with the form of the agreement subject to City Attorney review.

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

PASSED AND APPROVED this the 14th day of January 2021.

CITY OF CEDAR PARK, TEXAS

ATTEST:

\_\_\_\_\_  
Corbin Van Arsdale, Mayor

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

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
J.P. LeCompte, City Attorney



**File Attachments for Item:**

G.1 (Z-20-014) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 4.56 Acres From Development Reserve (DR) To General Business (GB), Located At The Southeast Corner of W Whitestone Boulevard and Toro Grande Boulevard. ***The Planning and Zoning Commission Voted 4-2 To Recommend Denial Of General Business (GB).***



**CITY COUNCIL AGENDA**  
January 14, 2021

---

**Item/Subject:** (Z-20-014) First Reading and Consideration Of A Request By Cleo Bay Imports Inc. To Rezone Approximately 4.56 Acres From Development Reserve (DR) To General Business (GB), Located At The Southeast Corner Of W Whitestone Boulevard and Toro Grande Boulevard. *The Planning And Zoning Commission Recommended Denial Of The Rezoning Request To General Business (GB) By A Vote Of 4-2.*

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<b>Staff</b>	<b>Ashley Austin, 512-401-5058, Ashley.Austin@cedarparktexas.gov</b>
<b>Owner</b>	Cleo Bay Imports Inc
<b>Agent</b>	Sarah Corona, PSCE Inc.
<b>City Limits</b>	Yes
<b>Current Zoning</b>	Development Reserve (DR)
<b>Proposed Zoning</b>	General Business (GB)
<b>Future Land Use Plan</b>	Planning Area G
<b>Major Corridor</b>	Whitestone Boulevard
<b>Summary of Applicant’s Request</b>	The applicant’s request is to rezone approximately 4.56 acres from Development Reserve (DR) to General Business (GB). The proposed zoning of GB is supported by the current Future Land Use Plan.
<b>Staff Recommendation</b>	GB as requested

**COMMENTARY**

**Staff Recommendation:** The proposed zoning is in compliance with the FLUP and staff recommends the applicant’s request of General Business (GB) zoning for this property.

Please note that an affirmative vote of 6 out of 7 Council members is needed to overturn the Planning and Zoning Commission recommendation of denial for the zoning request.

**Reason for Staff Recommendation:** The proposed zoning change will provide an appropriate zoning designation, compliant with the FLUP and compatible with surrounding commercial land uses.

**Planning & Zoning Commission Recommendation to the City Council:** On December 15, 2020, the Planning and Zoning Commission recommended denial of the rezoning request by a vote of 4-2. As a result of the Planning and Zoning Commission's denial recommendation, a super majority of the Council (6 out of 7 votes) will be required to approve the rezoning request.

In favor of motion to deny: Randy Strader, Bobbi Hutchinson, Sara Groff, Audrey Wernecke, Jeff Baker

Recused: None

Opposed to motion to deny: Bobbi Hutchinson, Bob Ingraham

Absent: None

Vacant: Place 1

**Stated Reasons for P&Z Recommendation:** Commissioners raised concerns about the proposed gas station use and its relevance to the intent of Planning Area G. Some Commissioners did not feel that the use met any of the missing places identified in the Comprehensive Plan.

**Planning & Zoning Commission Public Hearing:** The Planning and Zoning Commission held a public hearing on December 15, 2020. No public testimony was received.

**Public Input:** Staff has received one email from an adjacent property owner in opposition of the request.

**Public Information Plan:**

*December 2, 2020:* Public notice of the Planning and Zoning Commission and City Council public hearings published in the Austin American Statesman

*December 4, 2020:* Eight (8) letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract

*December 15, 2020:* Planning and Zoning Commission public hearing

*January 14, 2021:* City Council 1st reading and public hearing

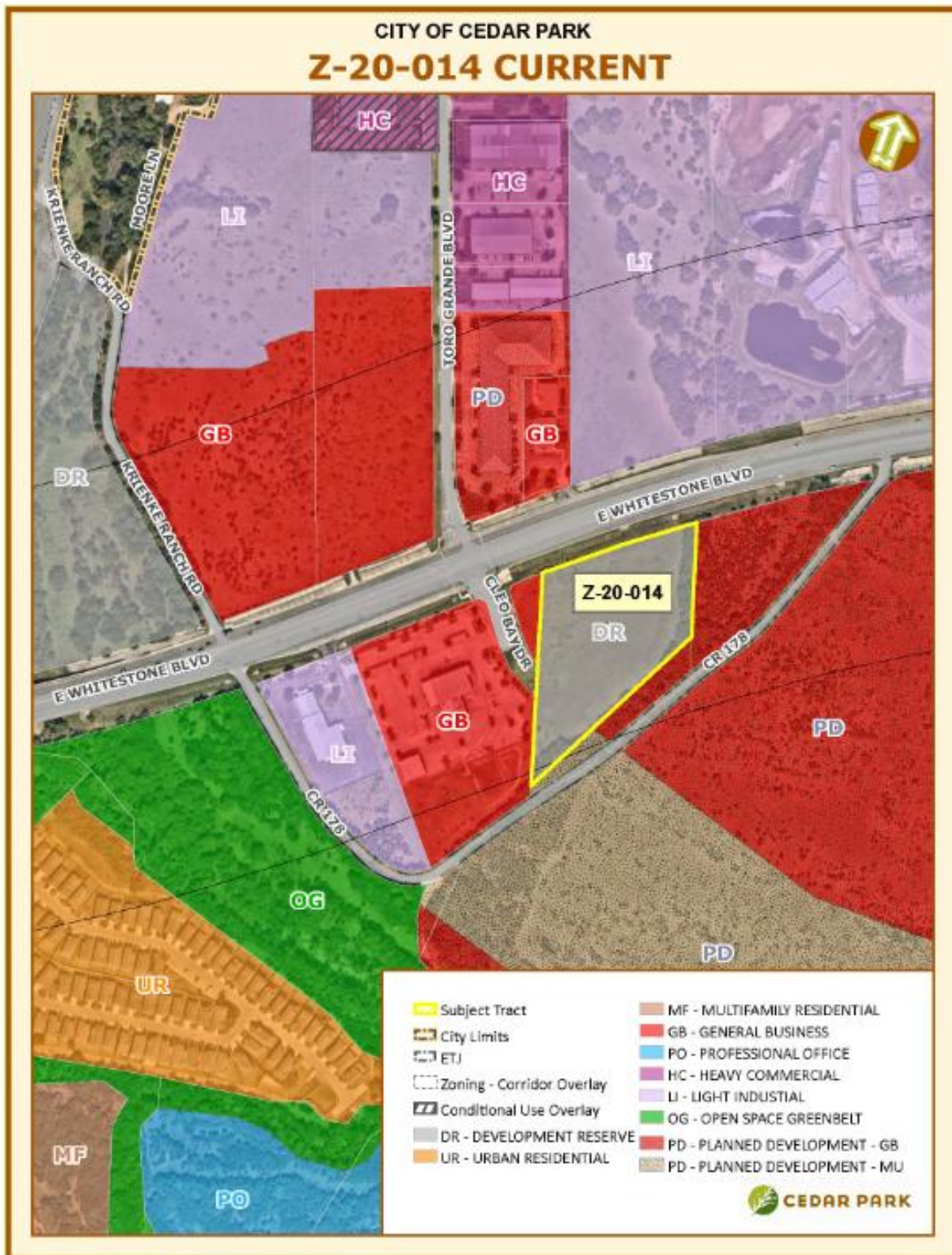
*January 28, 2020:* City Council 2nd reading

**Existing Site and Surrounding Land Uses:**

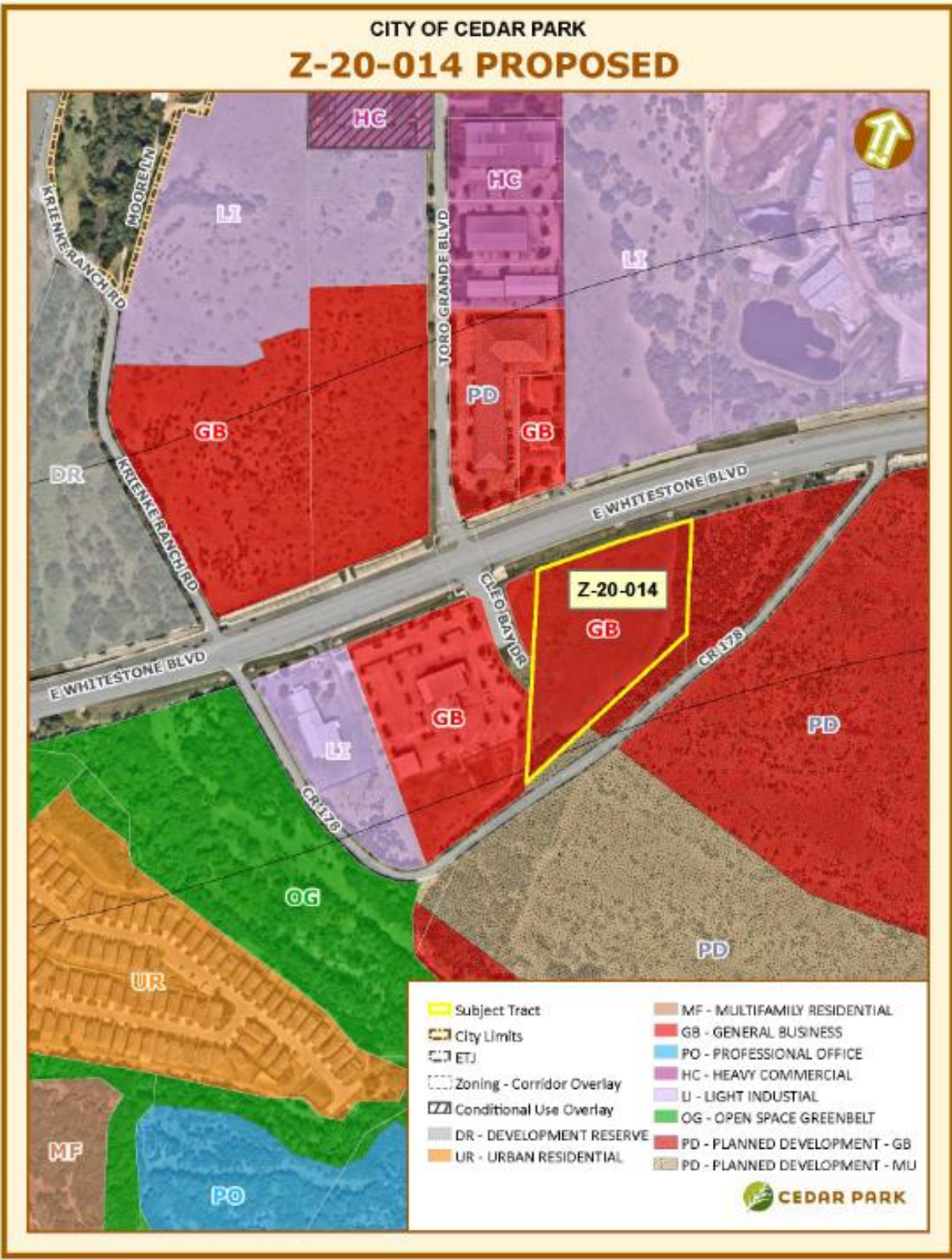
The property is currently undeveloped and is located at the southwest corner of W Whitestone Boulevard and Toro Grande Boulevard. Directly adjacent to the west of the property is the Cedar Park Emergency Center, zoned General Business (GB). To the north, across Whitestone Boulevard and to the east of Toro Grande Boulevard, is a multi-tenant commercial strip center (Shops at Cedar Park) which includes Extra Space Storage, an indoor storage facility (SD-04-00022) and is zoned Planned Development with a base zoning of General Business (PD-GB; Z-06-022). VCA

Premier Animal Hospital (SD-04-00017), zoned GB, and Austin Wood Recycling (SD-14-00016), zoned Light Industrial (LI), are also located to the north of the subject property. The property abutting the subject tract to the south and east, although currently vacant, is slated for a large mixed-use development (Indigo Ridge South; Z-18-014) and is zoned Planned Development (PD-MU and PD-GB).

The following maps depict the current and proposed zoning classifications.



### CITY OF CEDAR PARK Z-20-014 PROPOSED



- Subject Tract
- City Limits
- ETJ
- Zoning - Corridor Overlay
- Conditional Use Overlay
- DR - DEVELOPMENT RESERVE
- UR - URBAN RESIDENTIAL
- MF - MULTIFAMILY RESIDENTIAL
- GB - GENERAL BUSINESS
- PO - PROFESSIONAL OFFICE
- HC - HEAVY COMMERCIAL
- LI - LIGHT INDUSTRIAL
- OG - OPEN SPACE GREENBELT
- PD - PLANNED DEVELOPMENT - GB
- PD - PLANNED DEVELOPMENT - MU



**Purpose of Requested Zoning District:**

The GB district is principally intended for moderate and large retail centers, big-box stores, and malls that serve the retail and service needs of the community and broader region. This district includes site and building design and architectural standards to ensure quality, sustainable development.

**Future Land Use Plan:**

The Future Land Use Plan (FLUP) currently identifies the subject tract as Planning Area G, which is compatible with the GB zoning request.

Future Land Use:

- Ensure an appropriate mix of land use types within the City.

**Site Information:**

***Zoning Case History:***

This parcel was annexed into the City in 1996 as part of a larger annexation of approximately 98.496 acres (Annexation No. 7A).

<b>Year</b>	<b>Case Number</b>	<b>Request</b>	<b>City Council Action</b>
<b>1996</b>	Annexation No. 7A (Ord. # 96-43)	Assigned original zoning of Development Reserve (DR)	Council approved 12/19/1996

***Major Corridor:***

The subject property will be required to comply with the major corridor standards along Whitestone Boulevard.

***Transportation:***

Whitestone Boulevard is classified as a Major Arterial on the Transportation Plan. According to City data, there were 44,931 average vehicles daily in 2016 on this section of Whitestone Boulevard.

***Subdivision:***

This property is not currently platted and will require a new plat prior to development.

***Land uses:***

Land uses shall comply with those listed for GB in Table 11.02.064 of the Zoning Code.

***Building Setback and Height Requirements:***

	<b><u>GB</u></b>
Front Setback	25'
Interior Side Setback	12'
Rear Setback	30'
Maximum Height	100'

**Staff Commentary:**

The proposed zoning change would allow for more regional services along one of the City’s major arterials. The request is consistent with the Future Land Use Plan (FLUP) and the purpose statement of the General Business (GB) zoning district.

**Staff Recommendation:**

Staff recommends approval of the applicant’s request to rezone the property to GB.

**Applicant’s Neighborhood Communication Summary and Public Input:**

Because the exterior boundary of the subject tract proposed for zoning is not located within 500 feet of any property zoned or used for single-family residential development, the applicant is exempt from submitting a neighborhood communication summary.

**Initiating Dept:** Development Services

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**Fiscal Impact**

Account No.: n/a

**Budget**

Budget/Expended: n/a

**Legal Certification**

Approved as to form and content:

- Finance Director Review**
- Yes       No **City Attorney**

**Associated Information:**

Ordinance with Exhibits

**From:** [Stephen Swan](#)  
**To:** [Ashley Austin](#)  
**Subject:** RE: Zoning File # Z-20-014  
**Date:** Tuesday, December 15, 2020 10:17:27 AM  
**Attachments:** [image004.png](#)  
[image001.png](#)  
[image007.png](#)  
[Planning Area G.pdf](#)

---

Good Morning Ashley,

Thank you for sending this additional information.

I represent the property owner located to the East and South of this property, RR Whitestone, LP.

After reviewing the information you sent, I am not in favor of this rezoning application, because the proposed land use is Gasoline Service Station.

This property is within Planning Area "G" as shown in the attached document, and a Gasoline Service Station is not compatible with the goals and purpose of the planning areas. As you know, the goal of these Planning Areas is to "identify key locations where at least one of the identified "missing places" is appropriate." These missing places include Entertainment/Cultural District, Educational Campus, Walkable Mixed-Use and Business Park. A Gasoline Service Station does not fit into one of those missing places categories, nor will it encourage the properties that surround it to develop in a way compatible with those goals. Cleo Bay Drive to the south of Whitestone Boulevard will be the main entry into the Planning Area G, so this corner will be representative of the Planning Area as a whole.

With the current circumstances with COVID, please let me know the best way to file a formal protest as outlined in Section 11.05.033.B.2.b.2 of the code, as our adjoining property exceeds 20% of the immediately adjoining land.

Thank you,

Stephen

Stephen Swan



100 Congress Avenue | Suite 1450  
Austin, TX 78701

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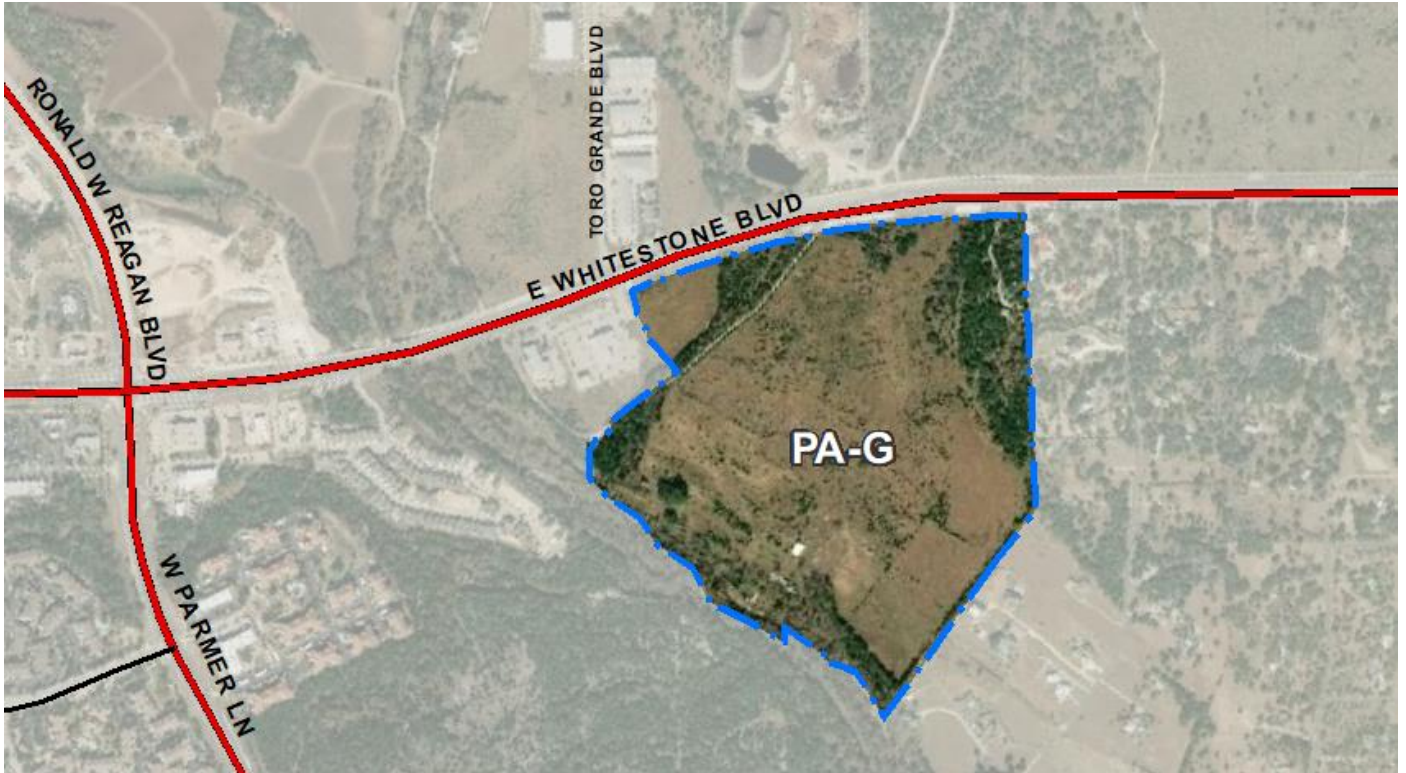
**From:** Ashley Austin <Ashley.Austin@cedarparktexas.gov>  
**Sent:** Friday, December 11, 2020 3:13 PM



**Planning Area "G"**

This area is approximately 105 acres located south of E. Whitestone Boulevard, southeast of Toro Grande Boulevard. This area is largely undeveloped and at the eastern edge of the City limits.

Figure 6a. Planning Area "G"



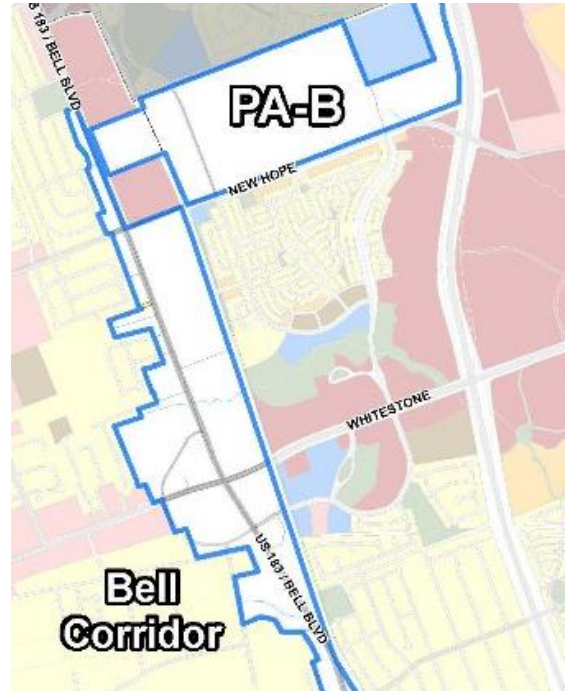
## Potential Vision for Planning Areas

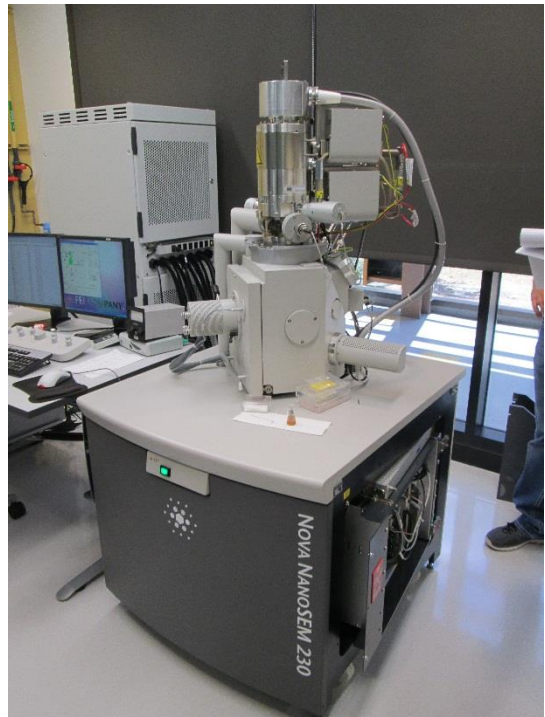
Several areas have been identified as “Planning Areas” on the Future Land Use Map that require additional discussion to adequately describe each area’s vision and expectations. The purpose of these areas is to provide flexibility to land owners and developers to respond to market demands. These areas, A through H and the Bell Boulevard Corridor, are described in the following pages with visual examples of the character envisioned for each area.

During the visioning process, the community identified several development types or destination points that seem to be lacking in Cedar Park, termed “Missing Places”. Although each Planning Area may lend itself to certain types of development due to the location, access, topography, and adjacent land uses of the site, the areas should be flexible and not be restricted to a particular land use. However, the intent of these Planning Areas is to identify key locations where at least one of the identified “missing places” is appropriate. The following is an overview of these desirable development types:

### *Entertainment / Cultural District*

Entertainment/cultural districts offer vibrant outdoor settings with unique entertainment-oriented features, such as family arcades, movie theaters, water features, and arts venues. These areas are where arts and cultural activities thrive. Entertainment/cultural districts are marketable tourism assets that highlight the unique identity of communities and attract all types of visitors. These districts usually offer interactive shopping, dining and entertainment experiences that are especially attractive destinations for cultural, recreational and business travelers. Attracting business travelers and businesses make these spaces prime locations for small conference centers with hotels or other accommodations. Districts can even be anchored by sports stadiums or arenas for local athletic teams, or smaller music venues for outdoor concerts and festivals. The district could also be home to museums, art galleries, music venues, and public squares for performances. The most successful districts combine improvements to public spaces (such as parks, waterfronts and pedestrian corridors) with proper development planning.





**Educational Campus**

Cedar Park has also expressed interest in an educational campus, possibly a branch or satellite campus for a larger university, located within the community. An educational campus could be complementary to existing educational facilities or office uses, creating opportunities for partnerships, training programs, and employment opportunities for local businesses and residents.

A college or university offering 4-year degree programs is highly desirable in the City of Cedar Park for a variety of reasons. Educational campuses can serve as a focal point for developmental growth and improvement for citizens by offering continuing education, certification courses, technical coursework, and pre-college courses to support educational and employment efforts of the local populations. Additionally, these educational campuses offer a strong economic benefit to the community.

The Austin-Round Rock MSA is considered a major center for high-tech with thousands of graduates each year from the engineering and computer science programs at the University of Texas at Austin going into the workforce and fueling numerous industries. Cedar Park’s proximity to Austin could provide the opportunity for the City to capitalize on this regional trend and provide the same engineering/technology course-work and technical training opportunities that could feed directly into the local economy through the workforce and help to spur residents into attaining higher educational opportunities.

### *Walkable Mixed-Use*

Mixed-use style development should be incorporated into Cedar Park to blend a variety of uses into one centralized, iconic location. This type of development offers a range of benefits, including flexibility of building space, long-term viability of commercial districts, higher-quality high density residences, inclusion of public facilities, increasing pedestrian activity, improved public safety with additional “eyes on the street”, reduction in vehicular trips, minimizing land use consumption, and preservation of open space.

Mixed land uses can come in the form of vertical mixed use (typically retail at ground level and office and/or residential on upper levels), or horizontal mixed use (each use is contained within its own structure but planned into a single development). This type of development should be pedestrian-oriented, with a focus on a central theme—like restaurants, entertainment, or retail. Residential lofts and attached residential units in these types of developments may be desirable to sustain and encourage a vibrant street-life and generate activity for the businesses. Residential densities within these developments are typically 40+ dwelling units per acre.

Walkable mixed-use districts were conceptualized from traditional land development practices in place before the advent of suburbanization, these traditional neighborhoods/developments—like many of today’s most popular mixed-use developments—were very similar in character to downtown or town square areas found in many cities. Although Cedar Park does not have one central “downtown”, the intent of this development style is to create a “downtown” environment. Buildings should be oriented toward the sidewalks, with large display windows, awnings or other elements for shading, and signage visible from the pedestrian view. Regulations should allow for restaurants and cafes to extend patio seating outdoors where sidewalk width allows.





### Business Park

The community identified a quality business park as a desirable future addition to Cedar Park to provide employment opportunities. The business park should focus on innovation – research, high technology, computer-related engineering, and design companies are the most desirable businesses for this area. The park should be targeted toward large scale office developments of professional services and light commercial-type uses that are located entirely indoors.

Additionally, to support a business community, the sites should include restaurants, neighborhood services (such as daycare, dry cleaning, fitness facilities, and small retail shops), and possibly mixed use development. Large business parks should require a master planned layout incorporating walkable design and public space.



Each Planning Area should strive to be a livable place – by creating places where people want to be, the City encourages reinvestment and supports the community (see **Figure 22. Cycle of Creating Livable Places** on page 85). All future development in these Planning Areas is intended to be high-quality construction with interconnected design to support pedestrian traffic. While traditional single-family residential homes are not envisioned for any of these areas, higher density residential options may be appropriate if it serves to enhance the commercial vitality of the development and is fully integrated into the development. Parks and public plazas should be incorporated to create social gathering areas.

In order to develop in these areas, applicants should submit a coordinated and master-planned land use scheme that will incorporate the desirable themes that have been mentioned above, such as:

- Walkable, interconnected, pedestrian-friendly developments
- Public plazas and gathering areas
- Unique developments with quality design standards that serve as focal points and provide a unique character for Cedar Park
- Family-oriented activities
- Industries focused on innovation, design, technology, and research
- Educational institutions

See **Figure 12. Example of a Small Area Concept Plan** on page 44 for a visual example of a plan that illustrates the land uses and connectivity that should be provided for the development of these Planning Areas.



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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO REZONE APPROXIMATELY 4.56 ACRES FROM DEVELOPMENT RESERVE (DR) TO GENERAL BUSINESS (GB) LOCATED AT THE SOUTHEAST CORNER OF WEST WHITESTONE BOULEVARD AND TORO GRANDE BOULEVARD (Z-20-014); AUTHORIZING THE DIRECTOR OF DEVELOPMENT SERVICES 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.

WHEREAS, on March 24, 1975, the Cedar Park City Council adopted Ordinance No. 75-2: Comprehensive Zoning Ordinance, which created a variety of zoning districts, and a zoning district map, as amended; and

WHEREAS, all zoning districts located within the City are regulated pursuant to Chapter 11 of the Cedar Park Code of Ordinances; and

WHEREAS, Texas Local Government Code Chapter 211 authorizes the City to regulate the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and

WHEREAS, the Cedar Park City Charter Section 2.04 authorizes the Council to zone the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority vested in the cities by State statutes; and

WHEREAS, the Cedar Park City Charter Section 7.02 authorizes the Council to zone the City after recommendation of the Planning and Zoning Commission, and requires the Council to enact necessary implementing legislation as authorized by law and after all public hearings required by law; and

WHEREAS, City staff, after communication with the affected property owners, determined the most appropriate zoning designations based on the City’s Comprehensive Plan, existing use of land and structures within the affected area, and uses surrounding the affected area: and

WHEREAS, the City published notice and conducted the requisite public hearings in accordance with Texas Local Government Code Chapter 211; and

WHEREAS, on December 15, 2020 the Planning and Zoning Commission voted 4-2 to recommend denial of the proposed zoning; and

WHEREAS, the City Council finds the proposed zoning to be in accordance with the City's Comprehensive Plan, existing use of land and structures within the affected area, and uses surrounding the affected area, and are for the purpose of promoting the public health, safety, morals, and general welfare of the City; and

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

SECTION 1. City of Cedar Park Ordinance No. 75-2: Comprehensive Zoning Ordinance is hereby amended to rezone approximately 4.56 acres from Development Reserve (DR) To General Business (GB), located at the southeast corner of W Whitestone Blvd and Toro Grande Blvd, otherwise set forth in the legal description labeled Exhibit "A" and the property location map labeled Exhibit "B".

SECTION 2. That the Director of Development Services 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 AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 14th day of January, 2021, 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 January, 2021, 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

---

Corbin Van Arsdale, Mayor



ATTEST:

---

LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

---

J.P. LeCompte, City Attorney

## EXHIBIT A

FIELD NOTES for a 4.557 acre tract of land in Williamson County, Texas, being part of the John Dillard Survey, Abstract No. 179, and the land herein described being all of a called 4.464 acre tract conveyed to Cleo Bay Imports, Ltd., of record in Document #2006071402, Official Public Records of Williamson County, Texas (O.P.R.W.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found in a curve to the right on the south right-of-way line of East Whitestone Boulevard (R.M. 1431 – 200' R.O.W.) at the northwest corner of said 4.464 acre tract, same being the northeast corner of Lot 1, Block B, Cleo Bay, an addition to the City of Cedar Park, Williamson County, Texas, of record in Cabinet BB, Slide 226 & 227, Plat Records of Williamson County, Texas, for the northwest corner of this tract;

THENCE in an easterly direction with the south right-of-way line of said East Whitestone Boulevard, the north line of said 4.464 acre tract and along said curve to the right, having a radius of 5629.58 feet, an arc length of 442.15 feet and a long chord bearing **N. 51° 20' 12" E., 442.03 feet**, to a 1/2" iron rod found at the northeast corner of said 4.464 acre tract and the northwest corner of a called 2.54 acre tract conveyed to Cedar Park Land, LP, of record in Document #2008048551, O.P.R.W.C.T., for the northeast corner of this tract;

THENCE **S. 20° 09' 31" E., 316.52 feet**, with the east line of said 4.464 acre tract and the west line of said 2.54 acre tract, to a 1/2" iron rod with cap stamped "COULTER" found at the northeast corner of a called 0.571 acre tract conveyed to Cedar Park Land, LP, of record in Document #2008026486, O.P.R.W.C.T., being the southeast corner of said 4.464 acre tract, for the southeast corner of this tract;

THENCE in a southwesterly direction with the north line of said 0.571 acre tract (strip & gore act applied), the following four (4) calls:

1. **S. 15° 00' 37" W., 103.37 feet**, to a 3/4" iron pipe found at an angle corner of said 0.571 acre tract, for an angle corner of this tract;
2. **S. 29° 53' 09" W., 328.09 feet**, to a 1/2" iron rod with cap stamped "COULTER" found at an angle corner of said 0.571 acre tract, for an angle corner of this tract;
3. **S. 31° 18' 09" W., 62.26 feet**, to a 1/2" iron rod with cap stamped "COULTER" found at an angle corner of said 0.571 acre tract, for an angle corner of this tract;
4. **S. 26° 31' 32" W., 114.94 feet**, to a 1/2" iron rod found at an angle corner of said 0.571 acre tract, being the southeast corner of Lot 1, Block A, said Cleo Bay and the southwest corner of said 4.464 acre tract, for the southwest corner of this tract;

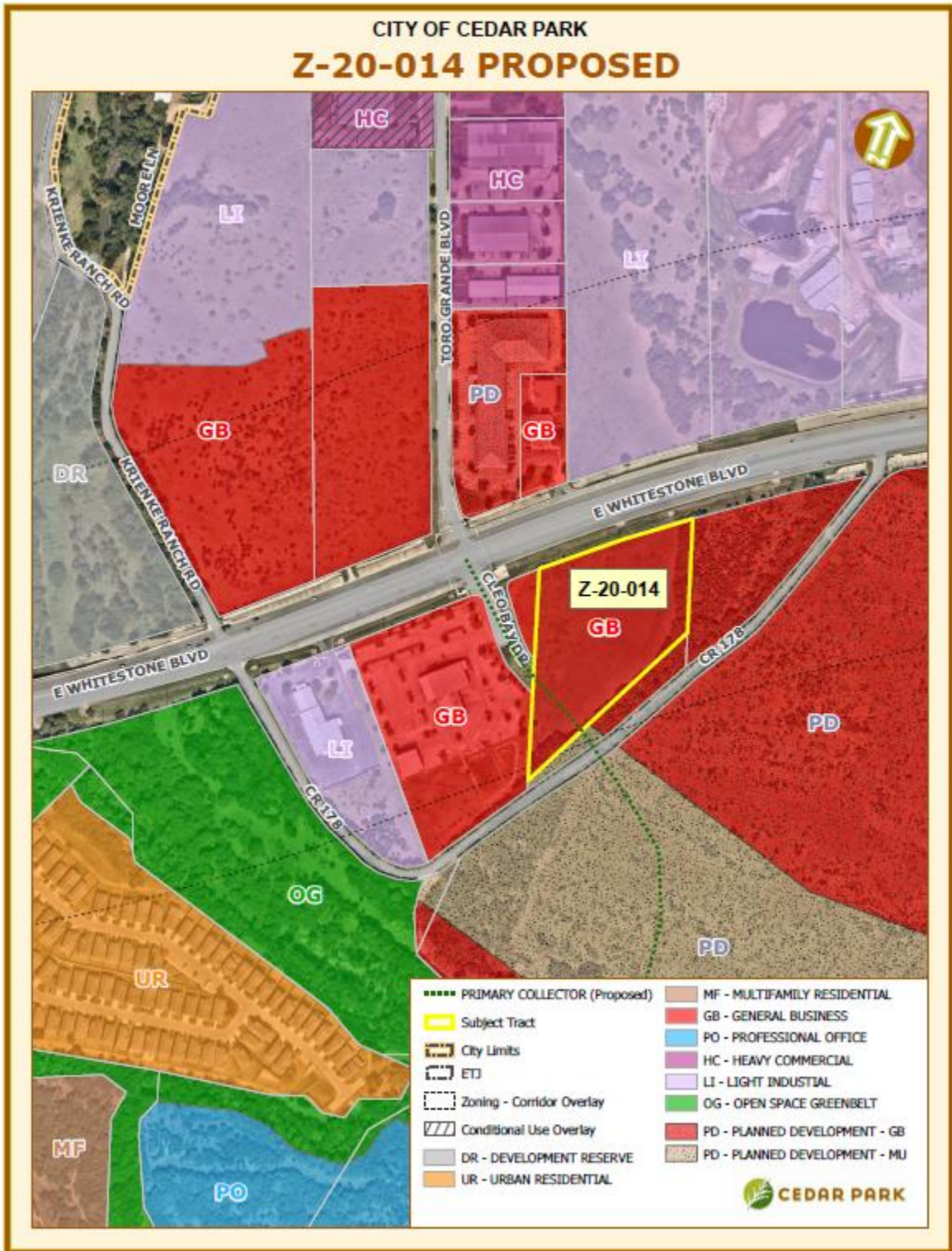
THENCE **N. 17° 48' 21" W., 244.46 feet**, with the east line of said Lot 1, Block A and the west line of said 4.464 acre tract, to a 1/2" iron rod found at the southwest terminus of Cleo Bay Drive (70' R.O.W.) and a corner of said Lot 1, Block A, for an angle corner of this tract;

THENCE **N. 17° 48' 17" W., 92.82 feet**, with the east terminus of said Cleo Bay Drive and the west line of said 4.464 acre tract, to a 1/2" iron rod found at the southeast terminus of said Cleo Bay Drive and the south corner of said Lot 1, Block B, for an angle corner of this tract;

THENCE **N. 17° 48' 32" W., 252.29 feet**, with the east line of said Lot 1, Block B and the west line of said 4.464 acre tract, to the POINT OF BEGINNING containing 4.557 acres of land.

The bearings for the above description are grid bearings based on the Texas Coordinate System, Central Zone (NAD 83), as determined by Leica Texas SmartNet GPS observations.

EXHIBIT B



**File Attachments for Item:**

G.2 (Z-20-015) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 13.64 Acres From Light Industrial (LI) To Heavy Industrial – Conditional Overlay (HI-CO), Located At 1800 Hur Industrial Boulevard. ***The Planning and Zoning Commission Voted 6-0 To Recommend Heavy Industrial – Conditional Overlay (HI-CO) As Requested.***



**CITY COUNCIL AGENDA**  
January 14, 2021

---

**Item/Subject:** (Z-20-015) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 13.64 Acres From Light Industrial (LI) To Heavy Industrial – Conditional Overlay (HI-CO), Located At 1800 Hur Industrial Boulevard. *The Planning and Zoning Commission Voted 6-0 To Recommend Heavy Industrial – Conditional Overlay (HI-CO) As Requested.*

---

<b>Staff</b>	Brad Jackson, 512-401-5054, Brad.Jackson@cedarparktexas.gov
<b>Owner</b>	Cedar Park 20 Partners LTD
<b>Agent</b>	William A. Davies, AIA (512) 259-4175
<b>City Limits</b>	Yes
<b>Current Zoning</b>	Light Industrial (LI)
<b>Proposed Zoning</b>	Heavy Industrial – Conditional Overlay (HI-CO)
<b>Current Future Land Use Plan (FLUP)</b>	Heavy Commercial (HC)
<b>Major Corridor</b>	Not located along a Major Corridor
<b>Summary of Applicant’s Request</b>	The applicant’s request is to rezone approximately 13.65 acres from Light Industrial (LI) to Heavy Industrial-Conditional Overlay (HI-CO) to develop a manufacturing and fabrication facility.
<b>Staff Recommendation</b>	Staff recommends the applicant’s request of Heavy Industrial – Conditional Overlay (HI-CO) zoning for this property.

**COMMENTARY**

**Staff Recommendation:**

Staff recommends approval of the applicant’s request to rezone the property to Heavy Industrial – Conditional Overlay (HI-CO).

**Reason for Staff Recommendation:**

The proposed zoning change will provide an appropriate zoning designation, compliant with the FLUP and compatible with surrounding commercial land uses.

**P&Z Recommendation:** Recommend approval of Heavy Industrial – Conditional Overlay (HI-CO) as requested.

**Stated Reasons for P&Z Recommendation:** Support staff recommendation.

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

On December 15, 2020, the Planning and Zoning Commission voted 6-0 to recommend approval of the applicant’s request with the above conditions.

In favor: Audrey Wernecke, Sara Groff, Bob Ingraham, Bobbi Hutchinson, Jeff Baker and Randy Strader

Opposed: None

Absent: None (Place 1 currently vacant)

**Planning & Zoning Commission Public Hearing:**

The Planning and Zoning Commission held a public hearing on December 15, 2020. No public commentary was provided on the rezoning request.

**Public Input:**

Staff has received one letter in support of the rezoning request (attached in Neighborhood Communication Summary).

**Applicant’s Neighborhood Communication Summary:**

The applicant mailed 9 letters to the adjacent single-family properties within 500 feet on December 10, 2020 to communicate the proposed development. See attached Neighborhood Communication Summary.

**Public Information Plan:**

- December 2, 2020:* Public notice of the Planning and Zoning Commission and City Council public hearings published in the Austin-American Statesman
- December 4, 2020:* Thirteen (13) letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract
- December 15, 2020:* Planning and Zoning Commission public hearing
- January 14, 2021:* City Council 1st reading and public hearing
- January 28, 2021:* City Council 2nd reading

**Existing Site and Surrounding Land Uses:**

The site consists of a 13.65-acre lot that is currently developed with a small office building and storage of portable toilets on approximately 1.75 acres of the tract. This site compliments Satellite Industries existing facility located at 1713 Hur Industrial Boulevard. North of the property is the Brushy Creek Regional Utility Authority Water Treatment Plant zoned Public Services (PS). The property is bordered to the east by the City of Cedar Park Veteran’s Memorial Park. The property is bordered to the south by Josco Supply Bath and Kitchen Showroom, an Office/Showroom/Warehouse use for plumbing fixture sales. Across Hur Industrial Boulevard there are additional office/warehouse developments zoned Light Industrial (LI).

**Purpose of Requested Zoning District:**

This rezoning to Heavy Industrial – Conditional Overlay (HI-CO) is requested to allow the applicant to develop the property with a new 50,000-square-foot manufacturing and warehouse facility. The Heavy Industrial (HI) zoning district allows the most intense land uses allowed within the City, which may include heavy manufacturing and operational activities. This district is designed for locations that provide adequate access for trucks and heavy equipment and do not impose environmental impacts on adjacent uses. The current LI zoning on the property limits the outdoor storage area to 30% of the gross site area. This rezoning request to Heavy Industrial – Conditional Overlay (HI-CO) will increase the allowed area of outdoor storage to 65%.

**Future Land Use Plan:**

The Future Land Use Plan (FLUP) currently identifies the subject tract within the Heavy Commercial (HC) designation and this rezoning request to HI-CO complies with the current FLUP designation.

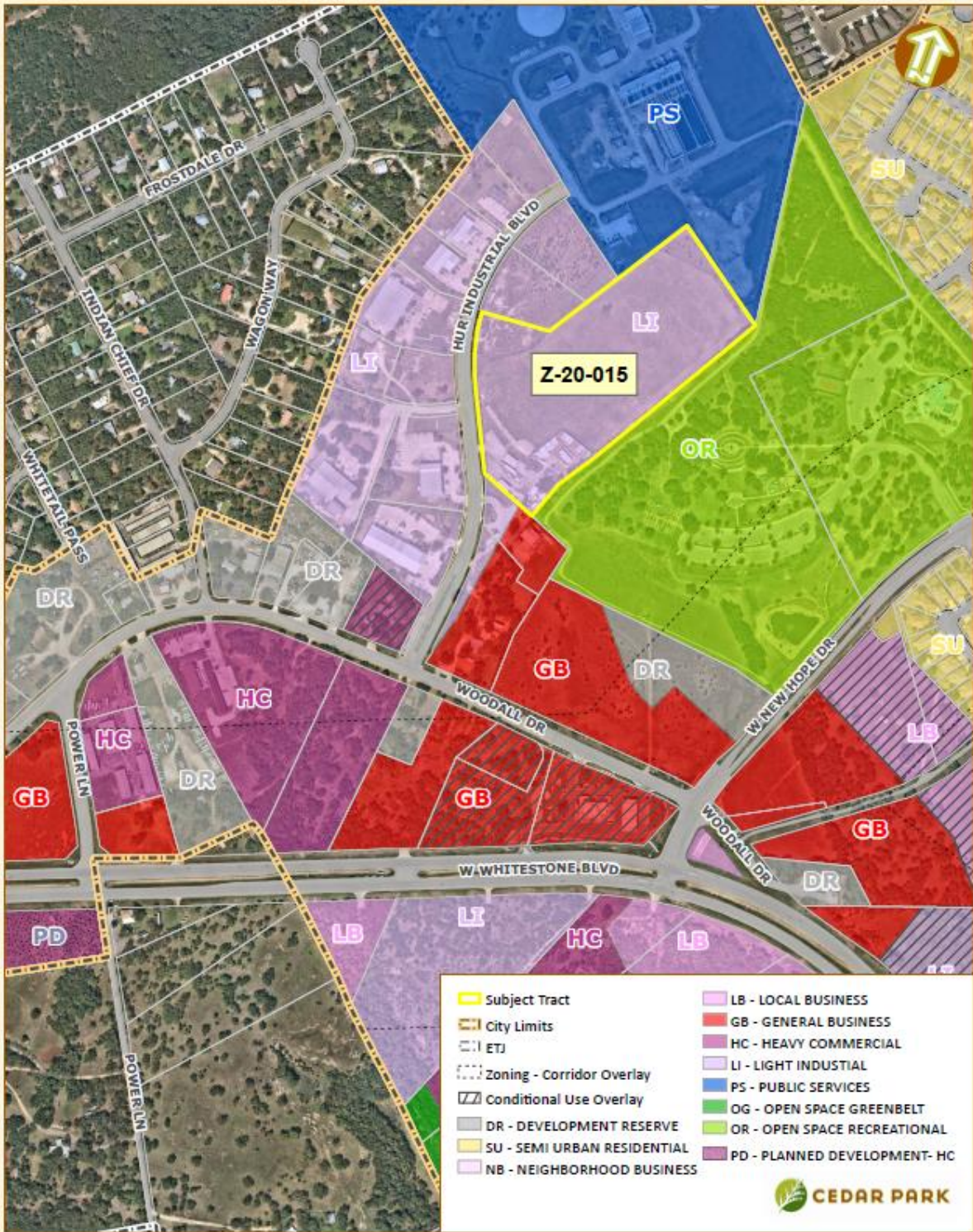
Future Land Use Plan Goals:

- Focus on business attraction and retention to be a destination for major employers and innovative entrepreneurs.
- Ensure an appropriate mix of land use types within the City.

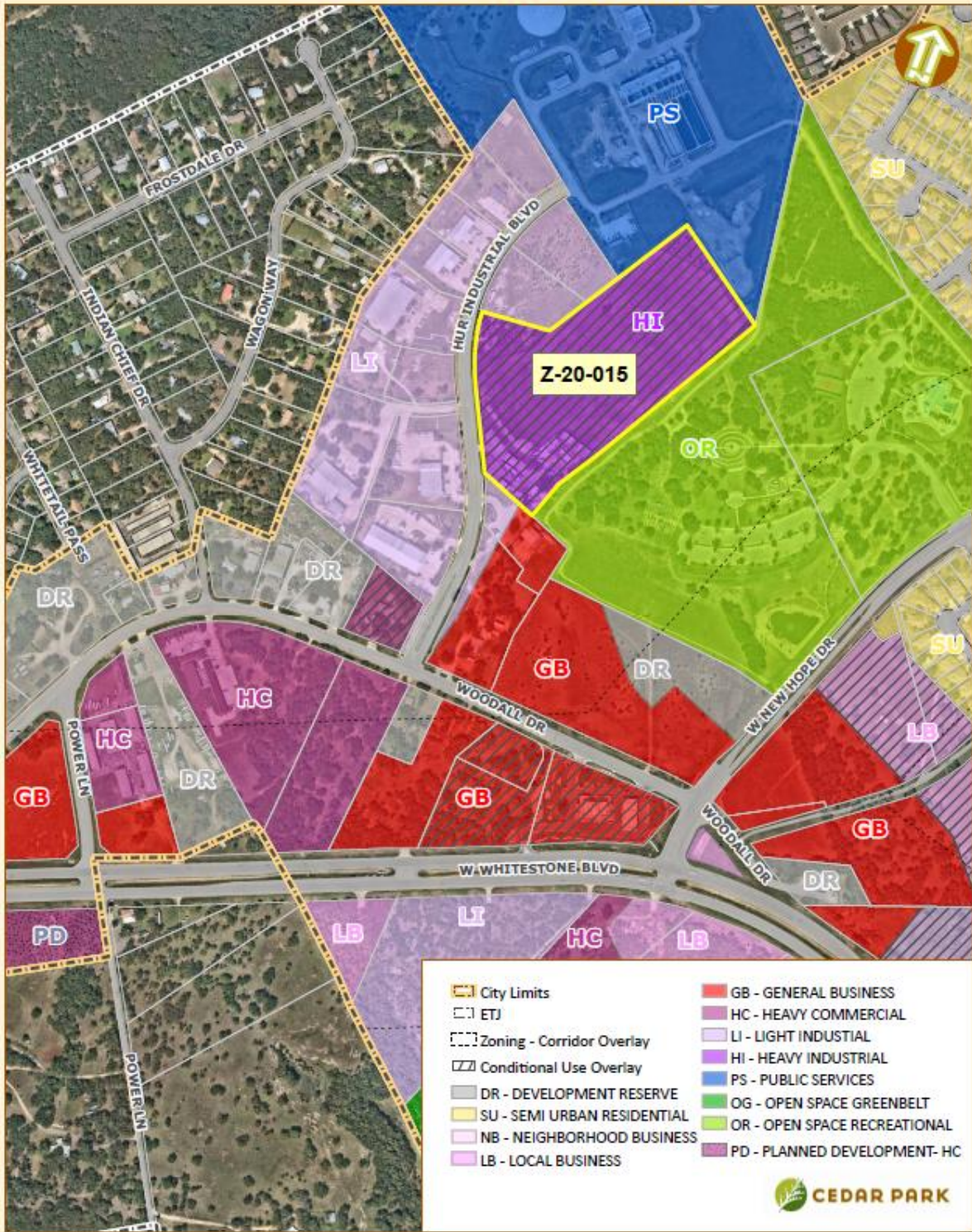
The maps on the following pages depict the current and proposed zoning classifications.



### CITY OF CEDAR PARK Z-20-015 CURRENT



# CITY OF CEDAR PARK Z-20-015 PROPOSED



**Site Information**

Previous Case History:

<b>Year</b>	<b>Case Number</b>	<b>Request</b>	<b>P&amp;Z Recommendation</b>	<b>Council Action</b>
1995	ANX-95-042	Annexation of 54.44 acres	N/A	12-21-1995
1995	Z-95-024	I-1 Light Industrial	Recommended for Approval 12-19-95	Approved 01-11-96
2010	Z-10-011	Open Space Recreation (Rezoning application withdrawn by applicant)	NA	NA

Building Setback and Height Requirements:

	<b><u>HI-CO</u></b>
Front Setback	100'
Interior Side Setback	100'
Rear to Property Line	100'
Maximum Height	60' *

*\*Outdoor storage height limited to 25' within 200' of any park property.*

Major Corridor:

The subject property is not adjacent to a Major Corridor.

Subdivision:

This property is platted as Lot 1A, Block A, Replat of Lot 1, Hur Industrial Park II Section One Subdivision. (Doc. # 201200225)

**Staff Commentary:**

The purpose of this rezoning request is to develop the property with a new 50,000-square-foot manufacturing and warehouse facility. The rezoning to Heavy Industrial – Conditional Overlay will allow the facility to store materials outdoors on up to 65% of the gross site area of the lot. The current zoning of LI limits outdoor storage to 30% of the gross site area. Outdoor storage at the property shall be limited to 25 feet in height within 200 feet of the southeast property boundary with Veteran’s Memorial Park (Sec. 11.03.091). In addition, the eastern boundary of the property shared with Veteran’s Memorial Park will have a thirty-foot (30’) landscaped buffer yard and eight-foot (8’) masonry fence constructed at the property line.

This rezoning request is consistent with the Future Land Use Plan (FLUP) and the purpose statement of the Heavy Industrial (HI) zoning district. The conditional overlay in this rezoning

request prohibits uses that are not allowed in the current LI zoning district but are allowed uses in HI zoning. Those seven uses proposed as prohibited uses are listed below.

**Proposed Prohibited Uses in HI-CO:**

- Archery range
- Bus or taxi depot/ transit station
- Extraction (gas, gravel, minerals, oil, or sand)
- Pawnshop
- Sexually oriented business
- Stone cutting
- Wrecker, impound yard

**Initiating Dept:** Development Services

**Fiscal Impact**  
Account No.: n/a

**Budget**  
Budget/Expended: n/a

**Legal Certification**  
Approved as to form and content:

- Finance Director Review
- Yes       No      **City Attorney**

**Associated Information:**  
Ordinance with Exhibits



**APPLICANT'S SUMMARY OF NEIGHBORHOOD COMMUNICATIONS**

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

The attached letters were mailed to the property owners within 500 feet of the property. Will Davies, President of DFD Architects, Inc. produced the letters and Karen Walas with DFD Architects, Inc. mailed the letters.

2. Who was notified (i.e. property owners, HOA, etc)?

See attached mailing list.

3. What concerns were raised during these communications?

none

4. What specific conditions were added to or modified within the zoning request in response to the concerns raised at the meeting?

none

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

Signature: Will Davies

Date December 10, 2020



# SAMPLE LETTER SENT TO NEIGHBORS

December 10, 2020

Brian Eugene Johnson  
13415 Wagon Way  
Cedar Park, Texas 78613

Re: 1800 Hur Industrial Blvd. rezoning request

Dear Mr. Johnson:

Our firm, DFD Architects, Inc. represents the property owners of 1800 Hur Industrial Blvd., Cedar Park, Texas 78641 which is located in the industrial park to the East of your property. See attached map for location. The property owner is proposing to rezone the property from its current zoning of Light Industrial (LI) to Heavy Industrial (HI).

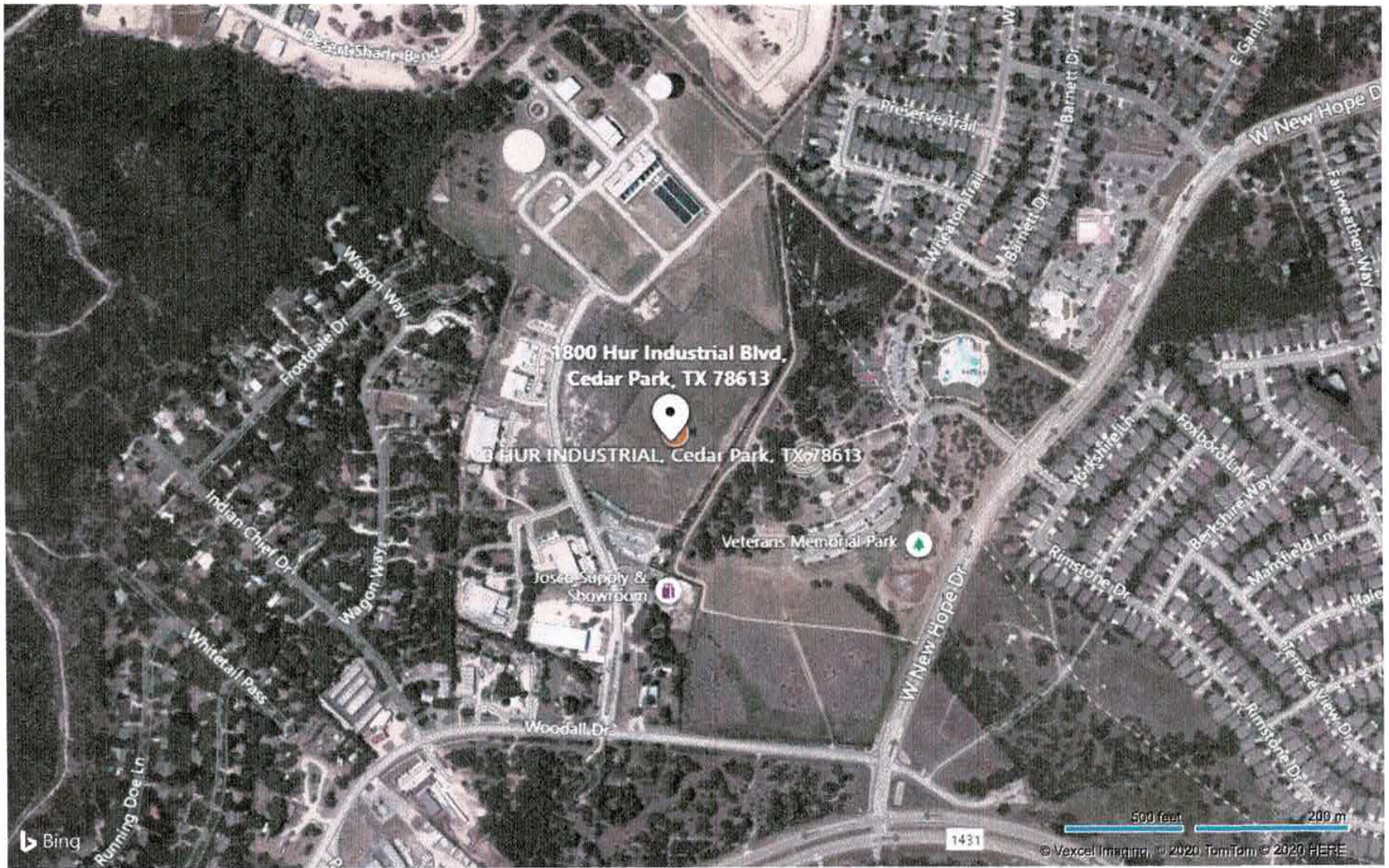
The property is currently undeveloped and is surrounded by other industrial uses as well as the Brushy Creek Regional Utility (water) and Cedar Park Veterans Memorial Park. The property owner intends to develop the property with a manufacturing and storage facility. The current zoning allows for both functions but limits the overall allowed storage. The new zoning will allow for additional storage.

Please review the attached information and feel free to contact our firm with any questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'William A. Davies'.

William A. Davies, AIA  
President



MAP OF 1800 HUR INDUSTRIAL BLVD., CEDAR PARK, TEXAS

Jose Bautista  
13427 Wagon Way  
Cedar Park, Texas 78613

Ramos and Elionai Martinez  
6766 Crestway Drive  
San Antonio, Texas 78239

Brian Eugene Johnson  
13415 Wagon Way  
Cedar Park, Texas 78613

Scott Michael  
505 Harvest Cove  
Cedar Park, Texas 78613

Jason Farrington  
134259 Wagon Way  
Cedar Park, Texas 78613

Steven A Schmidt  
13411 Wagon Way  
Cedar Park, Texas 78613

Joe Galvan  
13425 Wagon Way  
Cedar Park, Texas 78613

Richard Henderson  
2512 4th Avenue N  
Seattle, Washington 98109

Romelia & Martin Herrera  
13423 Wagon Way  
Cedar Park, Texas 78613





# Notice of Public Hearings on a Proposed Zoning Change

**These meetings may be virtual.**

**See reverse for information on how to access the virtual meetings.**

**NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT: Z-20-015**

The City of Cedar Park shall hold public hearings on a request by William Davies to rezone approximately 13.65 acres from Light Industrial (LI) to Heavy Industrial (HI) located at 1800 Hur Industrial Blvd in Travis County, Texas.

Agent: William Davies  
Phone: (512) 259-4175

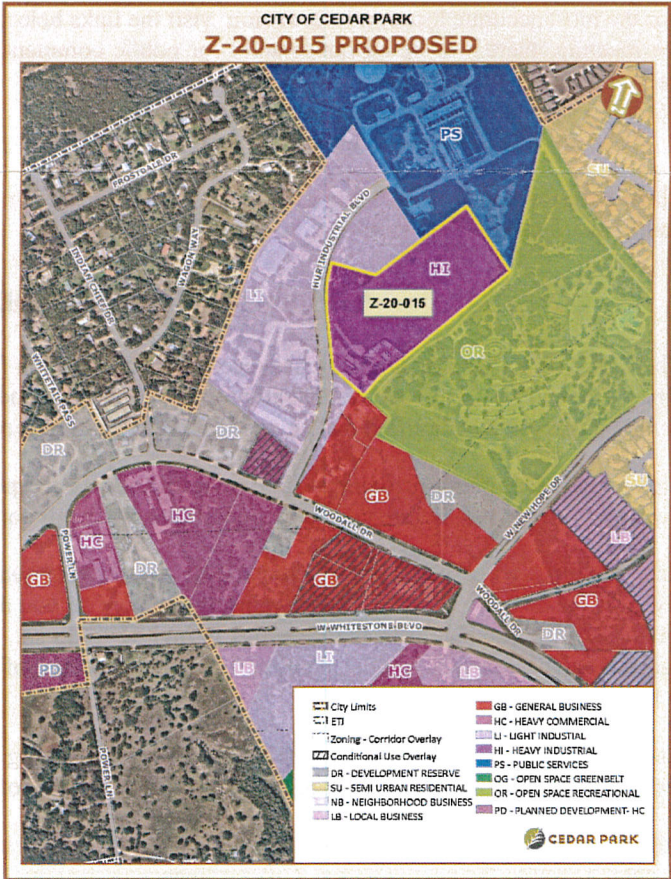
The Planning and Zoning Commission may recommend and City Council may approve any zoning district which is equivalent or more restrictive than that which is requested and which is deemed consistent with the Comprehensive Plan and the Future Land Use Plan.

For more information regarding this application, call the Planning Division at (512) 401-5054.

A public hearing will be held by the Planning and Zoning Commission on Tuesday, December 15, 2020 at 6:30 PM.

A public hearing will be held by the City Council on Thursday, January 14, 2021 at 7:00 PM.

Council action and second reading may be considered at the meeting following the public hearing (January 28, 2021)



Cedar Park City Council Chambers  
450 Cypress Creek Road, Building 4  
Cedar Park, Texas 78613

You may send your written comments to the Planning Division, 450 Cypress Creek Road, Bldg 1, Cedar Park, Texas 78613 or e-mail: [brad.jackson@cedarparktexas.gov](mailto:brad.jackson@cedarparktexas.gov) (attention: Zoning File #: Z-20-015)

Name: Pillar Properties Group LLC Address: 1713 Hur Industrial Blvd

I am in favor, this is why Significant  I am not in favor, and this is why \_\_\_\_\_

upgrade to the Hur End Park with  
a new Building, more jobs.  
and Increased property values !!!

Very much in Favor  
of this move!

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO REZONE APPROXIMATELY 13.64 ACRES FROM LIGHT INDUSTRIAL (LI) TO HEAVY INDUSTRIAL – CONDITIONAL OVERLAY (HI-CO) LOCATED AT 1800 HUR INDUSTRIAL BOULEVARD (Z-20-015); AUTHORIZING THE DIRECTOR OF DEVELOPMENT SERVICES 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.

WHEREAS, on March 24, 1975, the Cedar Park City Council adopted Ordinance No. 75-2: Comprehensive Zoning Ordinance, which created a variety of zoning districts, and a zoning district map, as amended; and

WHEREAS, all zoning districts located within the City are regulated pursuant to Chapter 11 of the Cedar Park Code of Ordinances; and

WHEREAS, Texas Local Government Code Chapter 211 authorizes the City to regulate the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and

WHEREAS, the Cedar Park City Charter Section 2.04 authorizes the Council to zone the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority vested in the cities by State statutes; and

WHEREAS, the Cedar Park City Charter Section 7.02 authorizes the Council to zone the City after recommendation of the Planning and Zoning Commission, and requires the Council to enact necessary implementing legislation as authorized by law and after all public hearings required by law; and

WHEREAS, City staff, after communication with the affected property owners, determined the most appropriate zoning designations based on the City’s Comprehensive Plan, existing use of land and structures within the affected area, and uses surrounding the affected area: and

WHEREAS, the City published notice and conducted the requisite public hearings in accordance with Texas Local Government Code Chapter 211; and

WHEREAS, on December 15, 2020 the Planning and Zoning Commission voted 6-0 to recommend approval of the proposed zoning; and

WHEREAS, the City Council finds the proposed zoning to be in accordance with the City's Comprehensive Plan, existing use of land and structures within the affected area, and uses surrounding the affected area, and are for the purpose of promoting the public health, safety, morals, and general welfare of the City; and

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

SECTION 1. City of Cedar Park Ordinance No. 75-2: Comprehensive Zoning Ordinance is hereby amended to rezone approximately 13.64 acres from Light Industrial (LI) To Heavy Industrial – Conditional Overlay (HI-CO), located at 1800 Hur Industrial Boulevard, otherwise set forth in the legal description labeled Exhibit "A" and the property location map labeled Exhibit "B," with the prohibited uses listed in Exhibit "C".

SECTION 2. That the Director of Development Services 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 AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 14th day of January, 2021, 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 January, 2021, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

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Corbin Van Arsdale, Mayor

ATTEST:

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LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

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J.P. LeCompte, City Attorney

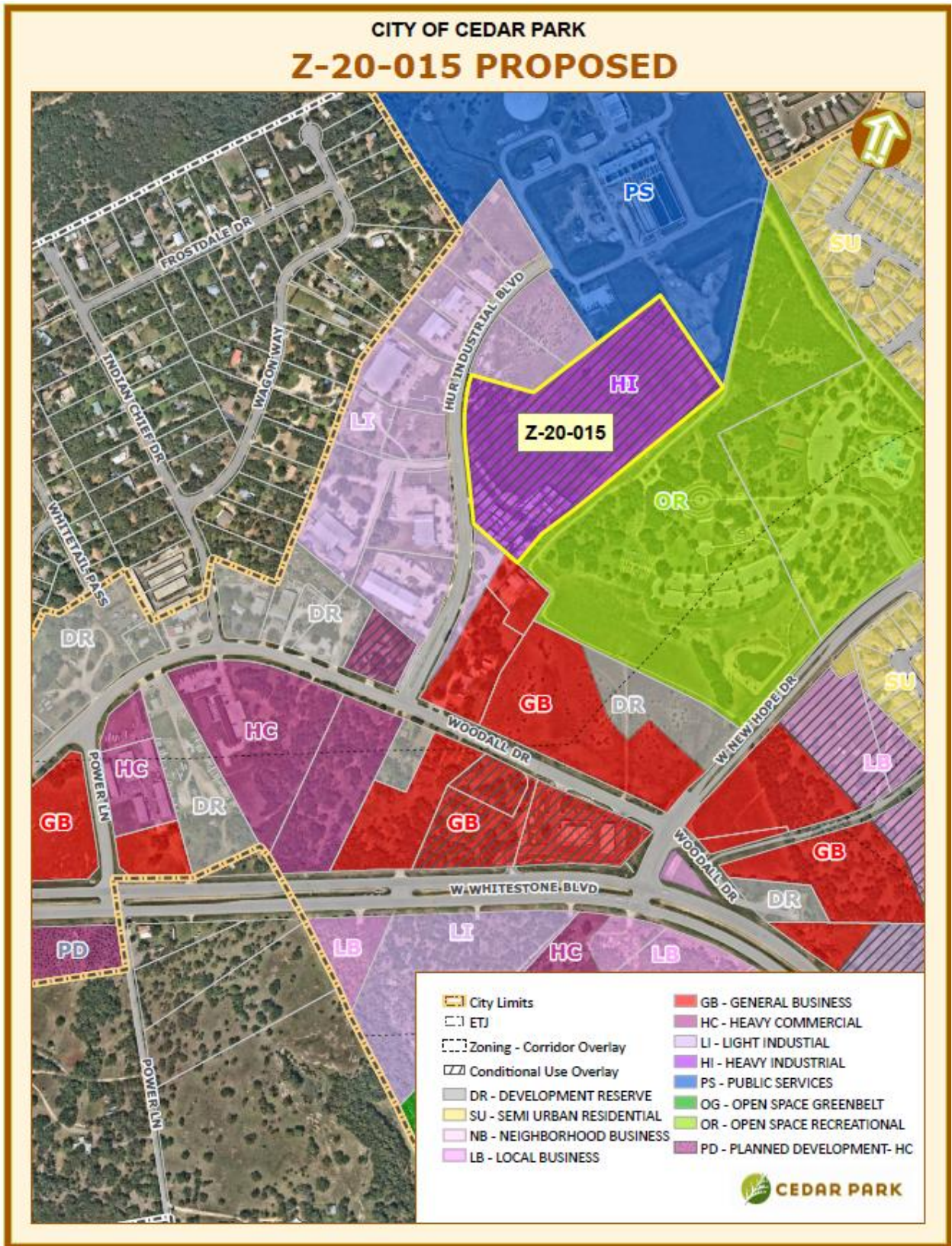
EXHIBIT A

Lot 1A, Block A, Replat of Lot 1, Hur Industrial Park II Section One Subdivision. (Doc. # 201200225)

EXHIBIT B

CITY OF CEDAR PARK

Z-20-015 PROPOSED



## EXHIBIT C

**PROHIBITED USES FOR 13.64 ACRES ZONED HI-CO**

**The uses listed below are prohibited on the property. Any use not listed below shall be deemed an allowable use, if allowed within HI.**

- Archery range
- Bus or taxi depot/ transit station
- Extraction (gas, gravel, minerals, oil, or sand)
- Pawnshop
- Sexually oriented business
- Stone cutting
- Wrecker, impound yard

**File Attachments for Item:**

G.3 (OA-20-003) First Reading And Public Hearing Of An Ordinance Amending Cedar Park Code Of Ordinances Chapter 6, Seasonal, Temporary And Mobile Business And Events Regarding Seasonal Businesses And Special Events.





## CITY COUNCIL AGENDA

January 14, 2021

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**Item/Subject:** (OA-20-003) First Reading And Public Hearing Of An Ordinance Amending Cedar Park Code Of Ordinances Chapter 6, Seasonal, Temporary And Mobile Business And Events Regarding Seasonal Businesses And Special Events.

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### **Commentary**

On December 3, 2020, City Council directed staff to draft amendments to Cedar Park Code of Ordinances Chapter 6, Seasonal, Temporary and Mobile Business and Events, to address some recently identified concerns related to special events.

Proposed amendments are attached as Exhibit A to the ordinance, with all changes shown in red.

### **Summary of proposed amendments**

#### Special Events

- Special events will continue to be allowed for a maximum of nine (9) consecutive days. Exception language allowing an extension of that timeframe is proposed for removal.
- Special events located at the same address are limited to a maximum of six (6) per year.

#### Seasonal Retail Businesses

Seasonal retail businesses are those businesses that establish a business within the city for at least five (5) days per week and typically operate for a period of 30 to 60 days. These businesses routinely include Christmas tree sales, pumpkin patches, etc.; however, this

category can also include holiday events that are intended for a longer period of time than anticipated under the special event process.

Currently, seasonal retail businesses are permitted in the General Business (GB), Heavy Commercial (HC) and Public Services (PS) districts. For seasonal businesses proposed in the GB district, there is a current restriction that requires the seasonal retail business be located on a site with an existing 80,000 square foot anchor tenant. As part of these amendments, staff is proposing the addition of an exception to this requirement that could be considered by City Council. This proposed amendment would allow consideration of seasonal businesses on GB zoned tracts that do not have an 80,000 square foot anchor tenant. Reference Section 6.02.002(c)(9) in the attached amendments.

Staff recommends approval of the proposed amendments.

**Public Information Plan:**

- December 30, 2020:* Public notice of the City Council public hearing published in the Austin American Statesman
- January 14, 2021:* City Council 1<sup>st</sup> Reading and Public Hearing
- January 28, 2021:* City Council 2<sup>nd</sup> Reading

**Initiating Dept:** Development Services

**Fiscal Impact**

**Fund:** n/a

**Budget**

**Amount:** n/a

**Finance Director Review**

**Legal Certification**

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

**Associated Information:**

Draft ordinance, including proposed ordinance amendments

## ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING THE CEDAR PARK CODE OF ORDINANCES CHAPTER 6 SEASONAL, TEMPORARY AND MOBILE BUSINESS AND EVENTS REGARDING SEASONAL BUSINESSES AND SPECIAL EVENTS (OA-20-003); PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Cedar Park (“City Council”) desires to update regulations related to special events; and

WHEREAS, the proposed amendments provide additional clarifications regarding seasonal retail businesses and special events; and

WHEREAS, the proposed amendments promote the health, safety and general welfare of the citizens of Cedar Park; and

WHEREAS, the Cedar Park City Charter Section 2.04 authorizes the Council to zone the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority vested in the cities by State statutes; and

WHEREAS, the City Council finds that the proposed amendments to Chapter 6 Seasonal, Temporary and Mobile Business and Events in the best interest of the City and its residents.

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

SECTION 1. That Chapter 6 Seasonal, Temporary and Mobile Business and Events of the Cedar Park Code of Ordinances be amended as provided in the attached 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 AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 14<sup>th</sup> day of January, 2021 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 \_\_\_\_\_, 2021, 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:

\_\_\_\_\_  
Corbin Van Arsdale, Mayor

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

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
JP LeCompte, City Attorney

**EXHIBIT A**

Amendments to Chapter 6 Seasonal, Temporary and Mobile Business and Events are shown in red. Only the text shown in red shall change.

## **ARTICLE 6.02 SEASONAL RETAIL BUSINESSES**

### **Sec. 6.02.001 General provisions**

- (a) This ~~A~~article is intended to provide a safe, orderly means for seasonal retail businesses to conduct business within the corporate limits of the city. All regulations of this ~~A~~article are deemed necessary for the protection of the health, safety and general welfare of the businesses as well as the citizens of the city. Seasonal retail businesses are permitted in ~~GRGB, GS-HC~~ and PS districts.
- (b) Seasonal retail businesses shall be defined as those retail businesses that establish a business within the city for at least five (5) days each week for the period in which the business is in operation.
- (c) A seasonal retail business shall be in operation for a minimum of thirty (30) consecutive days and for maximum of sixty (60) consecutive days per calendar year.
- (d) The sale of used clothing and/or accessories, used furniture, used household and/or sporting goods is prohibited. Examples of seasonal retail businesses permitted under this ~~a~~article could include Christmas tree sales, or snow cone sales.
- (e) The site is adequately served by utilities and sanitary facilities.

### **Sec. 6.02.002 Permit required for seasonal retail businesses**

- (a) A permit issued by the ~~e~~City's ~~building inspections~~~~Development Services~~ ~~d~~Department shall be required for any seasonal retail business. Any individual making application for permit approval to conduct a ~~fundraiser seasonal business~~ shall submit a written application to the ~~building official~~~~Development Services Director or his/her designee~~ for a permit that shall include:
- (1) The name and address of the applicant.
  - (2) The application shall show satisfactory written proof of the applicant's authority to represent the organization or sponsor the applicant represents.
  - (3) The name and address of the sponsor, company or organization for whom the applicant represents.
  - (4) The kinds of goods to be sold or services to be offered.
  - (5) The dates of operation and business hours.
  - (6) A layout drawing to scale depicting the location of the event and the traffic access and circulation planned.
  - (7) Evidence that each of the required conditions in this ~~a~~Article has been addressed.
  - (8) No permit shall be issued until such application has been filed with the city for a period of no less than fourteen (14) calendar days.
- (b) Any seasonal retail business shall provide evidence to the city that the following regulations have been met:
- (1) Written, signed permission from the property owner giving his approval for the seasonal retail business to be conducted on the premises is provided. The permission letter must include the dates, times, and activities of the seasonal retail business that is requesting the permit.
  - (2) Documentation from the owner of the seasonal retail businesses that provides evidence of full insurance coverage, including liability.
  - (3) The establishment of a barrier restricting pedestrian or vehicular traffic from imposing onto the property of any adjacent residential uses. If such barrier is temporary with the business, it shall be removed on or before the last day the business is permitted for operation.

(c) Seasonal retail businesses shall be permitted only if all of the following site facilities and approved permits are secured for the entire duration of the event:

- (1) Adequate, available off-street parking, calculated at a ratio of 1 per 100 square feet of vendor space, with a minimum 5 spaces required.
- (2) A safe access driveway and traffic circulation plan; approved by the **Planning Development Services** Department.
- (3) Tent permits, when applicable.
- (4) Electrical permits, plumbing permits, sign permits, and other permits as applicable that are required by code.
- (5) Location and placement of dumpsters, carts and/or barrels for trash and recycling shall be established at a capacity level adequate to keep all such materials within their appropriate containers. Businesses that include food items shall have the containers emptied a minimum of twice weekly. All dumpsters shall be located no closer than twenty (20) from the property line of any residence and at a location not visible from any public street. All containers shall be hauled away no later than one (1) day after the close of business.
- (6) Health permits (food handlers), any other applicable county, state, or federal permits shall be prominently displayed at all times.
- (7) Bathroom facilities for employees/patrons when applicable.
- (8) Handicapped accessibility compliance when applicable.
- (9) Within the **GR-GB** district, seasonal retail businesses must be located on a site containing a minimum 80,000 sf anchor tenant. ~~If located within thirty (30) feet of a primary entrance of an 80,000, or greater sf anchor, a seasonal business shall be exempt from the 60-day per calendar year limitation established by section 6.02.001(c).~~ An exception to this requirement may be considered by the City Council if determined to be in the best interest of the health, safety and general welfare of the citizens of the City. A person seeking this exception shall submit a letter in writing to the Director of Development Services, stating the reason for the exception request, including the hardship that will result to the applicant, his/her client, or the public if the exception is not granted. In making the determination on whether to grant the exception, the City Council should consider:
  - (A) The character and degree of injury to, or interference with, the health and welfare or the reasonable use of property that is caused or threatened to be caused;
  - (B) The value to the community of the activity for which the exception is sought; and
  - (C) The proximity to residences at which reasonable persons would be disturbed by the proposed business.

Council action on the exception request shall occur within 60 days of receipt of the written request. The City Council shall consider each application on the same basis as that used for other similarly situated applicants and shall make each exception decision free from consideration of race, sex, national origin, religion, the content of speech, or any other factors not provided for in this Article.

- (10) One seasonal retail business per property shall be permitted.
- (11) Along with every permit issued under the provisions of this chapter, the permittee shall be issued an acknowledgment of permit certificate that shall be posted in a prominent place at the business. This certificate shall contain the following:
  - (A) Name of the permittee;
  - (B) Name of the business approved by permit;
  - (C) Date of expiration of permit;

- (D) Permitted hours of operation;
- (E) Signature of the building official or his designee; and
- (F) Signature of the fire marshal or his designee.
- (G) It shall be unlawful for the permittee to engage in his business without having such a certificate in his possession and prominently posted at his business.
- (H) Each permit issued under these provisions shall not be transferable or assignable and shall give to no person other than the permittee, authority to transact any business in the city.
- (I) Each permit required by this ~~a~~Article shall be valid for a period of one calendar year and may be removed by the city for good cause. Any such business that opens without a permit under the regulations of this chapter shall be considered in violation. Any such business that operates without compliance to all the regulations of this chapter shall be considered in violation of this chapter.



**ARTICLE 6.03 SPECIAL EVENTS****Sec. 6.03.001 Definition**

*Special event.* An event including street fairs, races, runs, arts and crafts shows, carnivals, circuses, rallies, public entertainments, parades, block parties requiring neighborhood road closures, or other events that:

- (1) Interfere with the normal flow or regulation of pedestrian or vehicular traffic; or
- (2) Require City services, including but not limited to, street closure, provision of barricades, parking arrangements, or Police services.

**Sec. 6.03.002 General regulations**

(a) This Article is intended to provide a safe, orderly means for special events to be held within the corporate limits of the City. All regulations of this Article are deemed necessary for the protection of the health, safety and general welfare of the volunteers, members, and their patrons.

(b) The duration of the special event shall not exceed the time period specified on the permit, not to exceed a maximum of nine (9) consecutive days. ~~Exceptions may be made by the Director of Development Services or their designee based on the determination that the exception is in the best interest of the health, safety and general welfare of the citizens of the City.~~

(c) The site of the special event shall be adequately served by utilities and sanitary facilities, which may be provided by the applicant.

(d) A special event for the purpose of selling used clothing and/or accessories, used furniture, used household and/or sporting goods is prohibited.

(e) Special events that require road or lane closure in residential-zoned areas shall not be held within at least twelve (12) calendar days of another event requiring the closure of that same road. Exceptions may be made by the Director of Development Services or their designee based on the determination that the exception is in the best interest of the health, safety and general welfare of the citizens of the City.

(f) A maximum of six (6) events may occur annually at the same property address.

**Sec. 6.03.003 Exemptions**

(a) The following events are exempt from the provisions of this Article:

- (1) Events which are officially hosted by the City;
- (2) Events which are solely confined to property, excluding right-of-way, owned by governmental entities; and
- (3) Funeral processions.

(b) The following events are exempt from special event fees:

- (1) Nonprofit organizations; and
- (2) Other tax exempt entities.

**Sec. 6.03.004 Permit required for special events**

It shall be unlawful for any person to conduct a special event without a valid special event permit from the City unless exempted per [section 6.03.003](#).

**Sec. 6.03.005 Relationship to City Fire Code**

This Article is separate and independent of the requirements of [Article 5.01](#). Events governed by [Article 5.01](#) shall obtain a separate permit under the requirements of that Article, regardless of whether the event is governed by this Article.

**Sec. 6.03.006 Filing period**

An application for a permit under this Article shall be filed within the following filing periods:

- (1) At least thirty (30) calendar days before the date of the special event if City services are

requested;

- (2) At least fourteen (14) calendar days before the date of all other special events; or
- (3) If the circumstance precipitating the special event occurs within a period of time rendering compliance with the applicable time period requirement pursuant to subsection (1) or (2) herein impossible, a period of time determined by the Director of Development Services or their designee based on the determination that the different period of time is in the best interest of the health, safety and general welfare of the citizens of the City.

### **Sec. 6.03.007 Contents of application**

Any person desiring to conduct a special event in the City shall first file an application for permit with the City's Development Services Department, which application shall include:

- (1) The name, address, telephone number and email address of the applicant;
- (2) If the special event is to be held for or by an organization, the name, address, and telephone number of the headquarters of the organization and name, address, telephone number, and email address of the authorized representatives of such organization;
- (3) If the special event is to be held by or for any other person other than the applicant, a written statement from that other person showing authority to make the application;
- (4) If any portion of the special event, including parking, is to be held on private property, written permission for the holding of the special event or parking from the owner of the property or an authorized representative;
- (5) The name, address, telephone number, and email address of the person who will be the point of contact for the special event and who will be responsible for its conduct;
- (6) A description of planned activities at the special event;
- (7) The dates and times the event will start and terminate;
- (8) The time at which on-site activities in preparation for the event will begin and end;
- (9) The proposed location of parking areas and the number of spaces provided for the special event in accordance with requirements stated in [section 6.03.014](#);
- (10) A layout drawing to scale depicting the location, size and number of stages, seating, tents, awnings, canopies, food service booths, first-aid stations, portable restrooms, or other temporary structures;
- (11) A layout drawing to scale depicting the location of the event and the access for and circulation of traffic in compliance with the standards provided in the Manual on Uniform Traffic-Control Devices (MUTCD);
- (12) The proposed location of entrances and exits and a plan of evacuation in case of emergency, which shall include a plan for directing the arrival of emergency services through the event to the site of the emergency;
- (13) The approximate number of people who will be attending the special event, including the maximum number of people expected at peak times, event staff and performers, if any, and, if applicable, the types of animals that will be involved with the special event;
- (14) If food or beverages will be served or sold, copies of any licenses or permits required by [Article 4.09](#) or [Article 6.06](#) of this Code;
- (15) Copies of any required electrical permits, plumbing permits, or other permits required by this Code of Ordinances;
- (16) A communications plan specifying how applicant will notify the public about the special event, including the number, size, material and location of any planned signage, and, if applicable, start and end times in which amplified sound will occur;
- (17) A copy of a certificate of insurance pursuant to [section 6.03.019](#), herein and as amended;
- (18) A surety bond or cash deposit pursuant to [section 6.03.021](#), herein and as amended;

- (19) An application fee pursuant to [section 2.200](#) of Appendix A of this Code, as amended;
- (20) If necessary, proof of acquisition of adequate Police services pursuant to [section 6.03.022](#), herein and as amended; and
- (21) Any other information which the City finds necessary under the standards of issuance.

### **Sec. 6.03.008 Denial of application**

A special event permit shall not be issued if:

- (1) The event will require the diversion of a number of Police Officers, fire protection or Emergency Medical Services (EMS) personnel so as to:
  - (A) Unduly interfere with the provision of these services to the City; or
  - (B) Interfere with the efficient response movement of firefighting equipment and services en route to a fire;
- (2) The occurrence of the event is likely to result in injury to persons or property;
- (3) The applicant fails to submit a completed application pursuant to [section 6.03.006](#), herein and as amended;
- (4) The contents of the submitted application do not comply with the requirements of this Article, as amended, this Code, as amended, or State or Federal law;
- (5) The proposed event includes vendors who have not provided evidence that the business is fully insured, including for liability;
- (6) The proposed event conflicts in date, time or location with another special event, parade or assembly for which a permit has already been granted or is being held by the City;
- (7) The proposed event will unduly interfere or disrupt the educational activities of a school when such school is in session;
- (8) The proposed event does not comply with the Americans with Disabilities Act;
- (9) The applicant has previously been convicted of violating this Article;
- (10) The applicant has had a special event permit revoked within the preceding 12 months;
- (11) The applicant has failed to pay any additional costs assessed by the City for a previous special event; or
- (12) The Director of Development Services Department or their designee has determined that the event is not in the best interest of the health, safety, and general welfare of the citizens of the City.

### **Sec. 6.03.009 Notice of denial of application**

If the City denies the application, the City shall notify the applicant of this action stating the reasons for the denial of the permit no fewer than five (5) calendar days before the date of the special event, or as soon as reasonably possible.

### **Sec. 6.03.010 Revocation of permit**

The Director of Development Services Department or their designee may revoke a special event permit if the Director of the Development Services Department or their designee finds:

- (1) The applicant failed to comply with, or the special event violates, any provision stated in this Article, any ordinance of the City, or any other applicable law;
- (2) The applicant made or permitted the making of a false or misleading statement or omission of material fact on an application for a special event;
- (3) The applicant is unable or unwilling to pay any additional fees as may be required by the City to cover the cost of City services related to the special event;
- (4) The applicant failed to provide any additional information requested by the City;
- (5) The event substantially interrupts the safe and orderly movement of traffic near its location or

route, unless the traffic variances are those pursuant to the issued special event permit; or

(6) The event is not in the best interest of the health, safety, and general welfare of the citizens of the City.

#### **Sec. 6.03.011 Appeal of revocation**

Any person or entity whose permit has been revoked as provided in [section 6.03.010](#), may within, five (5) business days after the receipt of a notice thereof, appeal to the Director of Development Services or their designee for a hearing thereon and the decision of the Director of Development Services or their designee shall be final. If the appeal is filed during the occurrence of the special event, the Director of Development Services or their designee shall hear the appeal as soon as practically possible. Otherwise, the Director of Development Services or their designee shall hear the appeal within ten (10) business days.

#### **Sec. 6.03.012 Permit to be maintained on-premises**

The special event permit shall be maintained at all times on the premises, and shall be made available to any Police Officer, Fire Marshal or other authorized City employee or representative, upon request.

#### **Sec. 6.03.013 Notice to abutting property owners**

At least ten (10) calendar days prior to the date of the special event, the permittee shall send written notice of the event to each residential property owner, as indicated by the most recently approved municipal tax roll, of real property within three hundred (300) feet of the property on which the special event is proposed. The notice may be served by its deposit in the municipality, property addressed with postage paid, in the United States mail. Block parties requiring road closures that do not require City services are exempt from this requirement.

#### **Sec. 6.03.014 Applicant parking requirements**

(a) An applicant shall submit, as part of an application for a special event permit, evidence that sufficient parking will be available to accommodate the projected number of users with a ten percent surplus. The number of spaces deemed sufficient will be determined by the nature of the event, number and age of people attending, including event staff, participants and performers during peak times. If said parking is to be on private property adjacent to the special event, written evidence that the applicant has a right of possession of said property through ownership, lease, license, or other property interest must be provided. When the location is not an established parking area, a plan shall be submitted which will show how the needed parking will be achieved and arranged. The number of parking spaces and layout of parking area, including aisle widths, size of parking spaces and whether parking attendants will be provided, shall be included in the application for permit.

(b) When adequate parking is not available at or immediately adjacent to the site of the special event, off-site parking may be used. Plans shall be submitted which will show how off-site parking and transfer of attendees will be accomplished.

#### **Sec. 6.03.015 City authority over parking**

The City shall have the authority, when reasonably necessary as determined by the Police Department, to prohibit or restrict the parking of vehicles along a street or highway or part thereof adjacent to the site of the special event. The City shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

#### **Sec. 6.03.016 Water usage and disposal of wastewater**

(a) Any special event or related activity desiring use of water from the City water system must coordinate with the Public Works Department to obtain a temporary meter. Deposit for the meter and payment for water used shall be in accordance with ordinances of the City.

(b) An applicant shall submit a plan for the disposal of wastewater and the plan shall be approved by the Public Works Department.

#### **Sec. 6.03.017 Waste collection and solid waste**

An applicant shall provide for the collection of all solid waste resulting from such special event.

**6.03.018 Noise regulations**

During the special event, the permit holder shall comply with all applicable noise regulations of the City as set forth in chapter 8, [Article 8.08](#) of this Code.

**Sec. 6.03.019 Liability insurance**

When a special event is partially or fully contained on City property or City rights-of-way, the applicant for a special event permit shall furnish the City with a certificate of insurance in amounts of not less than \$500,000.00 for one person and \$1,000,000.00 for any one accident. Block parties requiring road closures that do not require City services are exempt from this requirement.

**Sec. 6.03.020 Indemnification**

When a special event is partially or fully contained on City property, an applicant shall sign an agreement to indemnify and hold harmless the City, its officers, employees, agents, and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the special event.

**Sec. 6.03.021 Surety bond/cash deposit**

(a) When a special event is partially or fully contained on City property, a surety bond or cash deposit in the penal sum of \$2,000.00 shall accompany each application conditioned that no damage will be done to the City property, streets, sewers, trees, or adjoining property and that no paper, litter, or other debris will be permitted to remain upon the City property, streets or upon any private property by the applicant. The surety bond or cash deposit shall be returned to the permittee within ten (10) business days after said special event permit expires upon certification by the City of compliance with all conditions of this Article. In the event the actual cost for policing and cleaning is less than this amount, the remainder shall be refunded to the permittee by the City. In the event that the actual cost exceeds this amount, the permittee shall pay such additional sum to the City within ten (10) business days from the date of notification. Nothing herein shall preclude the City from enforcing any legal or equitable remedy against the permittee in addition to the bond. Block parties requiring road closures that do not require City services are exempt from this requirement.

(b) The Director of Development Services or their designee, shall have the right to lower or waive the surety bond or deposit for nonprofits and tax-exempted entities.

**Sec. 6.03.022 Police services; additional costs**

(a) The Police Department shall determine whether and to what extent additional Police services are reasonably necessary for the special event for traffic-control and public safety. The Police Department shall base this decision on the size, location, duration, time and date of the special event, and the need to detour or preempt citizen travel and use of the streets and sidewalks. If additional Police services for the special event are deemed necessary by the Police Department, they shall so inform the applicant. The applicant then shall have the duty to secure the Police services deemed necessary by the Police Department.

(b) In the event the City determines, upon a review of the application, that a Special Event may require the special attention and involvement of City personnel or facilities, the City shall so notify the applicant. In such event, prior to the issuance of a special event permit, the applicant and the City shall agree upon the cost of policing, and cleaning, and the closure of roads, and the applicant shall pay that amount to the City upon application. Prior to the issuance of a special event permit, the applicant shall agree in writing to pay any additional costs to the City incurred as a result of the special event within five (5) business days of the date upon which the City informs the permittee of the amount of such additional costs. Nothing herein shall preclude the City from enforcing any legal or equitable remedy against the permittee for recovery of such additional costs.

**Sec. 6.03.023 Offenses and penalty**

(a) A person commits an offense if they commence or hold a special event without a special event permit or with a special event permit that has expired or been revoked, or occurs in violation of this Article.

(b) Any person who violates the provisions of this Article shall be charged with a class C misdemeanor; and upon conviction shall be fined as provided for in [section 1.01.009](#) of this Code for each day that a violation exists, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

A culpable mental state is not required for the commission of an offense under this Article.

(d) It is hereby determined that this Article governs fire safety, public health, and sanitation and, therefore, any person violating or failing to comply with any of the provisions of this section shall be subject to the penalty for such type of violation as provided for in [section 1.01.009](#) of this Code.

**File Attachments for Item:**

G.4 First Reading And Public Hearing Of An Ordinance Calling And Ordering A Special Called Election To Be Held On May 1, 2021 For The Purpose Of Considering Amendments To The City Charter; Making Provisions For The Conduct Of The Election, And Resolving Other Matters Related To Such Election.



**CITY COUNCIL AGENDA**  
January 14, 2021

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**Item/Subject:** First Reading And Pubic Hearing Of An Ordinance Calling And Ordering A Special Called Election To Be Held On May 1, 2021 For The Purpose Of Amending The City Charter; Making Provisions For The Conduct Of The Election, And Resolving Other Matters Related To Such Election.

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**Commentary**

On December 3, 2020, the City Council discussed several possible amendments to the City Charter regarding term length, confidentiality, appointment to fill vacancies, and automatic resignation upon filing/candidacy for another elective office. Redlines of the proposed amendments were reviewed and again discussed by the Council on December 17. In addition, since the December 17 Council meeting, the City Manager and City Attorney identified an opportunity to clarify the City Manager's authority to sign contracts, agreements, and instruments either as delegated by the Council or as necessary in the prudent administration of City operations. This clarification of the City Manager's signature authority has been included in the proposed redline amendments as well as a separate proposition for the Council's consideration.

State law requires a special election to amend the City Charter, and this special election must be ordered by ordinance. The statutory deadline for ordering a special election on the May 1, 2021 uniform election date is February 12, 2021.

The proposed ordinance presents five (5) propositions for consideration. If approved:

- Proposition A would change the terms of office for the Mayor and Councilmembers from two (2) years to three (3) years. The proposed amendment would not extend any current Mayor or Councilmember's term of office. As proposed, the transition to three (3) year terms would commence at the next general election following the adoption of this Proposition A (May 2022). At that election, two (2) positions would be elected to three (3) year terms and two (2) positions would be elected to two (2)



year terms. In the following general election (May 2023), three (3) positions would be elected to three (3) year terms. And in the next election (May 2024), the last two (2) positions would be elected to three (3) year terms. *\*NOTE: Pursuant to state law, with three (3) year terms, vacancies on the Council must be filled by special election absent specific authorization to appoint for the remainder of an unexpired term of 12 months or less (see Proposition C). Regardless, state law does not authorize appointment to fill a vacancy of more than 12 months, so a special election would be required. Because state law requires this special election within 120 days of the vacancy, it may not occur on a uniform election date – potentially leaving the City responsible for the full cost of administering the election.*

- Proposition B would clarify the City Manager’s authority to sign agreements, instruments, and documents either as delegated by the Council or as necessary in the prudent administration of City operations in accordance with the annual budget and City Charter.
- Proposition C would authorize an appointment to fill a vacancy on the Council for the remainder of an unexpired term of 12 months or less. If three (3) year terms are adopted, state law generally requires a special election to fill a vacancy within 120 days, absent specific authorization to appoint for relatively short unexpired terms of 12 months or less. Regardless, state law does not authorize appointment to fill a vacancy of more than 12 months, so a special election would be required. *\*NOTE: Proposition C only asks whether the Council should be authorized to fill vacancies of 12 months or less by appointment (instead of requiring a special election).*
- Proposition D would protect, in addition to attorney-client privileged communications, confidentiality of sensitive information that has been discussed in closed executive session pursuant to state law. This provision would be extended to City Boards, Commissions, committees, and task forces, and would provide for necessary exceptions.
- Proposition E would provide for automatic and immediate resignation by a Mayor or Councilmember upon their filing or candidacy for any public office other than of the Cedar Park City Council, instead of requiring resignation at least forty-five (45) days prior to the election.

The ordinance includes the proposed language of each proposition as well as the redline Charter provisions reflecting the amendments as they would be implemented, if adopted by the voters.

**Initiating Dept:**      Legal/CS

**Fiscal Impact**  
**Fund:**

**Budget**  
**Amount:**

**Finance Director Review**

**Article I. Legal Certification**

Approved as to form and content:

Yes       No **City Attorney**

**Associated Information:**

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, CALLING AND ORDERING A SPECIAL CALLED ELECTION TO BE HELD ON MAY 1, 2021 FOR THE PURPOSE OF AMENDING THE CITY CHARTER; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION, AND RESOLVING OTHER MATTERS RELATED TO SUCH ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Cedar Park, Texas (the “City”), is a home rule city acting under its City Charter pursuant to Article XI, Section 5 of the Texas Constitution and Section 9.004 of the Texas Local Government Code; and

WHEREAS, it is the intention of the City Council to call a special election to submit proposed amendments to the City Charter to the voters in accordance with Section 9.004 of the Texas Local Government Code; and

WHEREAS, Section 41.001 of the Texas Election Code establishes May 1, 2021 as a uniform election date for the purposes of conducting an election; and

WHEREAS, the City will conduct a joint election with the Williamson and Travis County Elections Administrators and Participating Entities; and

WHEREAS, pursuant to Section 31.092 (a), Texas Election Code, and Chapter 791 Texas Government Code, the City has made provisions with Williamson and Travis County Elections Departments to perform and conduct election services in connection with said election with respect to registered City of Cedar Park voters in their respective Counties; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance is being adopted was open to the public, and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Local Government Code, as amended; and

WHEREAS, that said election shall be held in accordance with the Election Code of the State of Texas, and only resident, qualified voters of said City shall be eligible to vote at said election.

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

SECTION 1. SPECIAL ELECTION ORDERED

It is hereby ordered, pursuant to the laws of the State of Texas and the Charter of the City of Cedar Park that a special election be held in the City of Cedar Park, Texas, on May 1,

2021 for the purpose of submitting to the qualified voters of the City of Cedar Park, certain proposed amendments to the City of Cedar Park Home Rule Charter.

**SECTION 2. OFFICIAL BALLOT**

The official ballot for the election shall be prepared in accordance with the Texas Election Code Chapter 52 and Local Government Code Chapter 9, Section 9.004.

Where applicable, the ballot will include all participating entities and elections of which Cedar Park citizens are eligible to vote.

The official ballot shall be printed both in English and Spanish languages and shall contain such provisions, markings and language as required by law do as to permit the electors to vote “FOR” or “AGAINST” on each PROPOSITION and with the ballots to contain such provisions, markings and language as required by law, and with such PROPOSITION to be expressed substantially as follows:

**PROPOSITION A  
TERMS OF OFFICE**

Shall Section 3.01 of the Cedar Park City Charter be amended to change the Mayor and Councilmembers’ terms of office from two (2) years to three (3) years with such terms staggered such that 2 positions, 3 positions, and 2 positions are to be elected at each general election and provide for transition to 3-year terms over the 3-year period starting at the next general election after the adoption of this amendment?

- FOR
- AGAINST

**PROPOSITION B  
CITY MANAGER SIGNATURE AUTHORITY**

Shall Section 3.05 and Section 4.01(d) of the Cedar Park City Charter be amended to expressly authorize the City Manager, instead of the Mayor, to execute all agreements, conveyances, instruments, and documents as authorized or directed by the Council, or as reasonably necessary in the prudent administration of City affairs in accordance with the annual budget and this Charter?

- FOR
- AGAINST

**PROPOSITION C  
FILLING OF VACANCIES**

If three (3) year terms are adopted, shall Section 3.06(c) of the Cedar Park City Charter be amended to provide for filling of a vacancy on the Council with an unexpired term of 12 months or less by appointment by the City Council and for filling a vacancy with an unexpired term of more than 12 months by special election in accordance with state law?

- FOR
- AGAINST

**PROPOSITION D**  
**PROHIBITIONS: DISCLOSURE OF PRIVILEGED OR CONFIDENTIAL INFORMATION**

Shall Section 3.08(d) of the Cedar Park City Charter be amended to protect, in addition to attorney-client privileged communications, confidentiality of information that has been discussed in closed executive session pursuant to state law, to apply to appointees of City Boards, Commissions, committees, and task forces, and to provide for necessary exceptions?

- FOR
- AGAINST

**PROPOSITION E**  
**FILING FOR OFFICE; RESIGN TO RUN**

Shall Section 5.02(f) of the Cedar Park City Charter be amended to provide for automatic and immediate resignation by a Mayor or Councilmember upon their filing or candidacy for any public office other than of the Cedar Park City Council, instead of requiring resignation at least forty-five (45) days prior to the election, and renumbered as Section 5.07?

- FOR
- AGAINST

**SECTION 3. CONDUCT OF ELECTION; LEGAL COMPLIANCE**

The City of Cedar Park is located in Williamson and Travis Counties. As authorized under Section 31.092 of the Texas Election Code the City will make provisions with Williamson County and Travis County Elections Departments to perform and conduct election services in connection with said election. The Williamson County Elections Administrator and the Travis County Election Manager and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election for the entire City pursuant to the contracts for election services between the City and Williamson County and Travis County Elections Departments. The election shall be held as a joint election pursuant to Chapter 271 of the Texas Election Code in accordance with joint election agreements to be entered into between the City and the other participating entities. The election shall be held and conducted by the Williamson County Elections Administrator and/or the Travis County Elections Manager in compliance with all federal, state, and local laws and the executed Election Services Agreements.

**SECTION 4. ELECTION PRECINCTS, POLLING PLACES AND ELECTION JUDGES.**

The Election Day precincts for the election shall be the election precincts as established by Williamson and Travis Counties and shall contain and include geographic area within the City. The precincts and polling places within the City designated for holding the election are identified in **Exhibit A** and **Exhibit B** to this Ordinance and this exhibit is incorporated by reference for all purposes. Election judges and clerks shall be appointed in accordance with the Texas Election Code and/or the Joint Election Agreements executed by Williamson County and/or Travis County. The exhibits may be revised as necessary to conform to final county polling locations as amended and finalized by Williamson County Elections and Travis County Elections.

**SECTION 5. ELECTION CLERKS**

The Presiding Election Judge is hereby authorized to appoint the number of election clerks necessary to assist in the proper conduct of the election and such election clerks shall be qualified electors of the City. However, if the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. The appointment of such clerks must include a person fluent in the Spanish language to serve as a clerk or render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election. In the absence of the Presiding Judge named above, the Alternate Judge shall perform the duties of the Presiding Judge.

**SECTION 6. EARLY VOTING**

Early Voting shall be conducted by Williamson County Elections Administrator and/or Travis County Elections Manager, who are hereby designated and appointed as the Early Voting Clerks for the special called election and shall perform such duties in accordance with all laws in the Texas Elections Code. Early voting shall be conducted at the branch and part-time early voting polling places identified in **Exhibit C** and **Exhibit D** to this Resolution and this exhibit is incorporated by reference for all purposes. These offices or places shall remain open on the dates and at times set forth in **Exhibit C** and **Exhibit D** hereto as authorized by Williamson County Elections Administrator and/or Travis County Elections Manager. Early voting shall commence on the 12<sup>th</sup> day before the election and continue through the 4<sup>th</sup> day preceding the date of the election all as provided by the provisions of the Texas Election Code and **Exhibit C** and **Exhibit D** attached hereto. The exhibits may be revised as necessary to conform to final county polling locations as amended and finalized by Williamson County Elections and Travis County Elections.

The Early Voting Clerk's mailing address to which ballot applications and ballots to be voted by mail may be sent to:

Christopher Davis, Elections Administrator  
Williamson County Elections  
P.O. Box 209  
Georgetown TX 78627

Dana DeBeauvoir, Travis County Clerk

Travis County Elections  
P.O. Box 149325  
Austin, TX 78714-9325

SECTION 7. EARLY VOTING BALLOT BOARD

An early voting ballot board is hereby created to process early voting results and the Presiding Judge will be appointed by the Williamson County Elections Administrator and/or Travis County Elections Manager. The Presiding Judge shall appoint not less than two nor more than eighteen (18) qualified electors to serve as members of the Early Voting Ballot Board.

SECTION 8. VOTERS

All resident, qualified electors of the City shall be entitled to vote at the election.

SECTION 9. NOTICE

Pursuant to and in accordance with Chapter 4 of the Texas Election Code and Section 9.004 of the Texas Local Government Code, notice of said election shall be given by posting and publication; a copy of this resolution to be served on the Presiding Judge as notice of said election; and immediately after said election, the officers holding the same shall make returns of the results thereof to the Mayor. The attached **Exhibit E** shall serve as order of said election.

Notice of the Election: shall include a Spanish translation thereof, shall be posted not later than the twenty-first (21<sup>st</sup>) day before the election on the bulletin board used for posting notices of meetings of the City Council and shall be published at least once, not early than the thirtieth (30<sup>th</sup>) day nor later than the tenth (10<sup>th</sup>) day before the election in a newspaper published and or general circulation in the City of Cedar Park.

Publication of Amendments: Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice shall be published in a newspaper of general circulation in Cedar Park on the same day, in each of two consecutive weeks, with the first publication occurring on or before the 14<sup>th</sup> day before Election Day. The notice shall contain a substantial copy of the proposed amendments and include an estimate of the anticipated fiscal impact to the City if the proposed amendment is approved at the election.

SECTION 10. ADOPTION OF VOTING SYSTEMS

An electronic voting system, as defined by the Texas Election Code, may be used for voting at the polling places for said election and the tabulation of the results. The conduct of the election and the use of the electronic voting systems shall be accordance with the Texas Election Code. In accordance with the Texas Election Law, Chapter 123, Section 123.001, the City of Cedar Park hereby adopts the voting systems utilized by the Williamson County Elections Department and Travis County Elections Department for Early Voting and Election Day as certified by the Secretary of State.

SECTION 11. VOTING DEVICES

The City of Cedar Park authorized the use of Direct Recording Electronic Voting Machines (“DRE’s”) by Resolution Number R069.20.03.12.F3 for Williamson County and Travis County. Electronic Optical scan voting devices may also be used in conducting the election. The Williamson County Voter Registrar and Travis County Voter Registrar may also utilize a central counting station as provided by Section 127.000 *et. seq.*, as amended, of the Texas Election Code.

SECTION 12. RESULTS; RETURNS AND CANVASSING

The Williamson County Elections Administrator and/or the Travis County Elections Manager shall conduct an unofficial tabulation of results after the closing of the polls on election day. The official canvass and tabulation of the results of the Special Election shall be conducted in accordance with the Texas Election Code and other applicable provisions of state law.

SECTION 13. CUSTODIAN OF ELECTION RECORDS

Pursuant to the Election Code and the application Election Services Contract, the Williamson County Elections Administrator and/or the Travis County Election Manager shall serve as the Custodian of Election Records for the conduct of the election and voted ballots in their respective counties, and the City Secretary shall serve as custodian of all other election records as maintained by the City.

SECTION 14. APPROVAL OF THE PROPOSITIONS; EFFECTIVITY

The proposed amendments shall take effect upon their adoption and the entering of an order by the City Council declaring the amendments adopted. The proposed amendments affect only the Articles and Sections listed in **Exhibit F** attached hereto and submitted for amendment to read as stated therein (with proposed new language being underlined, bolded, and italicized and language proposed to be removed is struck through).

SECTION 15. AUTHORIZATION FOR OTHER ACTION

The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all action necessary to comply with provisions of the Texas Election Code or state and federal statutes and constitutions in carrying out the conduct of the election, whether or not expressly authorized therein.

SECTION 16. SEVERABILITY

The provisions of this Ordinance are severable; and in case any one or more the provisions of this Ordinance of the application thereof to any person or circumstances should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, the remainder of this Ordinance nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.



SECTION 17. REPEALER.

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

SECTION 18. COMPLIANCE WITH TEXAS OPEN MEETINGS ACT.

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.

READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 14<sup>th</sup> day of January, 2021, 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 January, 2021, 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

\_\_\_\_\_  
Corbin Van Arsdale, Mayor

ATTEST:

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

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
J.P. LeCompte, City Attorney

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



**EXHIBITS**

- A Williamson County Polling Locations – Election Day  
*[To be finalized by Williamson County]*
  
- B Travis County Polling Locations – Election Day  
*[To be finalized by Travis County]*
  
- C Williamson County Polling Locations and Times– Early Voting  
*[To be finalized by Williamson County]*
  
- D Travis County Polling Locations and Times– Early Voting  
*[To be finalized by Travis County]*
  
- E Order Of Election  
*[To be finalized by City Secretary]*
  
- F Proposed Amendments to City of Cedar Park Home Rule Charter

**EXHIBIT F**  
**Proposed Amendments to City of Cedar Park Home Rule Charter**

**If Proposition A is adopted, then Section 3.01 shall be revised as follows:**

**Section 3.01 Number, Selection and Term**

The Council shall be composed of the Mayor and six (6) Councilmembers. The Mayor and all Councilmembers shall be elected from the City at Large and each Councilmember shall occupy a position on the Council, such positions being numbered one (1) through six (6) consecutively. The Mayor and Councilmembers shall be elected in the manner in [Article V](#) of this Charter to serve for ~~two (2)~~three (3) year terms. ~~The Mayor, Councilmember Place Two (2), Councilmember Place Four (4), and Councilmember Place Six (6) shall be elected in the even years. Councilmember Place One (1), Councilmember Place Three (3), and Councilmember Place Five (5) shall be elected in the odd years.~~ In order to provide for an orderly transition from two (2) year terms to three (3) year terms, at the first general election held after the adoption of this amended Section, two (2) positions (either the Mayor and one (1) Councilmember, or two (2) Councilmembers) shall be elected to serve two (2) year terms and two (2) positions (either the Mayor and one (1) Councilmember, or two (2) Councilmembers) shall be elected to serve three (3) year terms. The places which shall be elected to two (2) year terms shall be determined by Mayor/Councilmember volunteer or drawing lots at the first regular City Council meeting held after this amended Section is adopted and confirmed by majority vote of the Council. The following year, and each year thereafter, all elections shall be for three (3) year terms.

**If Proposition B is adopted, then Section 3.05 and Section 4.01(d) shall be revised as follows:**

### **Section 3.05 Mayor and Mayor Pro Tem**

The Mayor shall be the official head of the City Government, and shall work with the City Manager with assistance from the City Secretary and other City staff members, as required, in preparing agendas for the Council meetings. The Mayor shall preside at all meetings of the Council, shall sign all ordinances, orders, resolutions, statements, agreements, conveyances, plats, instruments, and documents, authorized or enacted by the Council, except as delegated to the City Manager or their designee. The Mayor shall vote on all issues, proposals, questions, and motions which require Council votes. The Mayor shall not have the power to veto or modify any ordinance adopted by the Council and shall not, in any way, neutralize or negate any action of the Council. The Mayor shall be recognized as the head of City government for all ceremonial purposes and shall be responsible for providing initiative and guidance in the orderly management and growth of the City.

The Mayor Pro Tem shall act as Mayor during the disability or absence of the Mayor, and, in this capacity, shall have the rights conferred upon the Mayor.

### **Section 4.01 City Manager**

(a) Appointment and Qualifications: The Council, by a majority vote, shall appoint a City Manager. The method of selection shall be left to the discretion of the Council so long as the method insures orderly, non-partisan action in securing a competent and qualified person to fill the position. The City Manager shall be chosen upon the basis of executive and administrative training, experience and ability. The City Manager does not need to be a resident of the City when appointed. However, within a reasonable period of time after the appointment, shall reside within the City during employment. The City Manager shall be bonded in an amount of not less than one hundred thousand dollars (\$100,000.00) and the cost thereof shall be borne by the City.

(b) Compensation: The City Manager shall receive compensation as may be fixed by the Council according to experience, education, and training. The compensation shall be agreed upon before appointment with the understanding that the Council may change it at its discretion.

(c) Term and Removal: The City Manager shall not be appointed for a definite term but may be removed at the discretion of the Council, by a vote of the majority of the

Council. The action of the Council in suspending or removing the City Manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the Council.

(d) Powers and Duties: The City Manager shall be the Chief Administrative Officer of the City, and shall be responsible to the Council for the proper administration of all the affairs of the City and to that end shall have the power to:

- (1) See that all federal, State, and local laws and ordinances are effectively enforced.
- (2) Appoint, suspend or remove all or any one of the directors of departments, Assistant City Managers and City employees except as otherwise provided in this Charter.
- (3) Attend all meetings of the Council except when excused by the Council.
- (4) Prepare the budget annually and submit it to the Council and be responsible for its administration after its adoption.
- (5) Prepare and submit to the Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
- (6) Submit to the Council a monthly budget summary and keep the Council advised of the financial condition and future needs of the City and make recommendations as may seem advisable.
- (7) Make reports as the Council may require concerning the operation of City departments, offices and agencies subject to his direction and supervision.
- (8) Perform duties prescribed by this Charter and duties required of them by the Council.
- (9) Insure that all public records are accessible to the public and available upon request.
- (10) To execute all agreements, conveyances, instruments, and documents as authorized or directed by the Council, or as reasonably necessary in furtherance of the proper administration of City affairs in accordance with the annual budget and this Charter.

(11) \_\_\_ To have all such additional authority not inconsistent with the City Charter to carry out the duties reasonably necessary of a City Manager.

(e) Acting City Manager: The City Manager, within sixty (60) days after taking office, shall designate by letter filed with the City Secretary, a qualified administrative officer of the City, approved by the Council, to perform the duties of the City Manager in their absence or disability. No member of the Council shall serve as Acting City Manager.

**If Proposition C is adopted, then Section 3.06(c) shall be revised as follows:**

### **Section 3.06 Vacancies, Forfeiture, Filling of Vacancies**

(a) Vacancies: The office of a Councilmember or office of the Mayor shall become vacant upon their death, resignation, removal from office in any manner authorized by law, or forfeiture of their office.

(b) Forfeiture of Office: If the Mayor or any Councilmember:

- (1) Fails to maintain the qualifications as required in [Section 3.02](#) and [Section 5.02](#) herein;
- (2) Violates any expressed prohibition of this Charter;
- (3) Is convicted of a crime involving moral turpitude; or
- (4) Fails to attend three (3) consecutive Regular Council Meetings without being excused by the Council,

the Council shall, at its next regular meeting, after validation of any of the above, declare the office to be vacant and shall fill such vacancy as set forth in subsection (c) below.

(c) Filling of Vacancies: If the office of Mayor or a Councilmember becomes vacant, the vacancy shall be filled as follows:

(i) If, at the time of the vacancy, twelve (12) months or less remain on the term, the Council shall within thirty (30) days of the vacancy, by majority vote of the remaining members of the Council, appoint a qualified person to fill the vacancy  
~~A single vacancy in the Council shall be filled within thirty (30) days of the occurrence of the vacancy, by a majority of the remaining members of the Council by the appointment of a person qualified for the position as described in this Charter. The Council shall, within 90 days of the election adopting this provision, adopt a pursuant to the procedure for such appointment to be as stated in the Council Rules of Procedure under Section 3.11 of this Charter; any amendment, supplement, or alteration of the adopted appointment procedure shall be void if it was adopted or became effective within the 90 days prior to any vacancy under this Section. This appointee shall serve until the position is filled at the next regular City election and shall be disqualified from candidacy for any place on the City Council for the next general or special election following the appointment.~~



~~When more than one vacancy shall develop at any time, a special election shall be called by the Council within thirty (30) days following the occurrence of the vacancies to fill the vacancies in the same manner as described herein for regular elections. However, if the vacancies occur within 120 days of a regular election, then no special election shall be called and the remaining Councilmembers shall appoint qualified persons to fill vacancies until the regular election. Notwithstanding the requirement in [Section 3.10](#), if at any time the membership of the Council is reduced to less than four (4), the remaining members may by majority action appoint additional members to raise the membership to four (4). These appointees shall serve until the positions can be filled at the next regular or special City election.~~

(ii) If, at the time of the vacancy, more than twelve (12) months remain on the term, the Council shall within 120 days of the vacancy call a special election to fill such vacancy. The date for a special election to fill the vacancy shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as required by State law; provided that, if a vacancy occurs and no such election date falls within 120 days after the date of the vacancy, the Council shall, without regard for the specified uniform election dates, order such election to be held on a Saturday within 120 days from the date of the vacancy.

All vacancies filled by election shall be for the remainder of the unexpired term of the office so filled.

**If Proposition D is adopted, then Section 3.08(d) shall be amended as follows:**

**Section 3.08 Prohibitions**

(a) **Holding Other Office:** No Mayor or Councilmember shall hold any other City office or City employment during their term as Mayor or Councilmember and no former Mayor or Councilmember shall hold any compensated appointive City office or City employment until one (1) year after the expiration of their term as Mayor or Councilmember.

(b) **Appointments and Removals:** Neither the Council nor any of its members shall in any manner dictate the appointment, promotion, demotion, discipline or removal of any City employees other than the City Manager or City Attorney, but any Councilmember may express its views and fully and freely discuss with the City Manager or City Attorney anything pertaining to appointment and removal of such employees.

(c) **Interference with Administration:** Except for the purpose of inquiries and investigations under [Section 3.16](#) of this Charter, the Council shall deal with City employees who are subject to the direction and supervision of the City Manager or City Attorney solely through the City Manager or City Attorney. Neither the Council nor any of its members shall give orders to or in any way publicly or privately exercise the influence of their office on any City employee in their official or personal capacity, except as otherwise authorized in this Charter.

(d) ~~Attorney-Client Privilege~~Disclosure of Privileged or Confidential Information: No Mayor or Councilmember, nor any appointee to a City Board, Commission, committee, or task force, shall disclose any information that has been discussed in closed executive session pursuant to the Texas Open Meetings Act, Texas Government Code, Chapter 551, as amended, or any attorney-client privileged communication. ~~The City Council as the governing body of the City solely holds and is entitled to the attorney-client privilege, and it may only be waived by an affirmative vote of two-thirds of the City Council.~~This provision does not prohibit disclosure of attorney-client privileged or confidential information:

(i) to and between the Mayor and Councilmembers, or to and between members of the same Board or Commission, subject to the Texas Open Meetings Act;

(ii) to and between City staff, as necessary and in conjunction with the performance of their role and responsibilities as City employees;

(iii) if the attorney-client privilege is waived by an affirmative two-thirds vote of the City Council, Board, Commission, committee, or task force that is privy to the subject attorney-client privileged information;

(iv) to a law enforcement officer, if the person disclosing the information in good faith believes the information was discussed in closed executive session in violation of the Texas Open Meetings Act; or

(v) if the information has otherwise been disclosed publicly.

**If Proposition E is adopted, then Section 5.02(f) shall be amended and Section 5.07 added as follows:**

### **Section 5.02 Filing for Office**

Eligibility to File. Each candidate for an elective City office shall meet the requirements of State law and the following qualifications:

- (a) Shall be a registered voter of the City and at least eighteen (18) years of age.
- (b) Shall have resided within the corporate limits of the City, including territory annexed prior to the filing deadline, for at least the twelve (12) months immediately preceding the date of the election.
- (c) Shall have paid a filing fee of fifty dollars (\$50.00) or tendered a petition signed by the greater of twenty-five (25) qualified voters residing in the City or one-half of one percent (0.5%) of the total votes received by all candidates for Mayor in the last mayoral election, with each signatory thereto providing their printed name, residential address, date of birth, signature, and date of signing.
- (d) An incumbent seeking re-election must file for the same position number presently held.
- (e) No candidate may file for more than one office or position number per election.
- ~~(f) In addition to the requirements of State law, an elected official filing for any office other than the office presently held or for Mayor, shall resign from such presently held office at least forty five (45) days prior to the election.~~

### **Section 5.07 Resign to Run**

If a member of the Council files or becomes a candidate for election to any public office, other than for reelection to their current position on the Council or for Mayor, such filing or candidacy shall constitute an automatic and immediate resignation of the city office then held and the vacancy thereby created will be filled in accordance with the provisions of this Charter and State law.



**File Attachments for Item:**

H.1 Discussion For Appointment Of Kimberly Bradford-Brown To Place Six On The Planning And Zoning Commission. (Jefts)



**CITY COUNCIL AGENDA**  
January 14, 2021

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**Item/Subject:** Discussion For Appointment Of Kimberly Bradford-Brown To Place Six On The Planning And Zoning Commission. (Jefts)

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**Commentary**

		Term Length: 2 yr	
		Term: 8/1-7/31	
		Residency Requirement	
	<b>Apptd by:</b>	<b>Current Members/Term Expires</b>	<b>Applicant</b>
Place One	<b>Kelly</b>	VACANT	
		7.31.21	
Place Two	<b>Kirkland</b>	Bob Ingraham	
		7.31.20	
Place Three	<b>Duffy</b>	Sara Groff	
		7.31.21	
Place Four	<b>Boyce</b>	Audrey Wernecke	
		7.31.20	
Place Five	<b>Robinson</b>	Jeff Baker	
		7.31.21	
Place Six	<b>Jefts</b>	Bobbi Hutchinson	<b>Kimberly Bradford-Brown</b>
		7.31.20	<i>Term Expires: 7.31.22</i>
Place Seven	<b>Van Arsdale</b>	Randy Strader	
		7.31.20	



# City of Cedar Park Application for Appointment

In order to be considered for an appointment to a Cedar Park Board, Commission, Task Force, Committee, or other position, please complete the following application and attach a current resume and letter of interest.

## 1. PERSONAL INFORMATION

Full Legal Name <b>Kimberly Bradford-Brown</b>		Preferred Name <b>same</b>	
Spouse's Name <b>N/A</b>			
Physical Home Address <b>[REDACTED]</b>		Subdivision <b>Westside at Buttercup</b> ✓	
City <b>Cedar Park</b>	State <b>TX</b>	Zip <b>78613</b>	
County <b>Williamson</b>		Home Phone <b>N/A</b>	
Mobile Phone <b>[REDACTED]</b>		Work Phone <b>N/A</b>	
Email Address <b>[REDACTED]</b>			
Date of Birth <b>[REDACTED]</b>	Texas Driver License or DPS ID # <b>[REDACTED]</b>		
Are you a registered voter? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			

## 2. AREAS OF INTEREST

Please indicate the position(s) of interest to you. A list of all entities to which the City of Cedar Park makes appointments may be found at [www.cedarparktexas.gov](http://www.cedarparktexas.gov).

- |  |   |
|--|---|
| <input type="checkbox"/> Economic Development Sales Tax Corporation (4A)   | <input type="checkbox"/> Parks, Arts, & Community Enrichment Board (PACE) |
| <input checked="" type="checkbox"/> Community Development Corporation (4B) | <input checked="" type="checkbox"/> Planning & Zoning Commission (P&Z)    |
| <input type="checkbox"/> Board of Adjustments                              | <input type="checkbox"/> Tourism Advisory Board                           |
| <input type="checkbox"/> Building Standards Commission                     | <input type="checkbox"/> Other: _____                                     |
| <input type="checkbox"/> Civil Service Commission                          |   |

In the space below, please explain your interest in the position(s) selected above.  
Also, please explain any experience you have related to your selection(s).

As a 21-year resident of Cedar Park, I've seen a tremendous amount of positive change and growth. I believe that I have the knowledge, skills and abilities to affect more change and impactful growth for my community. I have been employed by the State of Texas for nearly 20 years in various leadership positions and have a keen understanding of local, state and federal governments, their roles and how to leverage those relationships for the benefit of my community. In my current position, I work closely with employers throughout the state, assisting with job creation programs and other methods to assist them in impacting their communities. Prior to my work with the State, I was the Director of a statewide partnership between a major bank and a national community organization that promoted community development projects and assisted historically underserved communities achieve homeownership and assist small businesses right size or grow. I know that my experience will be an asset to the City.



**3. Employment History** Please provide your employment history for at least the past ten (10) years. Attach additional sheets as needed.

Employer Texas Workforce Commission	Employer's Address 101 East 15th Street Austin, TX 78778-0001	Present Job Title <b>Deputy CoS</b>
		Profession <b>Government</b>
Job Description Deputy Chief of Staff for Commissioner Aaron Demerson, TWC Commissioner Representing Employers. Responsible for the day to day operation of the Commission office, including work balance of the Legal and Policy teams. Serve as a key policy advisor for the Commissioner on policy items brought forth by the numerous programs divisions in the Agency. Responsible for the coordination and successful facilitation of the Texas Conference for Employers, the office's statewide Employment Law conference. Coordinate, research and write talking points, speeches and presentations for the Commissioner.		

**4. Miscellaneous Information**

Note: "Material Interest" is defined as a ten (10) percent or greater ownership or serving on the governing board of directors. This does not apply to mutual funds in which you do not exercise authority in investment decisions.

Are you, your spouse, or any company in which you have a material interest currently delinquent in any local, state or federal taxes? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please provide details
--	--------------------------------

Do you, your spouse or any company in which you have a material interest or are employed by conduct any business with or receive funds from the City of Cedar Park or its boards, commissions or development corporations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please provide details
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Are you or your spouse related to a City of Cedar Park public official? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please provide name, title, and relationship.	
Name of Public Official	Title	Relationship

Do you currently serve, or have you ever served on any City of Cedar Park board, commission or committee or in any elected or appointed office? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please list the entity, position held, dates and indicate if you were reimbursed.		
Entity	Position	Years	Reimbursed (Y/N)

**MISCELLANEOUS INFORMATION CONT.**

Have you ever been convicted in a criminal proceeding (excluding traffic violations), placed on probation, required to perform community service, or had a criminal proceeding disposed of by pre-trial diversion, deferred prosecution, deferred adjudication or some similar proceeding?  Yes  No

If yes, list the charge, the date of the offense, the city and/or county and state in which it allegedly occurred, and the disposition thereof.

In the spaces below, please provide two references.

Name	Contact Number	Relationship to Applicant
Yvonne Reynolds	512-627-4136	Neighbor
Brian Owens	512-936-2772	Chief of Staff

**CERTIFICATION OF APPLICANT**

I hereby certify that the foregoing and any attached statements are true, accurate and complete. I agree that any misstatement, misrepresentation, or omission of fact may result in my disqualification for appointment. I assign and hereby give the City of Cedar Park full authority to conduct background investigations pertinent to this application. I specifically authorize the Texas Department of Public Safety to conduct a background investigation and to disclose the results of that investigation to the Mayor of the City of Cedar Park or his/her authorized representative. I also understand that this application is subject to disclosure under the Texas Public Information Act.

  
\_\_\_\_\_  
**Applicant's Signature**

10/23/2020  
\_\_\_\_\_  
**Date**

Completed application, resume and letter of interest may be submitted in person, email, mail, or by fax to:  
City Secretary  
City of Cedar Park  
450 Cypress Creek Rd, Bldg. 1  
Cedar Park, TX 78613  
Phone: 512-401-5002  
FAX # 512-401-5003  
leann.quinn@cedarparktexas.gov

Applications are valid until December 31st of the year of submission.  
Thank you for your interest in serving the Cedar Park Community.

October 23, 2020

LeAnn Quinn  
City Secretary  
City of Cedar  
450 Cypress Creek Road  
Building #1  
Cedar Park, TX 78613

Dear Ms. Quinn:

I certainly appreciate the chance to "correctly" submit my application for the Place 4 vacancy, the opportunity to be interviewed and the pleasure of standing before the Cedar Park Mayor and City Council. Your diligence in making sure that all applications were equitably reviewed, shows the high quality of concern and care that the City has for its citizens. Thank you.

The October 22, 2020 City Council meeting further confirmed my desire to become more involved in my community in a very tangible way. As a proud citizen of Cedar Park, I humbly submit my application to be considered to serve on the Community Development Corporation (4B) and/or the Planning & Zoning Commission (P&Z). I believe that my background and knowledge would support and strengthen both/either of these very important groups; while fulfilling my commitment to do more for Cedar Park.

Please know that it is my desire to serve my community and I am hopeful that I will be able to do so in the aforementioned way(s). If you have questions or need additional information, please feel to contact me. Thank you, again, for your care and consideration.

Sincerely,  
  
Kimberly Bradford-Brown

**Kimberly M. Bradford-Brown**  
 Deputy Chief of Staff for  
 Commissioner Aaron Demerson  
 Commissioner Representing Employers  
 Texas Workforce Commission  
 101 East 15<sup>th</sup> Street  
 Suite 630  
 Austin, TX 78778-0001  
 O-512.475.2655; [REDACTED]  
[kimberly.bradfordbrown@twc.state.tx.us](mailto:kimberly.bradfordbrown@twc.state.tx.us)

**VITA**

**Experience**      Employed by the Texas Workforce Commission (TWC) for 19 years... Deputy Chief of Staff for the Commissioner Representing Employers... Exceptional policy advisor...effective project manager... clear communicator... skilled writer... excellent editor... quality presentation designer.... superb speechwriter and speaker... meeting and event planner...efficient meeting facilitator...Rapid Process Improvement practitioner

**Education**      Certified Government Meeting Professional

Mediator Certification  
 The Center for Public Policy Dispute Resolution  
 The University of Texas School of Law

Secondary Education Certification  
 Houston Tillotson College, 1993

Bachelor of Art, 1991  
 Major: English  
 Northwestern State University  
 Natchitoches, LA

**Awards/Honors**      TWC Executive Director’s Special Recognition Award; Who’s Who Among Young Business Leaders; Recognized by the Federal Reserve Bank for the creation of the NAACP Community Development Resource Center Home Buyer’s Club

**Professional Activities**

- Member, Society of Government Meeting Professionals

- Board Member, Secretary

Page 2, Kimberly Bradford-Brown

### **Community Activities**

- Alpha Kappa Alpha Sorority, Inc.
  - Member
  - Membership Committee member
  - Back to School Supplies – Oak Springs Elementary
  - CASA Easter Egg Hunt
  - Capital Area Food Bank
  - Coats for Kids
- Summit Worship Center
  - Member
- Salvation Army
  - Office Angel Tree
- Austin Independent School District Mentor

**File Attachments for Item:**

H.2 Second Reading Of An Ordinance Authorizing An Agreement With Pedernales Electric Cooperative, Inc. Granting Its Legal Representatives, Successors, Lessees And Assigns Certain Powers, Licenses, Rights-Of-Way, Privileges And Franchise To Construct, Maintain, Operate And Use A Transmission And Distribution System In The City Of Cedar Park To Provide Electric Utility Service.



## CITY COUNCIL AGENDA

January 14, 2021

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**Item/Subject:** Second Reading Of An Ordinance Of The City Council Of The City Of Cedar Park, Texas, Authorizing And Directing The City Manager To Execute An Agreement With Pedernales Electric Cooperative, Inc. Granting Its Legal Representatives, Successors, Lessees And Assigns Certain Powers, Licenses, Rights-Of-Way, Privileges And Franchise To Construct, Maintain, Operate And Use A Transmission And Distribution System In The City Of Cedar Park To Provide Electric Utility Service.

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### Commentary

The purpose of this Agenda Item is to conduct the second reading of the proposed ordinance, which grants Pedernales Electric Cooperative a franchise to operate an electric transmission system in the City of Cedar Park.

As discussed during the first reading on December 3<sup>rd</sup>, electricity service is provided by either municipal utilities, investor owned utilities, or co-operatives. In the case of Cedar Park, electricity service is provided to the city by PEC, a cooperative. The Texas Constitution restricts the City from allowing entities from using public property without compensation,<sup>1</sup> and the City of Cedar Park Charter<sup>2</sup> authorizes the assessment of a fee. Additionally, the Texas Utilities Code authorizes assessment of a “reasonable and lawful charge for the use of a city street, alley, or public way” by a cooperative in the course of their business (“Franchise Fee”).<sup>3</sup>

The statute does not limit the types of costs that the City may recoup, but typical costs incurred in the use of public streets, alleys, or rights-of-way include:

- Street surface rehabilitation
- Mowing and landscaping

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<sup>1</sup> Tex. Const. arts. III, § 52(a)

<sup>2</sup> Cedar Park Charter, Section 10.03

<sup>3</sup> Tex. Utilities Code, Ch. 33

- Sidewalks and pedestrian ramps
- Traffic signal systems
- Engineering, administrative, and inspection costs associated with issuing permits
- Streetlights
- Stormwater

In PEC's service area, this fee is most commonly assessed based on a percentage of gross revenues received by PEC from the sale of electricity within the City's corporate boundaries (i.e., city limits).

The existing franchise agreement was approved in 2000 with a 20-year term. City staff has had several conversations with PEC staff regarding specific contract provisions since the First Reading in November. As a result, there have been a few mutually agreeable revisions made to the agreement. Notable provisions of the draft Franchise Agreement include:

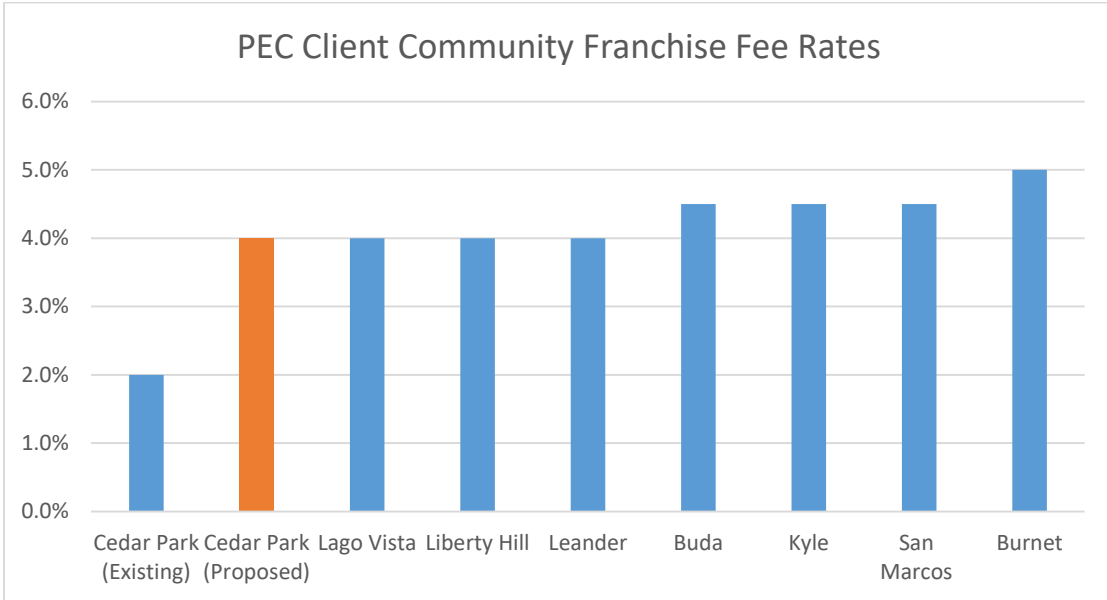
- Granting of the franchise to PEC, which is the non-exclusive right to utilize the City's rights-of-way
- A term length of 5 years (following Council direction on December 3<sup>rd</sup>)
- Assessing a new franchise fee set at 4% of gross revenues
- Requirement to obtain permits and comply with all applicable city codes and ordinances for activities conducted within the City's rights-of-way.
- Allow the City to use PEC poles for City owned infrastructure (i.e. fiber-optic cable) under a mutually agreed "pole attachment agreement".

Currently the revenue collected from the City's existing franchise fee is 2% of gross revenues, which generates approximately \$1.2 Million annually. If Council were to approve a new fee of 4%, franchise fee revenue would increase by approximately \$1.2 million annually.

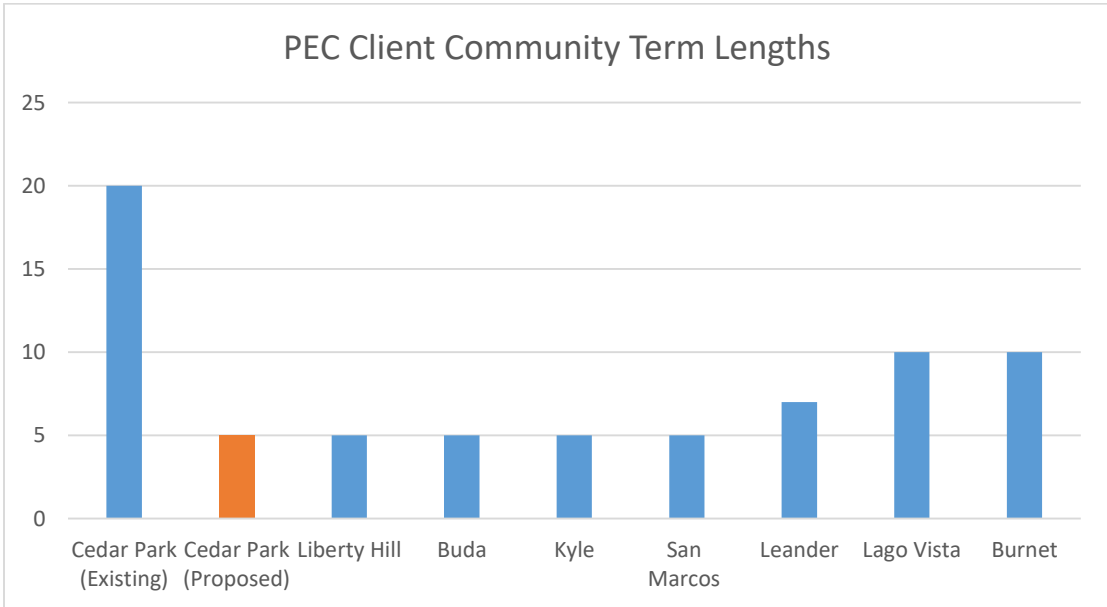
The proposed term length and franchise fee rate are in line with other client communities of PEC within Central Texas, as shown below.



### Franchise Fee Rates



### Franchise Agreement Term Length



Approval of this item requires three (3) readings and a public hearing. The public hearing for this item was conducted on December 3<sup>rd</sup>. Pending Council direction, this item will appear before the Council for Third Reading during the January 28<sup>th</sup> City Council Meeting.

**Initiating Dept:** CMO

**Fiscal Impact**  
**Fund:**

**Budget**  
**Amount:**

**Finance Director Review**

**Legal Certification**

Approved as to form and content:

Yes       No **City Attorney**

**Associated Information:**

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, GRANTING PEDERNALES ELECTRIC COOPERATIVE, INC., ITS LEGAL REPRESENTATIVES, SUCCESSORS, LESSEES AND ASSIGNS, CERTAIN POWERS, LICENSES, RIGHTS-OF-WAY, PRIVILEGES AND FRANCHISE TO CONSTRUCT, MAINTAIN, OPERATE AND USE A TRANSMISSION AND DISTRIBUTION SYSTEM IN THE CITY OF CEDAR PARK TO PROVIDE ELECTRIC UTILITY SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Pedernales Electric Cooperative, Inc. (“Cooperative”) is an electric cooperative, owned and operated by the members it serves, that provide power to many residents in Central Texas including Cedar Park residents; and

WHEREAS, the Cooperative wishes to continue using Public Rights-of-Way of the City to distribute power to its members in the City; and

WHEREAS, pursuant to Texas Utilities Code Section 33.008, the City may impose on an electric cooperative that provides distribution service within the City a reasonable charge for the use of a municipal street, alley, or public way to deliver electricity to a retail customer; and

WHEREAS, the Cooperative is an electric cooperative organized under Chapter 161 of the Texas Utilities Code, and pursuant to Texas Utilities Code Section 41.005 is considered an “electric utility” for franchise fee purposes only as to Texas Tax Code 182.025 and Texas Utilities Code Section 33.008; and

WHEREAS, pursuant to Texas Utilities Code Section 41.005 the City may make a lawful charge for the use of public rights-of-way within the municipality for an electric cooperative, provided that the City may not directly or indirectly regulate the rates, operations, and services of an electric cooperative, except, with respect to operations, to the extent necessary to protect the public health, safety, or welfare of its citizens; and

WHEREAS, pursuant to Cedar Park Charter Section 10.02, the Cedar Park City Council may, by ordinance, grant, renew, or extend franchises of public utilities operating in the City; and

WHEREAS, the current franchise was granted by the City on March 2, 2000 by Ordinance Number 02000-16 for a term of twenty (20) years.

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

SECTION 1. Definitions.

1.1. For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, and whenever the sense of the text requires (1) words used in the present tense include the future, (2) words in the plural number include the singular number, (3) words in the singular number include the plural number, and (4) the use of any gender shall be applicable to all genders. The words “shall” and “will” are mandatory and the word “may” is permissive. Words not defined shall be given their common and ordinary meaning.

1.2. “Agreement” shall mean this Ordinance approved by the City and accepted by the Cooperative.

1.3. “City” shall mean the City of Cedar Park, Texas, a municipal corporation in the State of Texas, as constituted as of the Effective Date of this Ordinance or as may hereafter be constituted.

1.4. “City Manager” shall mean the City Manager of the City or the Manager’s authorized designee.

1.5. “City Utility” shall mean any utility service provided by the City including, but not limited to, water and/or sewer utility service.

1.6. “Consumer” shall mean any person or organization receiving and using Electric Utility Service from the Cooperative for his or her own appliances or equipment whether or not the electricity is billed directly to him or her, or to a second party. For example, in the case of a rental unit where the cost of utilities is part of the rent, the landlord is a Customer, as defined herein, and the tenant is the Consumer.

1.7. “Cooperative” shall mean the Pedernales Electric Cooperative, Inc., a Texas electric cooperative corporation organized and existing under and by virtue of the laws of the State of Texas, and authorized to transact and actually transacting business in the State of Texas, together with its legal representatives, successors, lessees, and assigns.

1.8. “Council” shall mean the governing body of the City of Cedar Park.

1.9. “Customer” shall mean any person or organization being billed for Electric Utility Service whether used by that person or organization, or by others.

1.10. “Devices” shall have the meaning given to such term in Section 7.2.

1.11. “Director of Finance” shall mean the Director of the Finance Department of the City of Cedar Park, or its successor Department. The term shall also mean the Director’s successor in function.

1.12. “Director of Public Works” shall mean the Director of the Public Works Department of the City of Cedar Park, or its successor Department. The term shall also mean the Director’s successor in function.

1.13. “Effective Date” shall have the meaning given to such term in Part 3.

1.14. “Electricity” or “Electric Utility Service” shall mean electricity, energy, power, light, heat, energy services, sold, distributed, conveyed, served, supplied and furnished to Customers within the corporate limits of the City and outside the City, and to the City, where applicable, by the Cooperative.

1.15. “Franchise” or “Ordinance” shall mean this Agreement, and all rights and obligations established herein or as amended.

1.16. “Gross Revenues” shall mean the gross operating revenue received by the Cooperative for all services provided by the Cooperative to its Customers within the City, as accrued on the Cooperative’s books, except as otherwise provided pursuant to this Agreement. Gross Revenues shall not include (1) local, state, or federal taxes or City franchise fees collected by Cooperative that have been billed to its Customers and separately stated on Customers’ bills; (2) the franchise fees paid under this Ordinance, (3) revenue uncollectible from Customers (i.e., bad debts) with billing addresses in the City that was previously included in Gross Revenues, or (4) revenue from the Cooperative’s pole attachment fees.

1.17. “Public Utility Easement” shall mean those easements held, owned or controlled by the City that allow the construction, operation or maintenance of an electric utility transmission and distribution system (or any part thereof).

1.18. “Public Rights-of-Way” shall mean Streets, Avenues, Alleys, Sidewalks, Public Utility Easements, rights-of-way, bridges, and highways, and beneath the surface of the same as they now or hereafter may exist. A reference in this Franchise to “Public Rights-of-Way” shall not be a representation or guarantee by the City that its interests or other rights in the property are sufficient to permit its use of the installation and maintenance of a System and the Cooperative shall receive only those rights which the City has the right and power to give.

1.19. “Sidewalk(s)” shall mean a paved area, within the Public Right-of-Way or sidewalk easement, specifically designed for pedestrians or bicyclists.

1.20. “Street(s)”, “Avenue(s)”, or “Alley(s)” shall mean a publicly dedicated or maintained Public Right-of-Way, a portion of which is open to use by the public for vehicular travel.

1.21. “Term” shall have the meaning given to such term in Section 2.4, and shall include the initial Term and any extension(s) of such initial Term pursuant to this Ordinance.

1.22. “Transmission and Distribution System” or “System” shall mean a system of poles, pole lines, transmission and distribution lines, substations, wires, guys, conduits, conductor, transformers, pad-mounted equipment, enclosures, concrete pads, ground rods, cable risers, and fiber optic cables and other desirable instrumentalities and appurtenances necessary or proper for the purpose of transmitting, distributing, carrying, conducting, conveying, supplying, furnishing and selling to the City and the inhabitants of the City or other person or persons, firms or corporations, whether within or without the City, Electric Utility Service, and for any other purpose for which electricity or energy services may be now or hereafter used and for communication signals or the capability and capacity for transport of communication signals of whatever kind and character for such Electric Utility Service , as the same now exists or as may, from time to time, be further placed, removed, constructed, reconstructed, extended, and maintained or operated.

SECTION 2. Granting of Franchise

2.1 There is hereby granted to the Cooperative the non-exclusive right, privilege, permission and franchise to erect, maintain, construct, operate, equip, use, remove, extend, replace, alter, repair and otherwise establish in the City a Transmission and Distribution System for the provision of Electric Utility Service.

1.1.1. In accordance with and during the Term of this Franchise, the Cooperative is hereby granted passage and right-of-way in, under, upon, over, along and across, any and all Public Rights-of-Way. The Cooperative is further granted the right to occupy and use in any lawful way, said Public Rights-of-Way in accordance with and during the term of this Franchise. This occupancy and use is granted solely for the services, uses, effects, and lawful purposes described herein.

1.1.2. Nothing herein shall be construed to require or authorize the Cooperative to exceed its certificate of convenience and necessity granted by the Public Utility Commission of Texas.

1.2. Public parkland is not a Public Right-of-Way under this Franchise. If the Cooperative desires to install facilities on or under public parkland, it shall seek specific permission for such installation from City, and shall comply with all applicable State laws, including Chapter 26 of the Texas Parks and Wildlife Code, and with all applicable City rules and regulations.

1.3. The operation, construction, and maintenance of the Cooperative’s Transmission and Distribution System and other property subject to this Franchise shall be in accordance with Cooperative standards. Structures, lines, guys and other installations shall be erected consistent with the National Electrical Safety Code (NESC) and any other applicable State of Texas and national standards. Subject to Chapter 41 of the Texas Utilities Code and Chapter 311, Texas Transportation Code, the Cooperative’s activities and presence in the Public Rights-of-Way shall also be subject to all applicable City ordinances, rules, and regulations, and all applicable provisions of the City Charter. To the extent that there is a conflict between any Cooperative standards or other applicable State or national standards, including the NESC, and this Franchise or any other City ordinance, the parties

agree to confer to resolve such conflict. This franchise does not relieve Cooperative of the obligation to comply with applicable municipal codes and ordinances and to obtain permits, licenses, and other approvals from City or other units of government that are required for the construction, repair, or maintenance of the System, subject to Chapter 41 of the Texas Utilities Code and Chapter 311, Texas Transportation Code, except in no instance shall Cooperative be required to pay permitting fees or bonds related to these City permits, licenses, or other approval processes and except as otherwise described herein.

- 1.4. The Franchise shall commence on the Effective Date and shall expire five (5) years from the Effective Date of this Ordinance (the “Term”).
- 1.5. The Cooperative shall not transfer this Franchise or any rights and privileges granted herein without written approval of the Council expressed by ordinance. Such approval shall not be unreasonably withheld.

SECTION 3. Acceptance by the Cooperative

3.1. This Franchise shall not become effective until accepted by the Cooperative in writing (the “Effective Date”). The acceptance shall be filed with the City within sixty (60) days following the final adoption of this Ordinance by the Council. Upon acceptance by the Cooperative, this Ordinance shall be a contract duly executed by and between the City and the Cooperative; provided, however, payments shall be as provided for in Section 9.

SECTION 4. Service

- 1.6. Electric Utility Service shall be provided by means of the Cooperative’s Transmission and Distribution System, which may be located within the Public Rights-of-Way or on private property. The Cooperative shall use reasonable efforts to assure that all future locations of the Transmission and Distribution System shall not unreasonably interfere with the flow of water in any gutter or drain; the operations or facilities of any City Utility, any television cable, telephone facilities, traffic control signals, street lights, fire lines or other communication lines, or ordinary travel on the streets or sidewalks.
- 4.2. The location and route of all Cooperative Transmission and Distribution System facilities in the Public Rights-of-Way shall be subject to:
  - 4.2.1. the lawful, reasonable and proper control of the City as expressed in applicable City ordinances and subject to Chapter 41 of the Texas Utilities Code and Chapter 311, Texas Transportation Code; and
  - 4.2.2 all applicable ordinances, laws, rules, regulations, and Charter provisions of the City now in force or that may hereafter be passed and adopted that are not inconsistent with this Ordinance, subject to Chapter 41 of the Texas Utilities Code and Chapter 311, Texas Transportation Code.

4.3 The surface of any Public Right-of-Way disturbed by the Cooperative in the construction or maintenance of its Transmission and Distribution System shall be restored within a reasonable time after the completion of the work to a substantially similar condition as before the commencement of the work. The Cooperative shall not encumber any Public Right-of-Way for a period longer than reasonably necessary to complete all work.

4.4. The Cooperative, to the extent that the Cooperative, initiates any cutting, excavation, boring or installation of facilities in the Public Rights-of-Way shall, except in the case of a bona fide emergency, obtain a permit from the City, as provided in generally-applicable City ordinances, before commencing any cutting, excavation, boring or other methods that affect the Public Rights-of-Way. In the case of a bona fide emergency the Cooperative shall provide notice to the Director of Public Works of any such excavation as soon as reasonably practicable thereafter. Excavations shall be performed in accordance with applicable City ordinances and rules. Except as otherwise provided in this Ordinance, City ordinances and rules shall apply to the method and time required for advance notices, and to time periods, including but not limited to time periods for completion of any work, or expiration of any permit.

4.5. Pursuant to its Tariff and Business Rules, the Cooperative shall not discriminate against applicants for service or Customers, on the basis of race color, religion, sex, marital status, disability, income level, or source of income. Electric utility service shall be provided to all areas of the City for which the Cooperative holds a valid Certificate of Convenience and Necessity issued by the Public Utility Commission of Texas.

4.6 The Cooperative shall maintain its property and Transmission and Distribution System located in the Public Rights-of-Way in accordance with reasonable industry standards and consistent with the Cooperative’s maintenance of its Transmission and Distribution System throughout its service territory. The City recognizes and agrees that the Cooperative shall retain full title in, and right to, its System and other personal property, whether or not the same is incorporated in real estate.

4.7 The City, at any time, may make reasonable inquiries pertaining to this Ordinance and the Cooperative shall respond to such inquiries on a timely basis. The parties shall cooperate in good faith to mutually exchange information to further the purposes of this Ordinance.

4.8 The Cooperative shall have the authority to trim or remove trees and vegetation upon or overhanging its System that may endanger or interfere with the System and its operation, and to prevent the vegetation and the branches of such trees from coming in contact with the System. The Cooperative’s vegetation management practices shall be consistent with the safety requirements for pruning, repairing, maintaining, and removing trees endorsed by the American National Standards Institute; NESC; state law or Public Utility Commission rules or requirements. Except in an emergency or the recovery after an emergency, the Cooperative shall endeavor to notify the resident(s) and owner(s) of the property subject to a public utility easement on which tree trimming activities are to be performed at least one (1) day prior to entering such property to perform any tree trimming activities.



SECTION 5. Use of Public Rights-of-Way

5.1. The Cooperative is hereby authorized, licensed and empowered to do any and all things necessary and proper to be done and performed in executing the powers and using the privileges granted and described by this Franchise, and subject to the terms and conditions of this Franchise. Provided, however, that such activities shall not conflict with existing water pipes, sewer, electric power lines, telephone lines, cable television lines, other authorized installations, and street operations. Provided also, that all work done in the Public Rights-of-Way by the Cooperative shall be done with reasonable diligence and without unreasonable inconvenience to the public or individuals.

5.2. By the grant of authority described in Section 2.1., it is not the intention of either the City or the Cooperative to create any liability, right or claim for the benefit of third parties and this Franchise is intended and shall be construed for the sole benefit of the City and the Cooperative.

5.3. Nothing contained in this Franchise shall be construed to require or permit any attachments to City-owned facilities, structures, or physical plant by the Cooperative for any purpose, except that the Director of Public Works may authorize attachments if such attachment is determined to be in the best interest of the City, and such attachment is in accordance with the National Electric Safety Code.

SECTION 6. Construction, Maintenance, Expansion, Reconstruction, and Excavation

6.1. In furtherance of the public interest in safety, health and public welfare and to facilitate the safe management of Public Rights-of-Way, the construction, expansion, reconstruction, excavation, use, maintenance and operation of the Cooperative’s System in the Public Rights-of-Way is subject to all generally applicable City requirements, this Ordinance, Chapter 41 of the Texas Utilities Code, and Chapter 311, Texas Transportation Code. The Cooperative shall not begin construction until the plans and drawings have been approved in writing, or a permit has been issued by the City; this approval shall not be unreasonably delayed, conditioned, or withheld.

6.2. The Cooperative and City shall take all reasonable efforts to coordinate their planning and construction activities. Upon request, the Cooperative will provide City with information regarding its plans to upgrade and expand its facilities, either existing or proposed, in or impacting Public Rights-of-Way on a regular basis, and as may be updated. Upon request, City will provide to Cooperative its capital improvements plans and schedules on a regular basis, and as updated.

6.3. Cooperative’s installation of facilities in the Public Rights-of-Way shall be in conformance with all applicable City requirements, including placing all new distribution facilities underground; provided, however, the City acknowledges that certain new distribution facilities relating to substations, reliability and redundancy improvements, and riser poles that transitions overhead lines into underground facilities, may be placed overhead, and system upgrades for existing facilities may remain overhead, and to the extent that safety standards required by the

NESC or Cooperative standards require facilities to be placed overhead or remain overhead. The Cooperative shall, when planning improvements in the Public Rights-of-Way to existing distribution facilities to increase capacity or for system improvement, give reasonable consideration to installing upgraded facilities underground; provided that the City may require undergrounding facilities upon the City’s payment in advance of associated engineering costs to determine the cost differential between overhead and underground construction and if determined to proceed with underground construction, the payment in advance of the differential cost between overhead and underground construction and facilities.

6.4. Within 120 days of completing construction of each segment of the Cooperative’s facilities, the Cooperative shall supply the City with drawings for the segment in the format the Cooperative has available to the extent such plans were not provided to the City during the permitting process.

**SECTION 7. Work by the City and Others; Use of Cooperative’s Facilities; Record-keeping for Street Lights**

7.1. The City reserves the right to lay, and to permit to be laid, sewer, cable television, water, telephone, electric and other lines, cables and conduits, and to do and permit to be done any underground or overhead work that may be necessary or proper in, across, along, over, or under any Public Rights-of-Way occupied by the Cooperative. Without waiving any Constitutional or statutory prohibitions to the contrary, the City shall only be liable to the extent permitted by law to the Cooperative for the damage, if any, to the Cooperative’s System that is the result of the negligence or willful misconduct of the City or its employees. The City shall not be liable, under any circumstances, for damages caused to the Cooperative as a result of work done by persons other than the City’s employees, or the City’s agents or contractors, unless the specific actions taken or specific work done that is the subject of the claim for damages was performed under the direction, supervision or control of the City. By this Ordinance it is not the intention of either the City or the Cooperative that the City assumes liability in general for the negligence or willful misconduct of the City’s agents or contractors for any and all work performed by them, but only in the limited circumstances described above. Removal and relocation expenses incurred by the Cooperative in connection with any improvements by the City shall be reimbursed by the person for whom the removal or relocation is made, except as provided in Section 8.

7.2. In addition to the consideration set forth herein, the Cooperative shall permit the City to use the Cooperative’s existing poles located in the Public Rights-of-Way where the existing poles are adequate for the City’s purposes, said purposes being traffic, signal, police and fire alarm systems, and gatherers and collectors referred to for purposes of this Section 7.2. as “Devices.” Devices shall not include revenue-producing or commercial access telecommunications systems, including, but not limited to, fiber optics and cable television systems. City acknowledges that such use shall be subject to execution of a separate, non-contingent pole attachment agreement.

7.2.2. If existing Cooperative facilities are unable to allow the placement of a Device, and the City requests space on Cooperative facilities to accommodate Devices, the Cooperative shall upgrade its facilities at the City’s expense.

7.3. Cooperative shall allow City to attach City-owned fiber optic strands on Cooperative’s poles for City’s use only, provided that such attachment and use does not interfere with the Cooperative’s ability to utilize its facilities for its purposes, and is not in conflict with the National Electric Safety Code or other safety procedures of the Cooperative, and if not in a Public Right-of-Way, the City obtains any necessary right-of-way or easement or permits or licenses for its use. Such use shall be subject to execution of a separate, non-contingent pole attachment agreement.

SECTION 8. Changes for Governmental Purposes and Other Uses

8.1. If the City determines that the removal, relocation, change or alteration of the Cooperative’s facilities is reasonably necessary for:

8.1.1. The construction, repair, maintenance or installation of any City or other public improvement approved by the City in or upon the Public Rights-of-Way, or

8.1.2. The operations of the City or other governmental entity in or upon the Public Rights-of-Way.

then such facilities of the Cooperative shall be so shifted or relocated by the Cooperative at the Cooperative’s expense; provided, however, the City shall work with Cooperative to determine the most cost effective method of relocation or shifting of Cooperative’s facilities and the most expedient timeframe for completion, and provided that the City may utilize eminent domain and condemnation proceedings to acquire easements, which may be required for a public purpose to provide an alternate easement for relocation, at the Cooperative’s expense.

8.2. Schedules for the work contemplated by Section 8.1. shall be developed by designated representatives of the Cooperative and the City.

8.3. City may request that Cooperative place facilities which are to be relocated underground. However, the City shall bear the cost differential between overhead and underground construction and facilities. City shall work with Cooperative in good faith to determine the most cost effective method for relocation of Cooperative’s facilities under this Section 8.

8.4. The City shall give the Cooperative reasonable prior written notice of its projects (or that of private third-parties) requiring relocation of the Cooperative’s facilities pursuant to Section 8. In the event that Cooperative is required by City to remove or relocate its facilities under this Section and City is eligible under federal, state county, local or other programs for reimbursement of costs and expense incurred by Cooperative as a result of such removal or relocation, and such reimbursement is required to be handled through City, Cooperative costs and expenses shall be included in any application by City for reimbursement. City shall provide reasonable notice to Cooperative of the deadline for Cooperative to submit documentation of the

costs and expense of such relocation to City. If a third-party desires or the City requires Cooperative to adapt or conform any of Cooperative’s facilities, or in any way alter, relocate or change Cooperative’s property to enable any third party (whether public or private), other than the City and Texas Department of Transportation, to use the Public Rights-of-Way, Cooperative shall have the right, as a condition of any such alteration, change or relocation, to require payment to Cooperative for any and all costs or expenses occasioned thereby to be paid by the third party.

SECTION 9. Franchise Fee

9.1. The City and the Cooperative agree that the Public Rights-of-Way to be used by the Cooperative in the operation of its Transmission and Distribution System is valuable public property acquired and maintained by the City at the expense of its taxpayers. In consideration of the use of the Public Rights-of-Way, the Cooperative shall collect and pay to the City four (4%) of its Gross Revenues per calendar quarter during the Term as specified in Section 9.3. Cooperative shall be entitled to list the franchise fee as a separate line item on monthly bills.

9.2. Reserved.

9.3. The franchise fee specified in Section 9.1. shall be payable quarterly to the City and shall be delivered to the City at the attention of the Director of Finance, together with a statement indicating the derivation and calculation of the payment. Each quarterly payment shall be due within forty-five days following the end of a quarterly period for which the payment is due (as further described below). The quarterly payment shall be based upon the Cooperative’s Gross Revenues during that same quarterly period and shall represent payment for the rights and privileges granted to the Cooperative by this Franchise for said calendar quarter.

Further, any payment provided for in Part 9 of this Ordinance shall be effective for the Cooperative’s Gross Revenues after the Effective Date commencing on the first day of the month following the thirty (30) day notice period that the Cooperative is required to provide to the Cooperative’s Customers (“Notice Date”) prior to implementation of the franchise fee. If the Notice Date is not the first day of a quarter, the first payment of the franchise fee required under this Ordinance shall be prorated based on the number of days remaining in the quarter following the Notice Date.

9.3.1. The City’s fiscal year runs from October 1 through September 30. The quarterly payments shall be due on February 15, May 15, August 15, and November 15 of each year during the Term of this Franchise.

9.3.2. The February 15 payment shall be based upon the Cooperative’s Gross Revenues during the calendar quarter ending the prior December 31. The May 15 payment shall be based upon the Cooperative’s Gross Revenues during the calendar quarter ending the prior March 31. The August 15 payment shall be based upon the Cooperative’s Gross Revenues during the calendar quarter ending the prior June 30. The November 15 payment shall be based upon the Cooperative’s Gross Revenues during the calendar quarter ending the prior September 30.

9.4. Cooperative shall keep accurate books regarding its energy and power sold by reason of the operation of the Cooperative within the City at its principal office for the purpose of determining the amount due the City under this Franchise. The City may conduct an audit (limited to a period no earlier than two years prior to the period for which the audit is initiated) or other inquiry in relation to a payment made by Cooperative, and may, if it sees fit, have the books and records of the Cooperative relating to such payment examined by representatives of the City to ascertain the correctness of the reports filed and payments made herein.

9.4.1. The Cooperative shall make available to the auditor during the Cooperative’s regular business hours and upon reasonable notice, applicable personnel and records relating to the Cooperative’s operations in the City and/or any franchise fee payments made by Cooperative under this Ordinance, in order to complete such audit, and shall make no charge to the City therefore.

9.4.2. If, as the result of any City audit, Cooperative is found to have failed to pay the entire or correct amount of compensation due, the correct amount shall be paid by Cooperative within thirty (30) calendar days of notification of such audit finding to Cooperative.

9.4.3. If the audit results in a finding that Cooperative has overpaid the City, the overpayment amount will be refunded to Cooperative by City within thirty (30) calendar days of the determination.

9.5. The Cooperative may provide a webpage by which the Director of Finance, no later than five (5) months after the end of the Cooperative’s fiscal year, may obtain annual audited statements of the Cooperative.

9.6. Except as provided in Section 9.7, the franchise fee shall be in lieu of:

9.6.1. any and all other rentals or compensation or franchise, license, privileges, instrument, occupation, excise, or revenue taxes or fees.

9.6.2. all other exactions or charges or permits upon or relating to the business, revenue, franchise, Transmission and Distribution System, and other facilities or property of the Cooperative including any substation facilities and its activities in the City that relate to the operations of the Cooperative’s System.

9.6.3. permit fees charged by the City for the Cooperative to obtain a right-of-way permit.

9.7. The franchise fee shall not be in lieu of ad valorem property taxes, special assessments for local improvements, City sales tax, development fees, including impact or water or wastewater tap fees or permit application fees, including for habitable structures, maintenance facilities or storage facilities, and MS4 stormwater permit applications or, other charges imposed

uniformly upon persons, firms, or corporations then engaged in business within the City (except such permit fees as otherwise excluded by Section 9.6).

9.8. Should the City not have the legal power to agree that the payment of the franchise fee shall be in lieu of the fees and charges described in Section 9.6, the City agrees that it will apply as much of the franchise fee paid by the Cooperative necessary to satisfy the Cooperative’s obligations, if any, to pay the fees and charges described in Section 9.6.

9.9. Acceptance by either party of any payment due under this Franchise shall not be deemed to be a waiver by the other party of any claim of default or breach of this Franchise, nor shall the acceptance by either party of any such payments preclude the other party from later establishing that a larger amount was actually due or from collecting any balance due. Nothing in this Section shall be deemed a waiver by either party of its rights under law or equity.

9.10. The City shall notify Cooperative in writing of the effective date of any annexation of property into the City limits that would require Cooperative to include such properties for purposes of calculations of any amounts due under this Ordinance. Cooperative shall not be liable for any late payments, penalties or interest on the portion of a quarterly payment that does not include gross revenues for Cooperative customers within a newly annexed area until ninety (90) days after written notice from the City to the Cooperative of any such annexation. Thereafter the Cooperative shall assure that any and all customers located within such annexed territory be included and shown on its accounting system as being within the City. After such ninety (90) day written notice from the City to the Cooperative, all customers’ accounts located within such annexed territory shall begin accrual for purposes of the payment provisions specified in this Ordinance.

SECTION 10. Indemnity; Liability

10.1. THE COOPERATIVE AGREES TO INDEMNIFY, DEFEND, AND SAVE HARMLESS THE CITY, ITS AGENTS, OFFICERS AND EMPLOYEES, AGAINST AND FROM ANY AND ALL CLAIMS BY OR ON BEHALF OF ANY PERSON, FIRM, CORPORATION OR OTHER ENTITY, TO THE EXTENT THEY ARISE FROM THE COOPERATIVE’S NEGLIGENCE OR WILLFUL MISCONDUCT, AND THAT OF ITS AGENTS AND CONTRACTORS, IN CONNECTION WITH CONSTRUCTION, OPERATION, OR MANAGEMENT OF ITS TRANSMISSION AND DISTRIBUTION SYSTEM PURSUANT TO THIS ORDINANCE, AND FROM AND AGAINST ALL COSTS, ATTORNEYS’ FEES, EXPENSES AND LIABILITIES INCURRED IN OR ABOUT ANY SUCH CLAIM OR PROCEEDING BROUGHT THEREON, AND FROM ANY AND ALL CLAIMS ARISING FROM ANY BREACH OR DEFAULT ON THE PART OF THE COOPERATIVE IN THE PERFORMANCE OF ANY COVENANT OR AGREEMENT ON THE PART OF THE COOPERATIVE TO BE PERFORMED PURSUANT TO THE TERMS OF THIS ORDINANCE.

10.1.1. The City shall promptly notify the Cooperative of any claim or cause of action against the City relating to or covering any matter against which the Cooperative has agreed, as set forth above, to indemnify, defend or save harmless the City.

10.1.2. The Cooperative reserves the right, but not the obligation, to employ such attorneys, expert witnesses and consultants as it deems necessary to defend against the claim or cause of action.

10.1.3. If the Cooperative and the City are found to be jointly liable by a court of competent jurisdiction, liability shall be apportioned comparatively in accordance with the laws of Texas without, however, waiving any governmental immunity available to the City under state law and without waiving any defenses of the parties under state law.

10.2. It is not the intention of either the City or the Cooperative to create any liability, right, or claim for the benefit of third parties. This indemnification provision is intended and shall be construed for the sole benefit of the City and the Cooperative.

SECTION 11. RESERVED.

SECTION 12. Violations

12.1. If the Cooperative is in violation of any provision of this Franchise, the City shall notify the Cooperative in writing of the violation setting forth the nature of such violation. Within twenty-one (21) days of receipt of such notice, or such longer period specified by the City, the Cooperative shall respond in writing that the violation has been cured or provide a cure plan or schedule that satisfies the City, or provide an explanation with documentation to support that an alleged violation did not occur.

12.2. Notwithstanding Subsection 12.1, the Cooperative shall be allowed thirty (30) days to cure violations after written notice is received from the City, by taking appropriate steps to comply with the terms of this Franchise and any lawful regulations. If the nature of the violation is such that it cannot be fully cured within thirty (30) days due to circumstances not under the Cooperative’s control, the period of time in which the Cooperative must cure the violation may be extended by the City in writing for such additional time reasonably necessary to complete the cure, provided that (i) the Cooperative has promptly began to cure, and (ii) the Cooperative is diligently pursuing its efforts to cure in the City’s reasonable judgment.

12.3. Upon information being received by the City that violations of this Franchise, City Charter provisions, or the ordinances regulating the Cooperative in the construction and operation of its system subject to Chapter 41 of the Texas Utilities Code and Chapter 311, Texas Transportation Code, have occurred, or continue to occur after the thirty (30)-day cure period, and any additional time necessary to cure, as allowed under Section 12.2, the City may make an investigation. If the City finds that such a violation continues to exist or has occurred, then the City or the Cooperative may take an action authorized by law, including cancellation of this Franchise and a suit in court to compel compliance. In any such proceeding each party shall pay its own expenses, including attorneys’ fees, but the Cooperative may be allowed, either by the court in the judgment compelling compliance or by order of the City Council, a reasonable time thereafter, as fixed by such judgment or order, to correct the default and pay such expenses,

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damages, and costs as it may be adjudged to pay, and if the Cooperative does so correct and so pay within a reasonable time, cancellation shall not become effective nor be enforced.

12.3. Failure by the City or the Cooperative to enforce rights under this Franchise does not constitute a waiver of the rights.

12.4. The venue for all causes of action arising under this Ordinance shall be in the District Courts of Williamson County, Texas.

SECTION 13. Notice

13.1. All notices required by this Franchise shall be in writing and delivered personally or sent by certified mail, postage prepaid, addressed to such party or by express overnight mail at the following addresses. Courtesy notice may additionally be sent by regular mail or emailed as may be indicated below, however, such service shall not excuse proper notice as set forth above:

If to the City:  
City Manager’s Office  
City of Cedar Park  
Attn: Sam Roberts  
450 Cypress Creek Boulevard Bldg. 1  
Cedar Park, Texas 78613  
[sam.roberts@cedarparktexas.gov](mailto:sam.roberts@cedarparktexas.gov)

With a copy to:  
City Attorney  
City of Cedar Park  
Attn. J.P. LeCompte  
450 Cypress Creek Boulevard Bldg. 1  
Cedar Park, Texas 78613  
[jp.lecompte@cedarparktexas.gov](mailto:jp.lecompte@cedarparktexas.gov)

If to the Cooperative:  
Pedernales Electric Cooperative, Inc.  
P.O. Box 1  
Johnson City, Texas 78636-0001  
Attn: Public Affairs Department  
RE: City of Cedar Park Franchise  
Email: [mike.viesca@peci.com](mailto:mike.viesca@peci.com)

With a copy to:  
Pedernales Electric Cooperative, Inc.  
P.O. Box 1



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Johnson City, Texas 78636-0001  
Attn: Legal Services Department  
RE: City of Cedar Park Franchise

13.2 All notices and requests shall be deemed given on the date so delivered or so deposited in the mail and emailed, 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.

SECTION 14. Forfeiture and Termination

14.1. In addition to all other rights and powers retained by the City under this Franchise or otherwise, the City reserves the right to declare this Franchise forfeited and by ordinance to terminate the Franchise and all rights and privileges of the Cooperative hereunder in the event of a violation as described in Section 12 that remains uncured.

14.2. A violation shall not be deemed to cause a termination or forfeiture of the Franchise if such violation occurs without the fault of the Cooperative or of its employees or occurs as a result of circumstances beyond the Cooperative’s control. The Cooperative shall not be excused by mere economic hardship nor by misfeasance or malfeasance of its directors, officers, or employees.

14.3. To declare a forfeiture of this Franchise, the City shall make written demand that the Cooperative address any violation of this Franchise or applicable law. If the Cooperative fails to take expeditious corrective action as described in Section 12, the City shall cause to be served upon the Cooperative, at least thirty (30) days prior to the date of consideration of termination of the Franchise by the Council in open meeting, a written notice of Council’s intent to consider such termination and the time and place of the meeting.

14.3.1. Upon meeting pursuant to notice, the Council shall (1) hear and consider the issue, (2) hear any interested person, and (3) determine whether any violation by the Cooperative has occurred.

14.3.2. If the Council determines that a violation occurred and that the violation was the fault of the Cooperative and within its control, the Council may declare the Franchise of the Cooperative forfeited and terminated. The Council may also take such other appropriate action including, but not limited to, granting a period of time to cure the violation.

14.3.3 The final decision of the City Council may be appealed to any court or regulatory authority having jurisdiction. Upon appeal by the Cooperative of the City Council’s decision terminating the Franchise granted herein, the effective date of such termination shall be either when such appeal is withdrawn or a court order upholding the termination becomes final and unappealable. If no appeal is filed, the effective date of such termination shall be the ninetieth (90) day following the date of the final termination

decision of the City Council. Until the termination becomes effective, the provisions of the Franchise granted herein shall remain in effect for all purposes.

SECTION 15. Foreclosure, Receivership and Bankruptcy

15.1. The Cooperative shall notify the City within thirty (30) days after the appointment of a receiver or trustee to take over and conduct the business of the Cooperative, whether in receivership, reorganization, bankruptcy, or other action or proceeding, whether voluntary or involuntary, such notice to include where applicable the cause number and court involved.

SECTION 16. Captions and Severability

16.1. The use of captions or headings for the various sections of this Ordinance are for the convenience of the parties only and do not reflect the intent of the parties. This Ordinance shall be construed and deemed to have been drafted by the combined efforts of the City and the Cooperative.

16.2. Notwithstanding anything contained herein to the contrary, in the event that any part of this Ordinance is declared by any court of law to be unenforceable, void, unlawful, or otherwise inapplicable, the remainder of the provisions of this Ordinance shall remain in full force and effect and shall in no way be affected, impaired or invalidated. In such event, the level of compensation to be provided to the City shall continue to be comparable to that set forth in this Ordinance.

SECTION 17. Sovereign Immunity

The City believes that its performance of this Ordinance constitutes the performance of a governmental function, and believes that nothing in this Ordinance shall be determined to waive the City’s sovereign immunity. Nothing herein shall be deemed a waiver, release or relinquishment of the City’s or PEC’s right to contest, appeal or file suit with respect to any action or decision of the other party.

SECTION 18. Superseding Effect

This Ordinance supersedes for all purposes any other written agreements with respect to the franchise prior to the acceptance of this Ordinance. This Ordinance shall supersede and take precedence over inconsistent ordinances, resolutions, or regulations hereafter or previously passed by the City.

SECTION 19. Confidential Information

To the extent allowed by law, including the Texas Public Information Act (the “TPIA”), the City agrees to hold in strict confidence any non-public information, information marked proprietary or confidential that it receives from the Cooperative. The City will make reasonable efforts to (a) give the Cooperative prior written notice of a request for public information in a reasonably practicable time period to allow the Cooperative to seek a protective order, Texas Attorney General

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ruling, or other appropriate remedy, and (b) disclose only such information as is required under the applicable law. Notwithstanding anything contained within this Franchise to the contrary, if the release of information received from the Cooperative is required by the TPIA and applicable Texas Attorney General rulings and case law, then such release shall not be considered to be a violation of this Franchise.

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PASSED AND APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 202\_.

CITY OF CEDAR PARK, TEXAS

\_\_\_\_\_  
Corbin Van Arsdale, Mayor

ATTEST:

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

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
J.P. LeCompte, City Attorney

ACKNOWLEDGED, ACCEPTED, AND AGREED TO:

PEDERNALES ELECTRIC COOPERATIVE, INC.

BY: \_\_\_\_\_  
Julie C. Parsley, Chief Executive Officer

DATE: \_\_\_\_\_

**File Attachments for Item:**

H.3 Review And Consideration Of Acceptance Of The 2020 Cedar Park Transit Study.



**CITY COUNCIL AGENDA**  
 January 14, 2021

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**Item/Subject:** Review And Consideration Of Acceptance Of 2020 Cedar Park Transit Study

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**Commentary**

This agenda item is a presentation by city staff of the transit study which was completed in spring of 2020. The final draft of the study was presented to council in November of 2019 and staff had planned to bring the study back to council for formal “acceptance” in early 2020, but then Covid-19 hit.

As a re-cap, the transit study is listed in the City’s 2018-2020 Strategic Goals under the Link People, Places and Things Goals. Funding for the study was approved in the FY 2019 Budget and the consulting firm Nelson Nygaard conducted the study.

The purpose of the study was to gauge resident’s interest in public transit in Cedar Park and to identify potential transit options and their associated costs and projected usage. The study began with an open house and on-line survey to get feedback from the public on their general interest in public transit in Cedar Park.

Over the course of the study, a broad range of transit options (6 total) were identified and studied in-depth including how the service works, strengths and weaknesses, estimated cost, possible federal funding opportunities and ridership projections.

A brief overview of the study will be made at the council meeting, including an update on the impacts that Covid-19 has had on public transit ridership in the Austin area and specifically the public transit serving the Cedar Park area.

**Initiating Dept:** City Manager

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**Fiscal Impact**

**Fund: General Fund**

**Budget**

**Budget: NA**

**Finance Director Review**

**Legal Certification**

Approved as to form and content:

Yes       No **City Attorney**

**Associated Information**

**File Attachments for Item:**

H.4 Update On The Future Redevelopment Of The Lime Creek Quarry.





**CITY COUNCIL AGENDA**  
January 14, 2021

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**Item/Subject:** Update On The Future Redevelopment Of The Lime Creek Quarry.

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**Commentary**

The Lime Creek Quarry, designated as “Planning Area A” in the Comprehensive Plan, was acquired by the City of Cedar Park in 2015. The site comprises approximately 216 acres located on both sides of Anderson Mill Road near RM 1431 (“Whitestone Boulevard”) (“Property”). The City entered into an agreement with Ranger Excavating, L.P. (“Ranger”) to continue operation of the Property on September 15, 2015, and that agreement will terminate on June 30, 2023.

On May 9, 2019, City Council authorized the City Manager to execute an agreement with Perkins & Will to study the feasibility of redeveloping the Property (“Study”). The scope of work for the Study included an analysis of existing site and market conditions, land use scenario planning, real estate market analysis, and a final report highlighting desired outcomes and detailing next step recommendations. The next step recommendations from the Study propose a phased approach to preparing the quarry for future redevelopment. The first phase includes preparing an End of Mining Plan to ensure a smooth physical transformation of the active quarry to a site that is suitable for redevelopment. On December 3, 2020, City Council authorized the City Manager to execute an agreement with Perkins & Will for the End of Mining Plan for the Lime Creek Quarry.

**Initiating Dept:** Development Services

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**Fiscal Impact**  
**Fund:**

**Budget**  
**Amount:**

**Finance Director Review**

**Legal Certification**

Approved as to form and content:

Yes       No **City Attorney**

**Associated Information:**

**File Attachments for Item:**

H.5 Consideration Of A Resolution Approving Proposed Amendments To The City Council Rules Of Procedure.



**CITY COUNCIL AGENDA**  
January 14, 2021

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**Item/Subject:** A Resolution Approving Of Proposed Amendments To The City Council Rules Of Procedure.

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**Commentary**

In the fall of 2019, the City Council considered its Rules of Procedure (current version as amended 07/26/2018), which are to provide rules, procedures, and order of business for the City Council. At that time, the Council directed the City Attorney to advise and make recommendations regarding “mechanisms for civility and enforcement”. Subsequently, the City Attorney briefed the Council in closed Executive Session regarding legal authority and implications, and possible amendments were discussed at the Council’s January 2020 Retreat and again at the December 17, 2020 Council meeting.

Based on these several discussions, the City Attorney has prepared the attached redline draft revised Rules of Procedure to clarify and enhance the Council’s rules, procedures, and order of business, to promote civility, and to expressly provide for enforcement.

**Initiating Dept:**

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**Fiscal Impact**  
**Fund:**

**Budget**  
**Amount:**

**Finance Director Review**

**Legal Certification**

Approved as to form and content:

Yes

No **City Attorney**

**Associated Information:**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS APPROVING AMENDMENTS TO THE CITY COUNCIL RULES OF PROCEDURE; AND 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 City Charter Section 3.11 provides that the Council shall, by resolution, determine, adopt and amend its own rules, procedures and order of business; and

WHEREAS, the current version of the City Council Rules of Procedure was adopted on July 26, 2018; and

WHEREAS, the City Council proposes certain amendments to its Rules of Procedure to clarify and enhance its rules, procedures, and order of business, to promote civility, and to expressly provide for enforcement; and

WHEREAS, the City Council finds it is in the best interest of the City to amend the City Council Rules of Procedure as presented in the attached Exhibit A.

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

SECTION 1. The City Council hereby approves the amendments to the City Council Rules of Procedure, attached as 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 \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF CEDAR PARK, TEXAS

\_\_\_\_\_  
Corbin Van Arsdale, Mayor

ATTEST:

\_\_\_\_\_

LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

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J.P. LeCompte, City Attorney

## RULES OF PROCEDURE OF THE CEDAR PARK CITY COUNCIL

These Rules of Procedure are adopted pursuant to the City of Cedar Park Home Rule Charter to provide rules, procedures, and order of business for the City Council, and to provide the citizens of the City a reasonable opportunity to be heard at any meeting in regard to any matter under consideration.

These Rules shall not be construed to discriminate against any person or group, nor as or as a content-based restriction on free speech; rather, these Rules present reasonable time, place, and manner restrictions regarding public discourse in order to provide the appropriate structure, process, and decorum for meetings of the City Council, to advance the Council’s strategic goals, policies and objectives, and to facilitate matters of official City business, while promoting transparency, public participation and engagement, informed decision making, and efficiency.

### ~~Chapter~~ Article 1: Meetings, Work Sessions, and Retreats

1.1 Regular Meetings. Regular meetings of the City Council shall be held at the Cedar Park Council Chambers generally on the second and fourth Thursdays of each month and shall generally commence at 6:00 pm, except as specifically modified by the City Council, and may be held at such other times as may be necessary or beneficial. Public notice of all regular meetings of the City Council shall be given as required by Texas Government Code Chapter 551, as amended (“Texas Open Meetings Act”).

**Commented [JL1]:** But sometimes 1<sup>st</sup> & 3<sup>rd</sup>, other times 2<sup>nd</sup> & 3<sup>rd</sup>...

1.2 Special Meetings. Special meetings of the City Council shall be held on such dates and at such times as called by the Mayor or ~~in their absence, the Mayor Pro Tem~~ a majority of the Councilmembers. Public notice of all special meetings of the City Council shall be given as required by the Texas Open Meetings Act.

**Commented [JL2]:** Sync w Charter Sec. 3.09: “Special and emergency meetings of the Council shall be held on the call of the Mayor or a majority of the Councilmembers.”

1.3 Council Work Sessions and Retreats. The City Council may hold work sessions and retreats as needed. The City Council work sessions and retreats shall be held on such dates and times as called by the Mayor, or in their absence, the Mayor Pro Tem. Public notice of all City Council work sessions shall be given as required by the Texas Open Meetings Act.

1.4 Joint Meetings. The City Council may hold ~~a~~-joint meetings with each board, commission, and task force appointed by the City Council and/or with the boards of other governing bodies. Public notice of all joint meetings shall be given as required by the Texas Open Meetings Act.

1.5 Location of Meetings. Regular meetings of the City Council shall be held at the Cedar Park City Council Chambers unless the Chair (a) determines that an irresolvable scheduling conflict exists in the use of the Cedar Park City Council Chambers; and (2) promptly notifies the City Council of the choice of an alternate location. Special meetings, work sessions, retreats,



and joint meetings may be held at such locations as may be necessary or beneficial to the purpose of such meeting, work session, or retreat.

Chapter Article 2: Agenda

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

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

- (a) Call to order;
- (b) Invocation and Pledges of Allegiance;
- (c) ~~Citizen-Public~~ Communications;
- (d) Mayor and Council Opening Comments;
- (e) Presentations;
- (f) City Manager’s Report;
- (g) Consent Agenda;
- (h) Public Hearings;
- (i) Regular Agenda;
- (j) Executive Session;
- (k) Possible Action on Executive Session Matters;
- (l) Mayor and Council Closing Comments; and
- (m) Adjournment.

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

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

2.4 Placement of Agenda Items by Councilmember. Any Councilmember may request the placement of any item on an upcoming agenda which shall be honored within a reasonable time. Any agenda item so requested shall bear the requesting Councilmember’s name on each occasion at which the item appears on the agenda. A Councilmember may request the placement of any item on the agenda (a) during Mayor and Council Opening Comments or Mayor and Council Closing Comments, or (b) in writing directed to the Mayor.

2.5 Public Availability of Agenda. The City Council agenda and packet materials shall be made available to the public on the City’s -website.

2.6 Description of Certain Agenda Items. For each agenda item requiring consideration and/or action by the City Council, excluding items on the Executive Session agenda, the agenda shall include a brief substantive description of the matter for consideration and/or action.

~~Chapter~~Article 3: Conduct of Meetings

3.1 Rules of Procedure.

(a) ~~Purpose: Right to Invoke Robert’s Rules of Order. These Rules shall govern the procedure City Council shall determine its own rules of procedure, voting, and order of business at City Council meetings. except that, u~~Upon the request of any Councilmember, the most current form of Robert’s Rules of Order shall be followed for the designated item before the City Council.

(b) Scope of Discussions. Pursuant to the Open Meetings Act, Tex. Gov’t. Code, Chapter 551, the Council may not deliberate or take action regarding any matter not posted on the meeting agenda. Councilmembers shall confine their discussions concerning a motion or a question to the merits of a motion made and seconded or to a question already presented to them.

(c) Conduct of Councilmembers. Councilmembers shall show respect and courtesy to, and refrain from making disparaging comments about, fellow Councilmembers, the public, and City staff in the conduct of a City Council meeting, outside of Council meetings, in social settings, and on social media.

(d) Administration and Enforcement of Rules. Whether by the Chair and/or collectively by the Council, administration and enforcement of these Rules shall be considered procedural in nature and does not necessitate a posted agenda item; except that any deliberation and/or action per Article 4: Appointments, and Article 6, Section 6.6, Discipline of Councilmembers, shall only occur in relation to a posted agenda item.

(e) Violation Does Not Invalidate Council Action. Any errors or omissions by the Council or one or more Councilmembers to follow the procedures during any such meeting shall not invalidate the Council’s action or constitute the Council’s action to be illegal. The validity of any motions or meeting procedures not expressly defined herein shall be determined by the Chair, so long as the determination is consistent with federal, state, and local law.

3.2 Chair. The Mayor or, in their absence, the Mayor Pro Tem shall preside over and conduct all City Council meetings. In the absence of both the Mayor and the Mayor Pro Tem, the City Council shall, by majority vote of those present, determine which member shall preside over and conduct the meeting.

3.3 Parliamentarian. The City Attorney shall serve as parliamentarian for the City Council, ~~and~~ shall construe all applicable procedural rules liberally.

**Commented [JL3]:** Discussed but not implemented:  
(1) advance notice  
(2) co-sponsor or majority approval

3.4 Sergeant-at-Arms. ~~and~~The Chief of Police or their designated officer in attendance shall serve as Sergeant at Arms for City Council meetings ~~in conjunction with any police representative present.~~

3.45 Mayor & Council Opening and Closing Comments. Councilmembers may comment during Opening and/or Closing Comments regarding matters not posted on the agenda for discussion; provided (a) no action is taken or discussed, and (b) the subject of the commentary is limited to:

- (a) Requests for future agenda items; and
- (b) "Items of community interest", which pursuant to Tex. Gov't. Code, Section 551.0415, includes:
  - (i) expressions of thanks, congratulations, or condolence;
  - (ii) information regarding holiday schedules;
  - (iii) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
  - (iv) a reminder about an upcoming event organized or sponsored by the City;
  - (v) information regarding a social, ceremonial, or community event organized or sponsored by a non-City entity that was attended or is scheduled to be attended by a City official or employee; and
  - (vi) announcements involving an imminent threat to the public health and safety of people in the City that has arisen after the posting of the agenda.

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

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

3.68 Written Memorandum by City Staff. For each ordinance, resolution, and action item presented to the City Council, City staff shall provide a brief memorandum providing background information and a summary of the agenda item.

3.79 Public Presentation. ~~After any presentation by the City staff, a~~An applicant or other member of the public who desires to address the City Council regarding an item posted for public discussion may do so, provided that (a) they register to speak; ~~(b) their comments are confined to the item/subject matter before the Council;~~ and ~~(bc) their presentation is limited such presentation~~ to three (3) minutes. If feasible, the registered speakers shall be grouped into those in favor of the ~~application item~~ and those opposed. Once a public hearing is closed there shall be

no further commentary from the public on that item without the unanimous consent of the City Council members present. The giving or transferring of a person’s speaking time to another is prohibited.

Public presentations, handouts, and communications to the Council will not be appended to the meeting minutes, although their presentation during the meeting will be preserved via the archived recording of the meeting. Any Councilmember may read or share written and/or verbal communications from the public during discussion of the related item. Citizens may contact the Councilmembers via the email addresses provided on the City’s website.

All electronic and printed materials to be presented at the Council Meeting must be submitted for cybersecurity and legal obscenity screening in accordance with City Policy. Electronic material must be submitted to PublicPresentations@cedarparktexas.gov by 12:00 p.m., day of meeting, and printed material must be submitted to the City Secretary prior to the Call To Order. Any electronic or printed material not submitted in accordance with the Policy, that poses a cybersecurity risk, or is legally obscene, will not be allowed.

3.810 Citizen-Public Communications. Any member of the public who desires to address the City Council on any item not posted for public discussion may do so during Citizen-Public Communications, provided that (a) they register to speak and (b) limit such presentation to three (3) minutes. If more than ten (10) persons register to speak regarding a single agenda item, the Council, by majority vote, may shorten the time available for each registered speaker on the item. The giving or transferring of a person’s speaking time to another is prohibited. Councilmembers may respond with either factual information or a statement of existing City policy, or to request clarification of comment/question posed; however, pursuant to state law, Councilmembers may not deliberate regarding matters not posted for discussion.

3.911 Registration. The registration referred to in Rules 3.7-9 and 3.8-10 shall include the following information: (a) full name; (b) business or residential address; (c) business or residential telephone number; (d) representation; (e) agenda item or topic; (f) brief statement of position [e.g. for or against an agenda item or summary of communication].

3.102 Expansion of Time for Public Presentation and Citizen-Public Communications. The three minute limitation imposed by Rule 3.7-9 and Rule 3.8-10 may be extended by the Chair unless any Councilmember objects and, in the event of such objection, the proposed extension is not approved by a two-thirds (2/3) super-majority vote of the upon the unanimous consent of the City-Council-members present.

3.143 Time Keeper. The City Secretary shall serve as time keeper for any Public pPresentation and eiitizenPublic eCommunication made to the City Council.

3.124 Signage, Exhibits and Physical Obstructions. To preserve the public’s right to observe and participate in the open proceedings before the City Council, and to allow video recording for

public archive, any signage, exhibits, or other materials that might obstruct the view of the Council meeting proceedings shall be placed along the walls on the outside of the seating gallery without blocking the view of the proceedings from other seats or impeding the walkway aisles.

3.15 Repetitive, Disruptive or Disrespectful Public Presentations and ~~Citizen~~Public Communications. The Chair may deny or shorten any ~~Public p~~resentation or ~~citizen~~Public ~~e~~Communication if it is repetitive of a presentation previously made, disruptive, or disrespectful. The public shall only comment from the podium; any person speaking out from the seating gallery or walkway aisles is out of order and in violation of these Rules.

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

3.147 No Vote on First Reading of an Ordinance. Unless specifically authorized by law, the City Council shall not vote on any first reading of an Ordinance. The Chair shall allow discussion by the City Council of any item on first reading of an Ordinance in order to provide direction to staff. The City Council may consider motions to amend, modify, or clarify any item on first reading of an Ordinance.

3.158 Conflicts of Interest. In accordance with the City Charter, no Councilmember may act in any way which places or tends to place personal interest in conflict with the interest of the City. Councilmembers shall recuse themselves from any discussion, deliberation, debate, or vote regarding any matter which tends to place their personal interest in conflict with the interest of the City. Any Councilmember so recusing themselves shall briefly state, on the record, the nature of the conflict.

3.19 Council Vote. The City Secretary shall maintain, and the minutes shall reflect, the votes made by the City Council in the open meeting. All votes shall be via the electronic voting system, or, if unavailable, by voice vote or show of hands, as directed by the Chair. Any abstention shall be stated by the abstaining Councilmember at the time of the vote. The Chair shall audibly state the result of each vote before the next agenda item is called.

(a) ~~(a)~~ Consent Agenda. The City Council ~~shall~~ may consider a single motion and vote for all items posted on the Consent Agenda, without deliberation or debate by voice vote or by show of hands as directed by the Chair. Any Councilmember may request removal of item(s) from consideration on the Consent Agenda, and each item so removed shall then be considered as a separate action item at the meeting on which such item appears on the Consent Agenda.

~~(a)~~(b) ~~(b)~~ Separate Action Items. ~~All votes shall be by voice vote or by show of hands, unless a motion for a division of the assembly is approved by the City Council. In the event of a division of the assembly, the City Secretary shall poll the City Council as directed by the Chair.~~ Separate action items may be called individually, or collectively with other related items, at the Chair's discretion. Any proposed motion shall clearly state the item(s) and/or subject matter to which it relates.

3.4620 Executive Session; Certified Agenda. The Texas Open Meetings Act allows discussion regarding certain limited matters in closed Executive Session. All Executive Sessions shall be recorded by certified agenda in conformity with the Texas Open Meetings Act. Councilmembers may not use or possess personal computing devices, mobile devices, e-messaging, or social media in a closed Executive Session.

All matters discussed in Executive Session are to remain private and confidential. Except as provided by law, no Councilmember, staff member, legal counsel, or agent may discuss or reveal the proceedings of an Executive Session to persons not present during the Executive Session, except that the City Attorney and/or City Manager may brief a Councilmember, staff member, legal counsel, or agent that would have been properly present in the Executive Session.

3.4721 Attendance at Meetings. If any Councilmember becomes aware that they will be absent from any meeting, work session, or retreat, they shall notify the Mayor and City Manager. If the Mayor becomes aware that they will be absent from any meeting, work session, or retreat, they shall notify the Mayor Pro Tem and City Manager.

3.4822 Participation by Videoconference. Councilmembers shall be allowed to participate in the open portions of City Council meetings by videoconference in accordance with the Texas Open Meetings Act. No more than three (3) Councilmembers shall participate in any single meeting by videoconference, as determined in order of request submitted to the Mayor by email denoting the date and time of the received email. Additionally, no Councilmember shall participate by videoconference for three (3) consecutive meetings. In order to mitigate the risk of cybersecurity breach, Councilmembers shall not be allowed to participate via videoconference in Executive Session.

3.23 Reconsideration of Matters.

**Commented [JL4]:** Balance finality of decision-making (efficiency) with prudent policy-making (review & revision).

(a) In order for an action to be reconsidered, a Councilmember must submit a request for reconsideration of the action in writing to the City Manager and City Secretary no later than 5:00 p.m. on the sixth (6<sup>th</sup>) calendar day after the City Council meeting at which the action occurred. An item regarding the initial requested reconsideration shall be placed on the agenda for the next regular City Council meeting following the receipt of the request; provided the Mayor may deny placement of subsequent repetitive or redundant requests for reconsideration of an action. A request to reconsider an item can only be made by a Councilmember who voted with the prevailing side. A motion to reconsider any action of the Council can be made not later than the next regular City Council meeting following the submission of the request for reconsideration, and such motion can only be made by a Councilmember who voted with the prevailing side, but it can be seconded by any Councilmember. No action shall be reconsidered more than once, except by unanimous consent of the Council.

**Commented [JL5]:** Initial request for reconsideration SHALL be placed on an agenda, but Mayor as discretion re: placement of subsequent repetitive/redundant requests for reconsideration. Note also last sentence of this subsection (a) re: unanimous consent req'd for >1<sup>st</sup> reconsideration of any action.

(b) For matters that have not received four (4) votes of Council either for or against a motion on the matter, any member of Council can request that the matter be placed on the agenda for reconsideration. The request may be made at the meeting at which the motion failed

to pass, or the request may be made in writing and submitted to the City Manager and City Secretary by 5:00 pm on the Friday before the next regular City Council meeting following the meeting at which the matter failed to receive four (4) votes.

(c) Reconsideration of matters under this Section will not be limited to the motion or motions made at the prior meeting.

3.24 Temporary Suspension of Rules. Any provision of these Rules may be temporarily suspended by a unanimous vote of the Council, subject to any governing provision of the City Charter, Code of Ordinances, state law, or federal law.

3.25 Adjournment. The Chair shall declare the meeting adjourned if there is no further business to be conducted.

3.26 Review, Amendment of Rules. The Council shall review these Rules regularly. These Rules shall be in effect upon adoption by resolution of the Council and until such time as amended, suspended, or new rules are adopted by subsequent resolution.

~~Chapter~~Article 4: Appointments

4.1 City Council Vacancies. The City Council shall follow the process set forth below when appointing a Councilmember to fill a vacancy on the City Council.

- (a) Resignation or Disqualification.
  - (i) A resignation of a Councilmember must be in writing, signed by the Councilmember and delivered to the Mayor or City Secretary and shall be effective upon receipt.
  - (ii) A disqualification of a Councilmember under the City Charter or state law is effective immediately.
- (b) Declaration of Vacancy. No later than the eighth day after resignation or on the date of disqualification or death, a vacancy shall be declared pursuant to state law.
- (c) Notice of Vacancy. Once the vacancy is declared, City staff shall post notice of the vacancy on the City website to advertise for applications to fill the vacancy.
- (d) Acceptance of Applications. The time period to file applications for appointment shall be at least ten (10) business days from the date the notice is posted.
- (e) Interviewing Applicants; Appointment. After the filing period for applications, the City Council shall interview all applicants individually in an open session of a public meeting, deliberate after the interviews in Executive Session, and then make the appointment in open session.

4.2 Mayor Pro Tem. The Mayor shall designate the Mayor Pro Tem.

4.3 City Boards, Commissions, and Committees. No person shall serve on more than one board or commission appointed by the City Council, and no current Councilmember shall serve on any board or commission appointed by the City Council, except that (a) Councilmembers may serve on the board of the reinvestment zones established by the City, (b) any two (2) or more boards or commissions may be jointly appointed in their entirety, and (c) individual board members or commissioners may be appointed to committees, which include special purpose committees, ad hoc committees, and task forces. Each board and commission appointed by the City Council shall select its officers and conduct its business in accordance with each board or commission’s Rules of Procedure. The Mayor shall appoint the Chair for each committee.

**Commented [JL6]:** To distinguish vs BCRUA, CAMPO, CAPCOG, etc., which are appointed per those bodies’ respective ROPs/Bylaws.

(a) Except as otherwise provided in these Rules of Procedure, the City Charter, the Cedar Park Code of Ordinances, or by statute, each board and commission shall consist of seven (7) members. Each Councilmember may sponsor a candidate for appointment or reappointment to their corresponding place on each board, commission, and committee; however, for all positions on each board, commission, and committee, each position shall be appointed by majority vote of the City Council ~~as designated by the Councilmember holding the corresponding place on the City Council at the time of the appointment.~~

(b) For a committee with more than seven (7) members, a member for the first seven (7) positions shall be appointed in accordance with subsection (Aa), above; a member for every eighth (8<sup>th</sup>) position shall be appointed by the Mayor ~~once such position becomes vacant,~~ and positions 9 - 15 shall be appointed by the Councilmembers in order of their place designation, i.e. the Councilmember for Place 3 shall appoint positions 3, 11, and 19 (and so on) for each board, commission, or committee.

(c) For a committee with fewer than seven (7) members, ~~a member for any Councilmember may propose one (1) or more candidates for appointment, and~~ each position shall be appointed by a majority vote of the City Council.

(d) Procedure for Appointment.

(i) All candidates for appointment ~~or reappointment~~ to a board, commission, or committee shall submit to the City Secretary a completed and signed copy of the City’s Application for Appointment, inclusive of a resume, letter of interest, and background check authorization. Candidates for reappointment shall submit a completed and signed copy of the City’s Application for Appointment, inclusive of a background check authorization.

(ii) No appointment or reappointment shall be placed on a meeting agenda for consideration until a completed and signed Application has been received and the background check has been completed.

(iii) For each proposed appointment and reappointment, the Application will be submitted to the Human Resources Director for a criminal background check. All criminal



background check results shall be returned to the City Secretary, and the City Secretary shall distribute a background check result showing any incident of record as follows:

- (a) Upon receipt of the background check result, to the Applicant;
- (b) Upon the City Secretary’s confirmation that the Applicant desires to proceed with the proposed appointment or reappointment, to the sponsoring Councilmember;
- (c) Upon the sponsoring Councilmember’s request for an agenda item regarding the proposed appointment or reappointment pursuant to the Council Rules of Procedure, to the Mayor, City Manager, and City Attorney; and
- (d) Upon posting of the agenda with and item regarding the proposed appointment or reappointment, to the entire Council.

~~(iii)~~(iv) Applications for all candidates being considered for an appointment shall be included in the packet for the meeting at which the appointment is to be considered. The City Secretary shall notify ~~all candidates for an appointment~~the sponsoring Councilmember when an appointment is to be placed on an agenda, and the sponsoring Councilmember will ~~to~~ advise the candidate when they should appear before the City Council regarding the proposed appointment.

~~(iii)~~(v) During a regularly scheduled or special meeting of the City Council, the City Council may hold public interviews for each prospective appointment to a board, commission, or committee. Prospective appointments to a board, commission, or committee shall be discussed in open session prior to consideration of the appointment by the City Council.

~~(iv)~~(vi) All applicants shall be notified of the selected appointment to the board, commission, or committee in writing by the City Secretary within five (5) business days of the appointment.

- (e) For the Civil Service Commission, each member shall be appointed by the City Manager and then confirmed by the City Council, in accordance with Section 143.006 of the Texas Local Government Code, as amended.
- (f) All board, commission or committee members shall serve at the pleasure of the City Council and may be removed at any time by an affirmative vote of a majority of the City Council.
- (g) Each board, commission or committee member shall acquaint themselves with the City Council’s Strategic Goals and vision for the City. If appointed each board, commission or committee member, by accepting such appointment, shall agree to support the

Strategic Goals and the City Council’s vision, goals and objectives for the City in their appointed role.

4.4 Other Appointments. Unless otherwise provided, all other appointments shall be by a majority of the City Council.

4.5 Nepotism. No person related within the second degree by affinity or the third degree by consanguinity to any member of the City Council or the City Manager shall serve on any board, commission, or committee appointed by the City Council. No persons related within the second degree by affinity or the third degree by consanguinity shall be eligible to serve on the same board, commission, or committee.

4.6 Holdover. Unless disqualified or otherwise ineligible for service, each appointee shall continue to serve until their successor is appointed.

~~Chapter~~Article 5: Post Election Transition Meetings

~~5.1~~ Recognition of Outgoing Councilmembers. Outgoing Councilmembers shall be recognized at the first meeting after candidate elections.

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~~5.2~~ Installation of New Councilmembers. Installation of the new Councilmembers shall take place at the first meeting after the election results have been canvassed. Enforcement

5.1 The following provisions may be used to enforce these Rules and provide for the good order and decorum of the proceedings.

5.2 Enforcement Actions. The following actions may be taken by the Chair, by the Chair’s sole discretion and action, or upon a motion to enforce by any Councilmember, seconded and approved by an affirmative vote of at least four (4) Councilmembers, directing the Chair to enforce any provision of these Rules with respect to any Councilmember, staff member, applicant, or other person in attendance:

(a) Warning. A person deemed to be in violation of these Rules may be warned of the violation, advised of the governing provision(s), and directed to follow these Rules.

(b) Reprimand. The Chair may, after first warning, reprove or rebuke a person who continues to violate these Rules.

(c) Removal. The Chair may, after warning and reprimand, order a person who persists in violation of these Rules to vacate the proceedings without further disruption. The Chair’s removal of any person, immediately subsequent to their removal, may be overturned by a two-thirds (2/3) super-majority vote of the Council. A Councilmember may only be removed from a Council meeting by a two-thirds (2/3) super-majority vote of the Council. Any person who refuses to vacate or further disrupts the proceedings shall be removed by the Sergeant-at-Arms. No person may be removed from a meeting merely due to their viewpoint or opinion.

5.3 Extension of Time. If a violation of these Rules disrupts or interferes with any commentary or presentation, the Chair may, in their discretion or upon motion of any Councilmember, seconded and approved by 2/3 super-majority vote the Council, extend the speaker's time to compensate for such disruption or interference.

5.4 Temporary Recess. If appropriate in providing for the good order and decorum of the proceedings, the Chair may, in their discretion or upon motion of any Councilmember, seconded and approved by an affirmative vote of at least four (4) Councilmembers, call a temporary recess of the proceedings.

5.5 Notice: Criminal Violation Under State Law. Any violation of these Rules that disrupts, obstructs, and/or interferes with a lawful public meeting may subject the violator to prosecution under state law. See Tex. Penal Code, Sec. 42.05, as amended.

5.6 Discipline of Councilmembers. The Council may discipline a Councilmember who violates these Rules. No Councilmember shall be disciplined under this provision except in accordance with the procedures and authority set forth herein.

(a) A Councilmember may request an agenda item to consider discipline of a Councilmember for conduct in violation of these Rules.

(b) Upon consideration of the item and motion of any Councilmember, seconded and approved by an affirmative vote of two-thirds (2/3) super-majority of the Council, requesting an item to consider discipline of a Councilmember for conduct in violation of these Rules, an item will be added to a subsequent Council meeting agenda for discussion in closed Executive Session.

(c) In open session, Council may, by motion of any Councilmember, seconded and approved by an affirmative vote of two-thirds (2/3) super-majority of the Council, discipline the offending Councilmember as follows:

- i. No action. The Council decides to take no disciplinary action.
- ii. Denial of agenda items. The Council decides to deny the offending Councilmember's ability to request agenda items for a certain period not to exceed six (6) months.
- iii. Loss of monthly stipend and/or reimbursement. The Council decides to deny payment of the offending Councilmember's monthly stipend and/or reimbursement for expenses for a certain period not to exceed six (6) months.
- iv. Denial of right to sponsor appointees for Boards, Commissions, and/or Committees. The Council decides to deny the offending Councilmember's ability to sponsor appointees for Boards, Commissions, and/or Committees for a period

not to exceed the remainder of the offending Councilmember's current unexpired term of office.

v. Private censure. The Council decides to privately censure the offending Councilmember, leaving their comments to the offending Councilmember left in the confines of the closed Executive Session.

vi. Public censure. The Council decides to publicly censure the offending Councilmember by motion identifying the specific alleged violation(s).

**File Attachments for Item:**

H.6 Discussion And Possible Action Regarding The City’s Revolving Door Policy.



**CITY COUNCIL AGENDA**  
January 14, 2021

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**Item/Subject:** Discussion And Possible Action For Proposed Amendments To The City’s Revolving Door Policy.

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**Commentary**

The Council will discuss and consider possible amendments to Cedar Park Code of Ordinances, Article 7.02 Revolving Door Policy (copy attached).

**Initiating Dept:** Legal

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**Fiscal Impact**  
**Fund:**

**Budget**  
**Amount:**

**Finance Director Review**



**Legal Certification**

Approved as to form and content:

Yes

No **City Attorney**

**Associated Information:**

**ARTICLE 7.02 REVOLVING DOOR POLICY**  **Sec. 7.02.001 Definitions**

*Close relative.* A person related to the former official in the first degree by consanguinity or affinity, as determined under chapter 573 of the Government Code.

*Former official.* A former Mayor, Councilmember, City Manager, City Attorney, or Department Director, or anyone acting on behalf of such persons, including any entity recognized by law, such as a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, or trust, that the person or the person's close relative owns or controls, directly or indirectly, or for which the person or the person's close relative serves as an officer, director, principal, manager, employee, or agent.

  **Sec. 7.02.002 Prohibitions**

- (a) For a period of two (2) years after leaving office or employment, a former official:
- (1) Shall not solicit, propose, lobby on, or participate in a contract with the City, or enter into a contract with the City for the sale to the City of any goods or services other than real estate;
  - (2) Shall not sell or lease any real estate to the City unless the City Council has designated the property for acquisition and would otherwise have to acquire the property through its power of eminent domain;
  - (3) Shall not appear before or communicate with any City official or employee with intent to influence any decision, determination, or approval on behalf of any person or entity in connection with any matter on which the person or entity seeks official action; and
  - (4) Shall not hold any compensated office or employment position with the City.
- (b) No former official shall ever represent a person or receive compensation for services rendered on behalf of any person regarding any particular matter in which they participated while serving the City, either through personal involvement or because the matter was within their official scope of authority or responsibility.
- (c) No former official shall ever use any confidential information to which he has had access by virtue of his official capacity and which has not been made public concerning the property, operations, policies, or affairs of the City, to advance any personal financial interest in violation of [Texas Penal Code, section 39.06](#), and/or City Charter, [section 11.09\(a\)](#), as amended.

  **Sec. 7.02.003 Exception for engagement of staff consultants**

This Article shall not prohibit the City's engagement of a former City Manager, City Attorney, or Department Director as a consultant due to their unique knowledge, experience, skills, and/or familiarity with matters of City business, as continuation of the same or substantially similar service for which they were previously employed by the City, within the two (2) year period after leaving employment for a term of not more than six (6) months, subject to approval via majority vote of the City Council.

  **Sec. 7.02.004 Violation; penalty**

- (a) Any bid, proposal, contract offer, or lease offer submitted in violation of this Article shall be disqualified, and any contract or decision, determination, or approval procured in violation of this Article shall be voidable via majority vote of the City Council.

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A violation of this Article shall be enforceable as a class C misdemeanor, and upon conviction shall be subject to a fine not to exceed five hundred dollars (\$500.00) in accordance with the Cedar Park Code of Ordinances, [section 1.01.009](#), general penalty for violations of code, and shall restart the two-year period under [section 7.02.002](#) from the date of the violation.

(c) The foregoing provisions are cumulative, and not exclusive, of State law, the City Charter, and any other provision of the Cedar Park Code of Ordinances.

(Ordinance CO53-18-09-27-E3 adopted 9/27/18)