

MINUTES

**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK ROAD, BUILDING FOUR
AUGUST 08, 2019 AT 6:00 PM**

Corbin Van Arsdale, Mayor
Tim Kelly, Council Place One
Mel Kirkland, Council Place Two
Anne Duffy, Council Place Three

Mike Guevara, Mayor Pro Tem
Rodney T. Robinson, Council Place Five
Dorian Chavez, 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 Councilmember Duffy attending 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 at 6:00 p.m.

B.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 U.S. Highway 183/Bell Boulevard Roadway Relocation And Redevelopment Projects.

b. Legal Issues Concerning City Events, Programming, And Use Of City Facilities.

c. Legal Issues Concerning The Cedar Park Community Development Corporation Economic Development Performance Agreement And Property Tax Abatement Agreement With Dana Limited.

d. Legal Issues Concerning The Development Application Process And Regulation Of Building Materials.

B.2 Section §551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property.

a. The Bell Boulevard Redevelopment And Roadway Relocation Projects.

B.3 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 7:00 p.m.

Councilmember Duffy joined the meeting via video conference at 7:00 p.m.

C.1 Invocation. (Myr)

Invocation given by Mayor Van Arsdale.

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

Council led the audience in the Pledges of Allegiance.

C.3 Presentation: Recognition Of The Cedar Park Parks And Recreation Department Aquatics Division For Their Achievements In The Texas Public Pool Council 2019 State Lifeguard Skills Competition.

Curt Randa, Parks and Recreation Director, recognized the Cedar Park Lifeguards and their achievements at the Texas Public Pool Council 2019 State Lifeguard Skills Competition.

C.4 Citizen Communications. (Not for items listed on this agenda. Three minutes each. No deliberations with Council. Council may respond with factual information.)

Christina Clary, Cedar Park, invited citizens to attend the Toastmasters Open House Event.

Daniel Meek, Leander, addressed Council about resurfacing the tennis courts and having new lights at the tennis facilities in Cedar Park

Melissa Jeanine Urrea, Leander, addressed Council about resurfacing the tennis courts in Cedar Park.

Karen Wind, Cedar Park, commented on the National Night Out event.

John Miller, Humble, spoke against Drag Queen Story Hour and stated transgender people should not be role models for children and asked for the Council to restrict such events at the Library.

Mayor Van Arsdale inquired if Mr. Miller had addressed the Austin City Council with the same statement.

Kevin Whitt, Frisco, addressed the Council regarding his past and the negative experiences living a former transgender lifestyle. He supports the Councilmembers that are opposing the Drag Queen Story Hour and stated children should not be exposed to the drag culture.

Natalie Pollard, Cedar Park, addressed Council regarding the decisive agenda and discord in the community. She stated there needs to be unity and not division and now is the time for the community to come together and work to prevent hatred from growing in the community. She asked for no name calling or harassment and to quit wasting time trolling and spewing hatred on social media. It is time to move forward and do positive things.

Tracy Shannon, Humble, commented on being invited to attend the Leander event and the harassment and differences of opinions. She referred to comments made on social media and stated that is not okay.

Christine Acheson, Cedar Park, addressed Council about Councilmember Kelly's closing comment regarding not representing certain people. She said speaking against bigotry is honorable and Council is sworn to higher standards by their oath of office. She asked for Council to stop embarrassing the community.

Jose Urrea, Leander, spoke in support of resurfacing the tennis courts in Cedar Park.

C.5 Mayor And Council Opening Comments.

Mayor Van Arsdale commented on the budget workshop held the previous week and on the National Night Out Event.

Mayor Pro Tem Guevara commented on the budget workshop and the National Night Out event.

Councilmember Robinson recognized the Chamber of Commerce and their Business Expo and encouraged citizens to participate in events.

Councilmember Chavez commented on the budget workshop, National Night Out, and the Chamber of Commerce Business Expo.

Councilmember Kirkland requested a future agenda item to discuss the enclosure around the power utilities at Bell and Whitestone. He also commented on National Night Out, Chamber of Commerce Business Expo, and Library events.

Councilmember Kelly thanked the Town Center for the National Night Out invitation and commented on the Butterfly Man.

Councilmember Duffy commented on the Back Pack Attack event sponsored by Hill Country Bible Church and stated Hill Country Ministries was seeking donations of socks. She stated a fund raising event was being held on the 24th, Lanes for Lives. She thanked the visitors that addressed Council from outside of the area and stated citizens from Cedar Park could take it from here.

- C.6 City Manager Report: Update On The National Wildlife Federation's Monarch Recovery Initiative - Curt Randa, Parks And Recreation Director. (Kirkland)

Curt Randa, Parks and Recreation Director, provided an update on the Monarch Recovery Initiative. The Monarch Butterfly is the Texas State Insect and due to the dramatic increase in the population of Monarchs, the National Wildlife Federation has a program to assist with migration. Cedar Park has been a participant in the program since Spring 2016.

Councilmember Chavez commented on planting milkweed for the past 5-6 years.

Councilmember Kelly commented on being friends with the Craig Oveson, known at the Butterfly Man,

Councilmember Kirkland commented on Cedar Park taking ownership of the program and leading the way in central Texas. He suggested reaching out to HOAs to include information on their sign boards and in the community gardens.

Consent Agenda

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

Agenda Item F.2 removed from the Consent Agenda by Staff.

Motion to approve all items on the Consent Agenda consisting of Agenda Items D, E, and F, excluding F.2

Movant: Mayor Pro Tem Guevara

Second: Councilmember Chavez

Vote: 7-0

- D.1 Approval Of Minutes From The City Council Regular Scheduled Meeting Of May 23, 2019.

Approved under the Consent Agenda.

- D.2 Approval Of Minutes From The City Council Regular Scheduled Meeting Of June 13, 2019.

Approved under the Consent Agenda.

- D.3 Receipt Of Minutes From The Economic Development Sales Tax (Type A) Corporation Meeting Of May 20, 2019.

Received under the Consent Agenda.

- D.4 Receipt Of Minutes From The Special Called Tourism Advisory Board Meeting Of June 25, 2019.

Received under the Consent Agenda.

D.5 Receipt Of Minutes From The Tourism Advisory Board Meeting Of June 25, 2019.

Received under the Consent Agenda.

E.1 (FLU-19-005) Second Reading And Approval Of An Ordinance Amending The City's Future Land Use Plan To Change The Future Land Use Designation For 19.01 Acres From Regional Office/Retail/Commercial (REG) To Heavy Commercial (HC) For Property Located at 5500, 5520 and 5600 183A Toll Road. *The Planning And Zoning Commission Voted 6-0 To Recommend Heavy Commercial (HC).*

Approved under the Consent Agenda.

Ordinance Number FLP22.19.08.08.E1

E.2 (Z-19-007) Second Reading And Approval Of An Ordinance To Rezone Approximately 19.01 Acres From General Business (GB) to Heavy Commercial - Conditional Overlay (HC-CO), Located At 5500, 5520 And 5600 183A Toll Road. *The Planning And Zoning Commission Voted 6-0 To Recommend Heavy Commercial – Conditional Overlay (HC-CO).*

Approved under the Consent Agenda.

Ordinance Number Z23.19.08.08.E2

E.3 (SUP-19-001) Second Reading And Approval Of A Special Use Permit (SUP) To Allow Automobile Sales On Approximately 19.01 Acres Located At 5500, 5520 and 5600 183A Toll Road. *The Planning And Zoning Commission Voted 6-0 To Recommend The SUP With Conditions.*

Approved under the Consent Agenda.

Ordinance Number SUP24.19.08.08.E3

F.1 A Resolution Authorizing A Novation Agreement Between The City Of Cedar Park, The Texas Department Of Public Safety, And The Texas Division Of Emergency Management, A Part Of The Texas A&M University System (TDEM TAMUS), To Amend The Interlocal Cooperation Contract For Staffing At The State Operations Center.

Approved under the Consent Agenda.

Resolution Number R122.19.08.08.F1

F.2 A Resolution Authorizing An Interlocal Agreement Between The City Of Cedar Park, The City Of Georgetown, The City Of Leander, And The City of Pflugerville For The Central Texas Regional SWAT Team ("CTRS").

Agenda Item F.2 removed from the Consent Agenda by Staff.

LeAnn Quinn, City Secretary, stated the resolution was amended to reflect the Mayor's signature and not the City Manager's for execution of the Agreement.

Motion to approve Agenda Item F.2 as amended.

“A Resolution Authorizing An Interlocal Agreement Between The City Of Cedar Park, The City Of Georgetown, The City Of Leander, And The City of Pflugerville For The Central Texas Regional SWAT Team (“CTRS”)”.

Movant: Mayor Pro Tem Guevara

Second: Councilmember Kirkland

Vote: 6-0-1 with Councilmember Kelly abstaining from vote.

Resolution Number R123.19.08.08.F2

J.P. LeCompte, City Attorney asked for Agenda Items F.2 and G.1 to be recalled to clarify Councilmember Kelly's abstention from the votes and to be reflected in the minutes.

F.3 A Resolution Rescinding The Selection Of The City Flag Design Adopted September 22, 2016.

Approved under the Consent Agenda.

Resolution Number R124.19.08.08.F3

F.4 A Resolution Approving The Adoption Of The Public Agencies Post-Retirement Health Care Plan Trust Administered By Public Agency Retirement Services (PARS).

Approved under the Consent Agenda.

Resolution Number R125.19.08.08.F4

F.5 A Resolution Amending Policy C-2, Wage And Hour Administration, Of The City Of Cedar Park Human Resources Policy Manual To Amend Shift Firefighter Work Periods.

Approved under the Consent Agenda.

Resolution Number R126.19.08.08.F5

F.6 A Resolution Authorizing An Agreement With L.J. Power, Inc. For the Purchase And Installation Of An Emergency Generator For Public Works Building 1 In An Amount Not To Exceed \$64,583.

Approved under the Consent Agenda.

Resolution Number R127.19.08.08.F6

Public Hearings

G.1 Public Hearing And Consideration To Approve A Resolution Amending The Fiscal Year 2019 Capital Budget; Establishing Three Storm Water Capital Projects; Approving Transfers Between Funds; And Realigning Budgeted Personnel Expenditures In The General Fund And Utility Fund.

Chad Tustison, Asst. Finance Director, reviewed the FY2019 Budget Amendment. The amendments include allocation of funds from the budgeted Storm Water Sales Tax Funds for three (3) projects identified during the master planning process. The second amendment includes moving budgeted employee compensation and vacancy savings from the General non-departmental account into the appropriate departments.

Mayor Van Arsdale opened the Public Hearing.

No Public Comment.

Mayor Van Arsdale closed the Public Hearing.

Motion to approve Agenda Item G.1 as presented.

“A Resolution Amending The Fiscal Year 2019 Capital Budget; Establishing Three Storm Water Capital Projects; Approving Transfers Between Funds; And Realigning Budgeted Personnel Expenditures In The General Fund And Utility Fund.”

Movant: Councilmember Kirkland

Second: Councilmember Duffy

Vote: 6-0-1 with Councilmember Kelly abstaining from vote.

Resolution Number R128.19.08.08.G1

J.P. LeCompte, City Attorney asked for Agenda Items F.2 and G.1 to be recalled to clarify Councilmember Kelly’s abstention from the votes and to be reflected in the minutes.

G.2 (ANX-18-001) First Reading And Public Hearing Of An Ordinance Regarding Full-Purpose Annexation Of Approximately 1.83 Acres Of Land Known As Reagan Storage, LLC, Located At 14301 Ronald W. Reagan Boulevard.

Amy Link, Asst. Director of Dvlp. Services, stated this is the first reading and public hearing on an ordinance for the proposed voluntary annexation of approximately 1.83 acres of land located at 14301 Ronald W. Reagan Boulevard. The property owner, Reagan Storage, LLC, is requesting voluntary annexation of this site into Cedar Park’s full-purpose City limits in conjunction with the approved Annexation and Development Agreement to construct a self-storage facility.

Mayor Van Arsdale opened the Public Hearing.

No Public Comment.

Mayor Van Arsdale closed the Public Hearing.

G.3 (SUP-19-002) First Reading And Public Hearing Of An Ordinance For A Special Use Permit (SUP) To Allow An Outdoor Commercial Amusement On Approximately 14.73 Acres, Located At 1717 Scottsdale Drive. *The Planning And Zoning Commission Voted 7-0 To Recommend The SUP With Conditions.*

Melissa McCollum, Planning Manager, stated the applicant is requesting an amendment to the existing SUP to expand the outdoor commercial amusement use. With the increased size, the outdoor commercial amusement use is now 115 feet from the adjacent ETJ residential homes to the east. The previously approved condition limiting the hours of operation for the Outdoor Commercial Amusement from 7:00 am to 10:00 pm will remain in place. A new condition is proposed requiring that the Outdoor Commercial Amusement use area to substantially conform to the concept plan.

Councilmember Robinson inquired about the area in the ETJ and the distance.

Councilmember Kirkland asked about the detention area.

Councilmember Duffy commented on the Applicant reaching out to the neighborhood located in the ETJ.

The Applicant addressed Council regarding the request and reviewed the plan and setbacks.

Mayor Van Arsdale opened the Public Hearing.

No Public Comment.

Mayor Van Arsdale closed the Public Hearing.

G.4 (OA-19-003) First Reading And Public Hearing Of An Ordinance Amending Chapter 11 Zoning, To Add Outdoor Commercial Amusement, Minor And Outdoor Commercial Amusement, Major As Uses And Establish Conditional Standards And Definitions For These Uses. *The Planning And Zoning Commission Voted 7-0 To Recommend Approval Of The Amendment.*

Amy Link, Asst. Director of Dvlp. Services, reviewed the proposed amendments to the Outdoor Commercial Amusement uses. The current Outdoor Commercial Amusement includes but not limited to:

- a) Amusement parks or theme parks;**
- b) Fairgrounds;**
- c) Miniature golf establishments;**
- d) Golf driving ranges;**
- e) Sports fields;**
- f) Drive-in theaters;**

g) Water slides; and

h) Batting cages.

The conditional standard requires a minimum of 600 feet spacing between the use and single-family zoned property. The special use is allowed in General Business, Heavy Commercial, Light Industrial, Mixed Use, and Planning Area zoned areas. The Planning and Zoning Commission is recommending that Outdoor Commercial Use include two categories: Outdoor Commercial Amusement Major and Outdoor Commercial Use Minor to better group outdoor uses based on the scale and intensity of the use.

Outdoor Commercial Amusement, Major: uses that provide large scale, regional commercial amusement outdoors, including but not limited to amusement parks or theme parks, fairgrounds, drive-in theaters, go cart tracks, water park slides, and skate parks. Distance would be maintained at the 600 ft spacing conditional standard and would continue to be identified as a special use.

Outdoor Commercial Amusement, Minor: uses that provide commercial amusement outdoors, on a local, neighborhood scale, including but not limited to: miniature golf establishments, sports fields, golf driving ranges, and batting cages. There would not be any conditional standards but would be identified as a special use.

Mayor Pro Tem Guevara asked if the amendment was approved how it would impact the example used.

Mayor Van Arsdale inquired if there was a distance requirement for the minor use.

Amy Link, Asst. Director of Dvlp. Services, stated Council could adopt standards for those uses through the process and the SUP could apply to individual properties.

Brenda Eivens, City Manager, stated Council could consider buffering, lighting restrictions, hours of operation.

Councilmember Robinson asked who had developed the criteria between minor and major and why wouldn't the batting cages be considered a major use.

Ms. Link reviewed the minor and major distinctions and stated Council can still apply conditions.

Mayor Pro Tem Guevara stated Council can still vote no on the proposed amendments.

Councilmember Duffy thanked Staff for their work and addressing concerns. She commented on having discretionary leeway.

Councilmember Kirkland commented on maintaining the 300 ft rule for notification purposes.

Mayor Van Arsdale opened the Public Hearing.

No Public Comment.

Mayor Van Arsdale closed the Public Hearing.

- G.5 (OA-19-002) First Reading And Public Hearing Of An Ordinance Amending Chapters 1 Through 7 Of The City Of Cedar Park Comprehensive Plan. *The Planning And Zoning Commission Voted 5-0 To Recommended Approval Of The Proposed Amendments.*

Agenda Items G.5 through G.8 called together.

Amy Link, Asst. Director of Dvlp. Services, stated the Comprehensive Plan, adopted in 2014, provides for periodic review of the Plan to ensure that the goals and objectives of the Plan remain relevant. The Plan was amended in 2017. A second review of the Plan was initiated in October 2018 by the Planning and Zoning Commission and have identified several text amendments in addition to three (3) amendments to the Future Land Use Plan.

The proposed amendments include:

- a) Updating Planning Area language;
- b) Revising maximum density for Medium Density Residential (MDR);
- c) Revising minimum density for walkable mixed use;
- d) Revising Bell Boulevard Redevelopment text; and
- e) 3 Proposed FLUP amendments

The City initiated FLUP amendments are:

FLU-19-002 Lakeline Park Amendment – amending approximately 43 acres from Regional Office/Retail/Commercial (REG) and Local Office/Retail/Commercial (LOC) to Recreation/Open Space (REC) and Local Office/Retail/Commercial (LOC)

FLU-19-003 El Salido Amendment – amending approximately 12 acres from Regional Office/Retail/Commercial (REG) to Local Office/Retail/Commercial (LOC) and High Density Residential (HDR).

FLU-19-004 Little Elm Amendment – amending approximately 31 acres from Medium Density Residential (MDR), Local Office/Retail/Commercial (LOC), Public/Semi-Public (PUB) and Planning Area (PA) to Public/Semi-Public (PUB) and Regional Office/Retail/Commercial (REG).

Future Land Use Amendments include adding language regarding the FLUP petition process and updating the population date or buildout population. Also, proposed text amendments include updating the Infrastructure Chapter, Public Facilities Chapte, and general text reference updates throughout the document.

Mayor Pro Tem Guevara asked Ms. Link to clarify for the audience the difference between the Comprehensive Plan and Zoning.

Ms. Link stated the Comprehensive Plan is designed to be used as a guide for long-range planning. Zoning designates what type of development can be built on a certain piece of property.

Mayor Pro Tem Guevara clarified by changing the FLUP that it does not change the zoning designation.

Mayor Van Arsdale opened the Public Hearings.

No Public Comment

Mayor Van Arsdale closed the Public Hearings.

- G.6 (FLU-19-002) First Reading And Public Hearing Of An Ordinance Amending The City's Future Land Use Plan To Change The Future Land Use Designation For 42.47 Acres From Regional Office/Retail/Commercial (REG) And Local Office/Retail/Commercial (LOC) To 39.44 Acres to Recreation/Open Space (REC) And 3.03 Acres to Local Office/Retail/Commercial (LOC) For Property Located West of South Bell Boulevard Near Lakeline Park. *The Planning And Zoning Commission Voted 5-0 To Recommend Recreation/Open Space (REC) and Local Office/Retail/Commercial (LOC).*

Agenda Items G.5 through G.8 called together.

Refer to Agenda Item G.5 for discussion and Public Hearings.

- G.7 (FLU-19-003) First Reading And Public Hearing Of An Ordinance Amending The City's Future Land Use Plan To Change The Future Land Use Designation For 12.34 Acres From Regional Office/Retail/Commercial (REG) To 3.64 Acres to High Density Residential (HDR) And 8.70 Acres to Local Office/Retail/Commercial (LOC) For Property Located North Of 620 On El Salido Parkway. *The Planning And Zoning Commission Voted 5-0 To Recommend High Density Residential (HDR) and Local Office/Retail/Commercial (LOC).*

Agenda Items G.5 through G.8 called together.

Refer to Agenda Item G.5 for discussion and Public Hearings.

- G.8 (FLU-19-004) First Reading And Public Hearing Of An Ordinance Amending The City's Future Land Use Plan To Change The Future Land Use Designation For 30.66 Acres From Planning Area (PA), Medium Density Residential (MDR), Public/Semi-Public (PUB) And Local Office/Retail/Commercial (LOC) To 21.30 Acres Of Public/Semi-Public (PUB) And 9.36 Acres Of Regional Office/Retail/Commercial (REG) For Property Located West of South Bell Boulevard/183 And North of Little Elm Trail. *The Planning And Zoning Commission Voted 5-0 To Recommend Public/Semi-Public (PUB) and Regional Office/Retail/Commercial (REG).*

Agenda Items G.5 through G.8 called together.

Refer to Agenda Item G.5 for discussion and Public Hearings.

- G.9 First Reading And Public Hearing Of An Ordinance Renewing The City's Gas Franchise Agreement With Atmos Energy Corporation For Five (5) Years.

Daron Butler, Managing Director, addressed Council regarding the renewal of the Gas Franchise Agreement with Atmos Energy. The Agreement was originally approved in January 1999 for twenty (20) year term. The Gas Franchise Agreement provides for payment of a franchise fee to the City in exchange for granting Atmos the legal right to enter upon, under, across public streets, highways, easements, alleys, and other public places to construct systems, works, plants, pipes, and related facilities in order to sell, store, serve, and supply natural gas. The Franchise Agreement does not deal with rates. Staff is recommending the five (5) year extension of the agreement.

Randy Hartford, Atmos Energy, was available for questions.

Mayor Van Arsdale opened the Public Hearing.

No Public Comment

Mayor Van Arsdale closed the Public Hearing.

Regular Agenda (Non-Consent)

- H.1 Consideration Of A Resolution Consenting To The Brushy Creek Regional Utility Authority ("BCRUA") Executing Supplemental Contract No. 6 To The Contract For Engineering Services For The Phase 2 Land Rights and Stakeholder Coordination Project In An Amount Not To Exceed \$1,084,900, With Cedar Park's Portion In The Amount Of \$314,187.04.

Mike Huber, Senior Utility Engineer, stated this item is for the BCRUA Phase 2 Deep Water Intake Project. The BCRUA is a regional water system jointly owned by Cedar Park, Round Rock, and Leander. Planned Phase 2 of the BCRUA expansion includes a deep water intake for drought resilience, a pump station (next to Cedar Park's water treatment plant) and intake and transmission tunnels to connect it all together. In order for the necessary electricity requirements, PEC is requiring the BCRUA to fund the approximately 7.5 miles of major power system upgrades and obtain easements. Supplemental Agreement #6 with Walker Partners will provide professional services to acquire those easements, agency/stakeholder coordination, and Phase 2 design updates. The total cost is \$1,084,900 with Cedar Park's portion being \$314,187.

Mayor Pro Tem Guevara commented on the SWIFT loans for the BCRUA.

Councilmember Duffy commented on the SWIFT funding and stated the City of Round Rock is utilizing different funding.

Motion to approve Agenda Item H.1 as presented.

"A Resolution Consenting To The Brushy Creek Regional Utility Authority ("BCRUA") Executing Supplemental Contract No. 6 To The Contract For Engineering Services For

The Phase 2 Land Rights and Stakeholder Coordination Project In An Amount Not To Exceed \$1,084,900, With Cedar Park's Portion In The Amount Of \$314,187.04.”

Movant: Councilmember Duffy

Second: Mayor Pro Tem Guevara

Vote: 6-0 with Councilmember Kelly off dais during vote.

Resolution Number R129.19.08.08.H1

- H.2 Consideration Of A Resolution Authorizing A Professional Services Agreement With Huitt-Zollars, Inc. For The Design Of The East Park Street Rail Modification Project In An Amount Not To Exceed \$169,420.

Alan Green, Senior Project Manager, addressed Council regarding the engineer selection for the East Park Street Rail Modification Project. The Bell Boulevard Realignment Project required coordination with CapMetro on proposed improvements to the railroad crossing at East Park Street. The improvements include the design and construction of a new waning system, four (4) new crossing gates, and drainage improvements consisting of the construction of a box culvert to accommodate a proposed sidewalk connection on East Park Street between Bell Boulevard and North Kings Canyon Drive. The Request For Qualifications process was reviewed. Staff recommends Huitt-Zollars, Inc. for the design of this project.

Councilmember Robinson asked if the amount was within budget.

Mr. Green stated this is a specialized project however it is within budget.

Councilmember Chavez clarified why the modifications are being done.

Mr. Green stated the modifications are needed in order to support the Bell Boulevard Redevelopment and Realignment Projects.

Motion to approve a Resolution Authorizing A Professional Services Agreement With Huitt-Zollars, Inc. For The Design Of The East Park Street Rail Modification Project In An Amount Not To Exceed \$169,420.

Movant: Councilmember Kirkland

Second: Councilmember Chavez

Vote: 6-0 with Councilmember Kelly off dais during vote.

Resolution Number R130.19.08.08.H2

- H.3 Consideration Of A Resolution Authorizing An Agreement For Construction Of The 2019 Thin Overlay Project With Austin Materials, LLC In An Amount Not To Exceed \$464,882.75.

Zef Mendoza, Senior Engineering Associate, reviewed the 2019 Thin Overlay Project which is part of the City's annual Street Maintenance Program. The process was briefly described and the areas selected include streets located within the Cypress Bend and Cypress Creek subdivisions. The project was procured using the competitive sealed proposal method. The Project is anticipated to be completed by the end of September depending upon weather.

Mayor Pro Tem Guevara commented on the streets and if the project would be completed on time.

Councilmember Kelly asked about the resurfacing process.

Motion to approve a Resolution authorizing an agreement for construction of the 2019 Thin Overlay Project with Austin Materials, LLC in an amount not to exceed \$464,882.75.

Movant: Councilmember Chavez

Second: Councilmember Kirkland

Vote: 7-0

Resolution Number R131.19.08.08.H3

H.4 Consideration For Appointment Of The Voting Member To The Capital Area Council Of Governments (CAPCOG) Central Texas Clean Air Coalition.

Mayor Van Arsdale reviewed the role of the Central Texas Clean Air Coalition. The City has a position on the Coalition, previously occupied by Councilmember Jeffs, that is currently vacant. The position must be filled by an elected official and must be a member of the General Assembly.

Eric Rauscher, Public Works Director, addressed Council regarding the Coalitions goal for the reduction of emissions and attainment levels. He stated the role of the elected official is to provide representation for the City on matters that require votes pertaining to clean air. There are additional meetings City Staff attends that are more directed towards the engineering aspects of the Coalition.

Councilmember Kirkland commented on the region needing to pass the attainment requirements and the negative impact to the area if it isn't reached. He stated he has interest in serving.

Mayor Van Arsdale asked about the time commitment to serve.

Mr. Rauscher stated it is a two year, unexpired term.

Mayor Pro Tem Guevara inquired how often the Coalition met.

Councilmember Robinson expressed an interest in serving.

Motion to nominate Councilmember Kirkland.

Movant: Councilmember Duffy

Second: Mayor Van Arsdale with a friendly amendment for the unexpired term approved by the Movant.

Motion restated: Motion to nominate Councilmember Kirkland to the unexpired term. (Voting Member To The Capital Area Council Of Governments (CAPCOG) Central Texas Clean Air Coalition)

Vote: 4-3 with Councilmember Kelly, Councilmember Robinson, and Councilmember Chavez voting against.

H.5 Discussion Regarding Boards And Commissions Including Qualifications, Requirements, Application And Appointment Process, And Term Expiration Dates. (Kirkland, Van Arsdale)

Mayor Van Arsdale stated issues have come up regarding board training, aligning terms with the Council positions, and the policy regarding how criminal background checks are handled.

Councilmember Kirkland commented on the importance of training especially in relation to the Public Information Act and Open Meetings Act. Certain Boards should be certified with the State depending on the Board.

Mayor Van Arsdale inquired what is required now for board members.

J.P. LeCompte, City Attorney, stated the Open Government training is mandated by State law.

Discussion followed regarding training that may be available for board members.

Councilmember Duffy lost visual connection for video conferencing. Council recessed from 9:00 – 9:02 p.m.

Discussion continued with Councilmember Duffy not able to video conference.

Councilmember Chavez inquired if there was a cost associated with training.

Katherine Caffrey, Asst. City Manager, commented on funding for travel and training and stated some boards do not have specialized training available.

Mayor Van Arsdale commented on the Board terms and expiration of positions. The Type A and Type B Board are still not in sync with the Council terms due to the bylaws.

J.P. LeCompte stated the last amendment was to the actual term dates and not the actual terms themselves.

Councilmember Duffy returned to the meeting via video conferencing.

Mayor Van Arsdale asked if all the positions could be amended to sync up with the Council terms and how it would be done.

Mr. LeCompte stated Council could take action to amend the bylaws and rules by either resolution or some boards would require an ordinance amendment.

Mayor Van Arsdale inquired about the Board of Adjustments and if those terms could be amended by ordinance. He wants all the Boards to be synced to Council terms and clarified the intent of this.

Mayor Pro Tem Guevara stated he would like to have enough time built in after the election so Council has the opportunity to know the members. Maybe 60 days should be considered after the election for term expiration.

Councilmember Kelly said there is confusion as to whether a person can only be removed by a majority vote by Council and that it is not an expired term since they continue to serve until reaffirmed or replaced.

Mayor Van Arsdale commented on the hold over provision and stated the board member continues to serve until replaced.

Councilmember Kelly stated technically the board appointments should have come before Council in July for consideration.

Mayor Van Arsdale stated after an election 60 days is not necessarily enough time to know your appointees as a new Council person.

Councilmember Kelly said new Council does need more time after being elected. He said terms shouldn't necessarily be aligned with a May or July date but rather a few months. He stated the seat is controlled during the period of the elected Council's term and maybe 120 days should be considered. He said he is happy with his Place One appointments made by Councilmember Thomas however other Council may need more time.

Mayor Van Arsdale stated with reappointments there is less of an urgency than with a replacement.

Councilmember Kelly asked about the ability for the Boards to have a quorum for meetings.

J.P. LeCompte, City Attorney, addressed the hold over provision as set forth by the Texas Constitution. If Council is not compelled to make appointments the current member continue to serve since they are still held over.

Mayor Van Arsdale stated Councilmember Robinson has requested board appointments however the rest of the Council need to consider their appointments or reappointments.

Councilmember Chavez asked if Council could reaffirm the current members and consider the rest later.

Mayor Van Arsdale stated the expired terms needs to be addressed for all Boards.

Councilmember Duffy clarified if current board members needed to submit a new application.

Mayor Van Arsdale asked what the policy is for backgrounds when a person applies for a board and when the background check is required and how is the information handled.

LeAnn Quinn, City Secretary, reviewed the procedure for background checks. Background checks are completed at the request of a Councilmember for a specific applicant. The application is submitted to the Human Resources Dept. and the results are then forwarded to the requesting Councilmember, City Manager, and City Attorney.

Mayor Van Arsdale asked if the background results are sent to the applicant.

LeAnn Quinn stated the results are not sent to the applicant.

Mayor Van Arsdale asked Council if the status of the background check should be sent to the applicant first and therefore giving them a chance to withdraw their application.

Councilmember Kelly stated this is a great privacy act policy and if the applicant does not have a problem than it can be sent to the Councilmember.

Mayor Van Arsdale agreed about the background going back to the applicant and then if going forward the background would be sent to the entire Council.

Councilmember Kelly stated the discussion of the background should be done in Executive Session.

J.P. LeCompte, City Attorney, commented on the authority to go into Executive Session.

Mayor Van Arsdale stated this is a good policy.

Councilmember Duffy asked how many citizens have applied to boards that the City Secretary received that do not ever get considered. She asked for some way to consider everyone that applies.

Mayor Van Arsdale commented on unsolicited applications and the City Secretary sending these to Council. The number of unsolicited applications is low.

Councilmember Duffy stated there are citizens that want to serve but not sure how to get involved and they are not invited to apply.

Councilmember Kelly stated it takes a sponsor that controls that seat. If an application is coming in then the City Secretary would send it to the Councilmember that had a vacancy.

Mayor Pro Tem Guevara stated the City Secretary had sent applications for his vacancies.

Public Comment:

Deborah Childress, Cedar Park, serves on the PACE Board and said training is important for an understanding of process and procedures. She said aligning the expiration date is a good idea.

Karen Wind, Cedar Park, stated she would like to serve on the TIRZ #1 Board.

H.6 Consideration To Amend The 2019 City Of Cedar Park Meeting Calendar Cancelling The Special Called Meeting On September 5, 2019 And Adding A Special Called Meeting For September 19, 2019.

Brenda Eivens, City Manager, reviewed the proposed meetings for September. Due to the delay in receiving the certified rolls from Travis Central Appraisal District the September 5th meeting will need to be cancelled and held on September 19th.

Motion to amend the 2019 City Of Cedar Park Meeting Calendar Cancelling The Special Called Meeting On September 5, 2019 And Adding A Special Called Meeting For September 19, 2019.

Motion: Councilmember Kelly

Second: Mayor Pro Tem Guevara

Vote: 7-0

H.7 Consider Action, If Any, On Items Discussed In Executive Session.

No action taken on any item discussed in Executive Session.

H.8 Mayor And Council Closing Comments.

Councilmember Robinson encouraged citizens to reach out to him with issues or concerns.

H.9 Adjournment.

Mayor Van Arsdale adjourned the meeting at 9:25 p.m.

PASSED AND APPROVED THIS 7th DAY OF NOVEMBER, 2019.

Corbin Van Arsdale, Mayor

ATTEST:

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