



**REGULAR CALLED MEETING OF THE  
COMMUNITY DEVELOPMENT (Type B) CORPORATION  
Tuesday, September 11, 2018 at 6:30 p.m.  
City Council Chambers  
450 Cypress Creek Road, Building Four  
Cedar Park, Texas 78613**

**BOARD OF DIRECTORS**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Tom Moody, Place 1            | <input type="checkbox"/> Ryan Wood, Place 6, President | <input type="checkbox"/> Dick Lewis, Place 2 |
| <input type="checkbox"/> Ginger Goodin, Place 3 (V.P.) | <input type="checkbox"/> Bob Lemon, Place 4            | <input type="checkbox"/> Lance Gunn, Place 7 |
| <input type="checkbox"/> Ramona Kar, Place 5           |  |  |

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**AGENDA**

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
- A.2 Citizen Communications.  
*(Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With 4B. The Board May Respond With Factual Information.)*
- A.3 Board Members' Opening Comments.

**STAFF REPORTS**  
**(DISCUSSION ONLY)**

- B.1 No Items Scheduled

**CONSENT AGENDA**

*(Pursuant To Community Development Board Rule, the Consent Agenda consists of all items set forth on Agenda Item C.1. The Consent Agenda May Be Approved By A Single Motion.)*

- C.1 Approval Of The Minutes Of The August 14, 2018 Regular Called Meeting.

## **PUBLIC HEARINGS**

- D.1 Conduct A Public Hearing Regarding A Proposed Corridor Enhancement Sign Removal And Replacement Program Project For Twin Lakes Fellowship Located At 1150 S. Bell Boulevard In Cedar Park, Texas In An Amount Not To Exceed \$20,000.

## **REGULAR AGENDA**

### **DISCUSSION AND POSSIBLE ACTION**

- E.1 Consider Additional Project Locations To Sidewalk Gap Phase 4 Project List Within Existing FY 2018 Budget. (Tom Gdala, Senior Engineering Associate)
- E.2 Consider Approval Of A Resolution Authorizing Funding For A Corridor Enhancement Sign Removal and Replacement Program Project For Twin Lakes Fellowship At 1150 S. Bell Boulevard In Cedar Park, Texas, In An Amount Not To Exceed \$20,000; Authorizing The Board President To Sign A Project Agreement With The Applicant; And Recommending The Cedar Park City Council Approve Said Project.
- E.3 Consider An Application For A Proposed Project For Twin Creeks Left And Right Turn Lanes At Anderson Mill Road And Twin Creeks Club Drive Submitted For Fiscal Year 2018-2019 Community Development Corporation Funding From Board Member Tom Moody.
- E.4 Consider Designation Of Board Representatives At The September 27<sup>th</sup> and October 4<sup>th</sup>, 2018 City Council Meetings.

F.0

## **EXECUTIVE SESSION**

*In accordance with Chapter 551, Government Code, the Community Development (Type B) Corporation Board 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:*

### **The Community Development Corporation (Type B) Board reconvenes into Open Session**

## **ADMINISTRATIVE ITEMS**

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

- G.1 Board Member Closing Comments.

Next Regular Scheduled Board Meeting **Tuesday, October 9, 2018 At 6:30 P.M.** In The Cedar Park Council Chambers At 450 Cypress Creek Road, Building Four.

- H.1 Adjournment.

*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 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 Community Development (Type B) Corporation Board.

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

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.

At the discretion of the Community Development (Type B) Corporation Board, non-agenda items under the headings of "Citizen Communications" may be presented to the Board for informational purposes; however, by law, the Board 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.

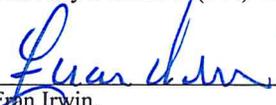
The City Attorney has approved the Executive Session Items on this agenda, if any.

CERTIFICATE

I certify that the above notice of the Regular Called Community Development (Type B) Corporation Meeting of the City of Cedar Park, Texas was posted on the bulletin board of the City of Cedar Park City Hall Council Chambers, 450 Cypress Creek Road, Building 4, Cedar Park, Texas. This notice was posted on:

14 SEP 7 PM 12:41  
Date Stamped (Month, Day, Year, AM/PM, Time)

The Cedar Park City Hall Campus and 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.

  
\_\_\_\_\_  
Fran Irwin,  
Community Affairs Director

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.*



COMMUNITY DEVELOPMENT CORPORATION

CONSENT AGENDA ITEM C.1

September 11, 2018

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**Item/Subject:** The Consent Agenda Consists of Items C.1

**Initiating Dept.:** Staff

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**Commentary:**

C.1 Approval Of The Minutes Of The August 14, 2018 Regular Called Board Meeting.

*All items on Consent may be approved with a single motion to "Approve The Consent Calendar". Individual items may be pulled for further discussion prior to other agenda items.*

\_\_\_\_\_ moved to approve the Consent Calendar. \_\_\_\_\_ seconded the motion.  
The motion was approved.



## MINUTES

**REGULAR CALLED MEETING OF THE  
COMMUNITY DEVELOPMENT (Type B) CORPORATION  
Tuesday, August 14, 2018 at 6:30 p.m.  
City Council Chambers  
450 Cypress Creek Road, Building Four  
Cedar Park, Texas 78613**

### BOARD OF DIRECTORS

- |  |  |
|--|--|
| <input type="checkbox"/> Tom Moody, Place 1                | <input checked="" type="checkbox"/> Bob Lemon, Place 4, (V.P.) |
| <input checked="" type="checkbox"/> Ramona Kar, Place 5    | <input checked="" type="checkbox"/> Dick Lewis, Place 2        |
| <input checked="" type="checkbox"/> Ginger Goodin, Place 3 | <input checked="" type="checkbox"/> Ryan Wood, Place 6         |
|  | <input type="checkbox"/> Lance Gunn, Place 7                   |

### AGENDA

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

**Vice President Lemon called the meeting to order at 6:30 p.m. noting that a quorum was present.**

A.2 Citizen Communications.  
*(Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With 4B. The Board May Respond With Factual Information.)*

**None.**

A.3 Board Members' Opening Comments.

**Director Kar mentioned that she is happy to be back. Vice President Lemon welcomed everybody.**

### STAFF REPORTS **(DISCUSSION ONLY)**

- B.1 Update On Board Member Agenda Item Requests. (Fran Irwin, Community Affairs Director)
- a. Public Hearings And Resolutions For FY 2019 Projects.
  - b. State Economic Development Sales Tax Training.
  - c. Corridor Enhancement Program Overview.

Fran Irwin, Community Affairs Director, updated the Board on Public Hearing dates and Resolutions for FY2019 Projects stating that those public hearings will be scheduled to take place after the City of Cedar Park City Council has had a chance to review the proposed 4B budget. Fran will keep the Board updated once public hearing dates are determined.

Fran also informed the Board of the annual Economic Development Sales Tax Training which will be held on Friday, December 7, 2018. She asked that any Board member who wants to attend to please contact her directly or indicate interest at this meeting and she will register them.

Following up on the July 10, 2018 4B Board meeting, Fran informed the Board that they received information from staff outlining the two programs in the Corridor Enhancement Program, including Corridor Enhancement and Sign Removal and Replacement.

## B.2 Quarterly Update And Status Report On 2017-2018 4B Projects. (Kimberly Reese, Project Manager)

Kimberley Reese, Project Manager, presented the quarterly update to the Board on 15 projects funded or partially funded by the 4B Board. Included on the project list is the Lakeline Park master plan. While Lakeline Park is not a 4B funded project, it is a significant project that the City of Cedar Park is working on.

The Milburn Park Improvement project has been completed and pictures of the improvements will be shown at the end of the presentation.

Veterans Park Improvement Project final plans are under review and they are looking at construction to start late 2018 and early 2019.

The Trail Lighting project is under construction with some trail lights already installed in certain parks. Kimberley noted that the completion date for this project is pushed out to Fall 2020, because Parks would like to use a portion of this funding for Lakeline Park and that project isn't set to be completed for a few years, so they have pushed the completion date out to accommodate for that.

The Milburn Clubhouse study is underway and should be completed soon. More details to follow in the next few months.

The design of the lightpole banners have been approved by the PACE Board and will be transitioning from the design phase to fabrication and installation phase soon.

A date has been set for the The Lakeline Master Plan meeting. It will be held on August 27, 2018 at the Cedar Park Recreation Center. This is the third and final public meeting of the Lakeline Master Plan. The master plan is getting closer to finalization and then will be presented to City Council.

Brushy Creek Trail Improvement Project is in final review by TXDOT and construction is expected in early November.

Construction is underway for the Sidewalk Phase 4 Project and completion of the project is set to be around late November. Tom Gdala, Sr. Engineering Associate, will be in attendance at the next Board meeting with a more detailed update on the project.

The 3 turn lane projects are all in design phase currently and construction anticipated this spring.

Reconstruction of the Little Elm fire lane is currently in negotiations for design and expecting it to go into design phase shortly.

Vice President Lemon asked if the trail lighting project needed all of the \$50,000 in funding. Kimberley replied that when the project was initially funded, the Parks Department decided that a portion of that funding would be best used for Lakeline Park. Vice President Lemon asked if this project needed more funding and Kimberley will have the Parks Department present to the Board if they need additional funding.

Director Wood asked if the Fall 2020 date for the Trail Lighting Project is for a larger project or just their portion of the \$50,000. Kimberley confirmed that it is just a portion of the \$50,000 that the Parks Department would like to set aside to have trail lighting for the new Lakeline Park. Director Wood asked what the status of the trail lighting project was and if some of the lights have been installed. Mike DeVito, Assistant Director of Parks, updated the Board that a few of the trail lights have been installed and clarified that they are moving forward with the trail light project but wanted to set aside a portion of the funding for Lakeline Park. If the Parks Department goes through the entire amount of funding before Lakeline Park is completed, they will then ask the Board for more funding at that time. Vice President Lemon asked if this project was supposed to be in phases. Director Wood said that that was the intended purpose of the project was to go in phases. Mike DeVito confirmed that the project is still going as planned, but they wanted to be smart in where they were placing the trail lighting and he will keep the Board updated on the project as it progresses.

Vice President Lemon asked which locations the Sidewalk Gap project has started. Kimberley informed the board that construction has started on several locations at one time and that Tom Gdala, Sr. Engineering Associate, will inform the Board of the locations at the next meeting.

Kimberley updated the Board on the Dog Park Project at Brushy Creek Lake Park and informed the Board that the splash pad component that was originally in the plans had to be removed due to the TCEQ requirements. The splash pad required significant changes to the utility plan to be compliant and would be too costly and over budget. Director Wood asked if they would still utilize all the funding since the splash pad was a major component of funding. Kimberley replied that they would utilize all the funding without the splash pad to make it the best dog park and utilize the space. Director Lewis asked if the dog wash station was still part of the plan and Kimberley confirmed that it is still part of the plan. Completed plans for this project will be done in a month or so and will then move forward in bidding out for construction.

Finally, Kimberley presented to the Board pictures of the recent improvements to Milburn Park including the park sign, sand volleyball courts, shade structures, pavilion, and drinking fountains.

### B.3 Update On Revenue Projections And Fund Balance For The FY 2019 Proposed Budget. (Chad Tustison, Assistant Director Of Finance)

Chad Tustison, Assistant Director of Finance presented a sales tax update to include the May 2018 sales tax collection which was revised in the budget and set projections for FY2019. Chad went over the schedule and fund balance for the proposed FY2019 budget. With the updated May sales tax calculations, 1.96 million will carry over to FY 2019 and projecting sales tax estimate to be 4% which will leave a revised ending balance of \$157,000 FY 2019. Chad informed the Board that there will be public hearing dates on this budget on August 23, 2018 and September 6, 2018 with a Budget adoption on September 13.

Director Lewis asked if the \$157,000 remains through the entire budget process can it be considered by the Board to go into reserve. Chad replied that the increase in sales tax revenue budget is already going into the reserve. Vice President Lemon asked if the \$1.1 million for FY19 is what they have to spend on projects. Chad confirmed that \$1.1 Million can be used for projects.

Director Wood asked if there was a discussion at the Budget Workshop on Board fund balances in regards to savings, for example, if there is a savings, can the Board decide to put the money towards larger projects. Chad replied that he doesn't recall a discussion like that at the Budget Workshop, but there was a discussion on future projects, such as the Bell Blvd. Redevelopment.

Director Goodin mentioned that it is important hear the strategic vision and goals of the City Council and that the Board should keep that in mind when making project decisions.

## CONSENT AGENDA

*(Pursuant To Community Development Board Rule, the Consent Agenda consists of all items set forth on Agenda Item C.1. The Consent Agenda May Be Approved By A Single Motion.)*

C.1 Approval Of The Minutes Of The July 10, 2018 Regular Called Meeting.

Director Wood moved to approve the consent agenda as presented. Director Lewis seconded the motion and it passed with a 5-0 vote.

## PUBLIC HEARINGS

D.1 None Scheduled.

None.

## REGULAR AGENDA DISCUSSION AND POSSIBLE ACTION

E.1 Consider A Corridor Enhancement Program Application From Twin Lakes Fellowship In An Amount Not To Exceed \$20,000 For Sign Replacement Along The 183 Corridor And Authorize Staff To Set A Public Hearing Date. (Fran Irwin, Director Community Affairs)

Fran Irwin, Director of Community Affairs informed the Board that staff presented this project at the July 10, 2018 meeting. Program descriptions and requirements were provided by staff to the Board prior to the meeting for review and discussion. Pastor Nathan Heft from Twin Lakes Fellowship was in attendance to answer any questions.

Director Wood asked if the location of the sign would be changed and wanted to make sure that there was enough visibility from the road for the sign. Pastor Heft said that the location of the sign would not change, it would just be shorter to comply with the City ordinance and he thought that there was sufficient visibility.

Director Wood moved to approve item E.1 as presented. Director Lewis seconded the motion and it passed with a 5-0 vote.

E.2 Consider Election Of The Community Development (Type B) Corporation Board Officers For 2018-2019.

- a. President.
- b. Vice President.
- c. Secretary.
- d. Treasurer.

Fran Irwin, Director of Community Affairs asked the Board to consider election of the Community Development (Type B) Board officers following the recommended changes to the Rules and Procedures, Articles of Incorporation and Bylaws at the July 10, 2018 meeting. Rule 3.1 states that the officers shall be elected each year by a majority vote of the Board in August. The term for each officer will start at the September meeting.

Director Lewis asked if this agenda item should wait until all members of the Board are present. JP LeCompte, City Attorney, said that it is at the Board's discretion if they wish to do so, but there is no guarantee that all of the Board members will be at the next meeting.

Director Wood asked if the Secretary and Treasurer can be members of the City staff. JP LeCompte, City Attorney, confirmed that the Secretary and Treasurer can be City Staff.

Vice President Lemon motioned to be elected as President. There was no seconded motion. The motion did not pass.

Director Ryan Wood motioned to be elected as President. Director Lewis seconded the motion and it passed with a 5-0 vote.

Director Kar motioned for Director Ginger Goodin to be elected as Vice President. President Wood seconded the motion and it passed with a 5-0 vote.

Director Wood motioned for Fran Irwin, Director of Community Affairs, to be elected as Secretary. Director Kar seconded the motion and it passed with a 5-0 vote.

Director Lewis motioned for Kent Meredith, Director of Finance, to be elected as Treasurer. Director Wood seconded the motion and it passed with a 5-0 vote.

E.3 Consider Designation Of Board Representatives At The August 23<sup>rd</sup> and September 6<sup>th</sup>, 2018 City Council Meetings.

President Wood motioned to designate himself and Director Lemon to be in attendance at both the August 23, 2018 and September 6, 2018 City Council Meetings. Director Lewis seconded the motion and it passed with a 5-0 vote.

F.0

### EXECUTIVE SESSION

*In accordance with Chapter 551, Government Code, the Community Development (Type B) Corporation Board 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:*

**No Executive Session.**

### ADMINISTRATIVE ITEMS

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

G.1 Board Member Closing Comments.

**Director Kar congratulated Ryan Wood and Ginger Goodin on their new Board member positions.**

Next Regular Scheduled Board Meeting **Tuesday, September 11, 2018 At 6:30 P.M.** In The Cedar Park Council Chambers At 450 Cypress Creek Road, Building Four.

H.1 Adjournment.

**The meeting adjourned at 7:09 p.m.**

PASSED AND APPROVED THIS THE 11<sup>th</sup> DAY OF SEPTEMBER, 2018.

\_\_\_\_\_  
Ryan Wood, President

ATTEST:

\_\_\_\_\_  
Fran Irwin, Secretary



**COMMUNITY DEVELOPMENT CORPORATION**

**AGENDA ITEM D.1**

**September 11, 2018**

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**Item/Subject:** Public Hearing Regarding A Proposed Corridor Enhancement Sign Removal And Replacement Program Project For Twin Lakes Fellowship At 1150 S. Bell Boulevard In Cedar Park, Texas In An Amount Not To Exceed \$20,000.

**Initiating Dept.:** Fran Irwin, Community Affairs Director

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**Commentary:**

A request for consideration of this project application was presented and accepted as a project at the August 14, 2018 Regular Called 4B Board Meeting.

The Public Hearing and the 60-Day Project Notice were published on August 22, 2018.



**COMMUNITY DEVELOPMENT CORPORATION**

**AGENDA ITEM E.1**

**September 11, 2018**

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**Item/Subject:** Consider Additional Project Locations To Sidewalk Gap Phase 4 Project List Within Existing FY 2018 Budget.

**Initiating Dept.:** Tom Gdala, Senior Engineering Associate - Engineering

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**Commentary:**

Staff will present an overview of the original project approved for funding and identify additional projects that can be added remaining within the authorized funding limit for the Sidewalk Gap Phase 4 project.



**COMMUNITY DEVELOPMENT CORPORATION**

**AGENDA ITEM E.2**

**September 11, 2018**

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**Item/Subject:** Consider Approval Of A Resolution Authorizing Funding For A Corridor Enhancement Sign Removal And Replacement Program Project For Twin Lakes Fellowship At 1150 S. Bell Boulevard In Cedar Park, Texas, In An amount Not To Exceed \$20,000; Authorizing The Board President To Sign A Project Agreement With The Applicant; And Recommending The Cedar Park City Council Approve Said Project.

**Initiating Dept.:** Fran Irwin, Community Affairs Director

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**Commentary:**

At the August 14, 2018 Regular 4B Board Meeting, an application from Twin Lakes Fellowship for a proposed Corridor Enhancement Sign Removal and Replacement Program project in an amount not to exceed \$20,000 was approved by the Board. The Public Hearing and 60-Day Project Notice were published on August 22, 2018 and the Public Hearing is scheduled for September 11, 2018.

This Resolution acknowledges the project approval, authorizes the 4B Board President to sign a Project Agreement with the applicant and recommends approval from The Cedar Park City Council.

Copies of the Resolution and a draft copy of the Project Agreement are included in your packets. The substance of the draft should not change, however, exhibits and project final costs have not been added as the project is not complete pending the required 60-day notification.

A RESOLUTION OF THE CITY OF CEDAR PARK COMMUNITY DEVELOPMENT (TYPE B) CORPORATION AUTHORIZING AND APPROVING FUNDING FOR A CORRIDOR ENHANCEMENT SIGN REMOVAL AND REPLACEMENT PROJECT FOR TWIN LAKES FELLOWSHIP AT 1150 SOUTH BELL BOULEVARD, CEDAR PARK, TEXAS, IN AN AMOUNT NOT TO EXCEED \$20,000; AUTHORIZING THE BOARD PRESIDENT TO SIGN A PROJECT AGREEMENT WITH THE APPLICANT; RECOMMENDING THE CEDAR PARK CITY COUNCIL APPROVE SAID PROJECT; 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 Community Development (Type B) Corporation (the “Corporation”) seeks to undertake projects to stimulate economic development by providing economic incentives to enhance safety, mobility, access, and aesthetics along selected arterial corridors; and

WHEREAS, the Corporation has allocated funds to serve as an economic incentive for participation with local property owners within the City of Cedar Park for the design and implementation to enhance corridors throughout the City (“Corridor Enhancement Program”), which includes the removal of non-compliant signs and replacement with conforming signs that will enhance safety, mobility, access, and aesthetics (the “Sign Removal and Replacement Program”); and

WHEREAS, Twin Lakes Fellowship (“Applicant”), owner of real property located at 1150 South Bell Boulevard, Cedar Park, Texas, has submitted an application for participation in the Corridor Enhancement Sign Removal and Relocation Program to remove a non-compliant pole sign for replacement with a conforming sign at Twin Lakes Fellowship (“The Project”); and

WHEREAS, the Board of Directors of the Corporation (the “Board”) has determined that the Applicant has satisfied the terms and conditions of the guidelines for a Corridor Enhancement Sign Removal and Replacement Program Project, as established by the Board; and

WHEREAS, pursuant to the Development Corporation Act, Texas Local Government Code Chapters 501-505, as amended (the “Act”), the Board has determined that the proposed Project and the development and implementation of the Project will promote the development and expansion of employment opportunities, job creation and retention and related economic investment in Cedar Park, Texas.

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

SECTION 1. That the Board hereby authorizes and approves funding for the Project in an amount not to exceed \$20,000.

SECTION 2. That the Board hereby authorizes the Board President to sign an Agreement with Applicant for the Project.

SECTION 3. That the Board hereby recommends that the Cedar Park City Council approve the Project.

SECTION 4. 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 11<sup>TH</sup> day of September, 2018.

\_\_\_\_\_  
Ryan Wood, Board President

ATTEST:

\_\_\_\_\_  
Fran Irwin, Board Secretary

**CEDAR PARK COMMUNITY DEVELOPMENT (TYPE B) CORPORATION  
PROJECT AGREEMENT  
CORRIDOR ENHANCEMENT PROGRAM  
(SIGN REMOVAL & REPLACEMENT)  
PROJECT NO. 21**

This Cedar Park Community Development (Type B) Corporation Project Agreement (the “Agreement”) is made and entered into by and between Twin Lakes Fellowship (“Applicant”) and the City of Cedar Park Community Development (Type B) Corporation (the “Corporation”).

**RECITALS**

WHEREAS, the Corporation is a non-profit corporation organized under Chapters 501-505 of the Texas Local Government Code, as amended (hereinafter, the “Act”), whose primary income is from sales tax collected within the City of Cedar Park and dedicated to economic development, and that exists for the primary purpose of promoting economic development within the City of Cedar Park and the State of Texas in order to eliminate unemployment and underemployment, and to promote and encourage employment and the public welfare of, for, and on behalf of the City of Cedar Park; and

WHEREAS, Applicant is the owner of certain real property located within the corporate limits of the City of Cedar Park, Texas (the “City”) and locally known as 1150 South Bell Boulevard, Cedar Park, Texas 78613 (hereinafter referred to as the “Applicant’s tract”); and

WHEREAS, Applicant wishes to participate in the Corridor Enhancement Sign Removal and Replacement Program administered by the Corporation to remove and replace the current non-compliant sign located at the Applicant’s tract; and

WHEREAS, the Corporation finds that the project proposed by Applicant promotes economic development, public safety, mobility, access and aesthetics and that such expenditure by the Corporation pursuant to this Agreement is in accordance with the Texas Local Government Code Chapter 505; and

WHEREAS, the Corporation finds that the Applicant has obtained adequate financing or demonstrated financial ability to pay for their respective shares of the total project cost.

NOW, THEREFORE, in consideration of the terms, conditions and covenants set forth herein, the parties hereby agree as follows:

**Article I  
Definitions**

1.01 Terms.

- (a) “Corporation” means the City of Cedar Park Community Development (Type B) Corporation.
- (b) “Applicant’s tract” means the real property locally known as 1150 South Bell Boulevard, Cedar Park, Texas, 78613, and generally depicted on Exhibit A hereto.
- (c) “Project” means the removal of a non-compliant sign, including all fixtures, hardware, support structures, poles, pads, and debris, and construction of a replacement sign on Applicant’s tract, as more specifically depicted in Exhibit A and Exhibit B attached hereto.
- (d) “City” means the City of Cedar Park, Texas, a home rule municipal corporation located within Williamson and Travis Counties, Texas.
- (e) “Finance Department” means the Finance Department of the City of Cedar Park.
- (f) “Comply” and “compliance” mean timely, full, and complete performance of each and every requirement, obligation, duty, condition, or warranty as stated in this Agreement. “Comply” and “compliance” mean full and complete compliance and do not mean substantial compliance, unless otherwise specifically stated.
- (g) “Default” shall mean any party’s failure to comply timely, fully, and completely with one or more requirements, obligations, duties, terms, condition or warranties set forth in this Agreement.
- (h) “Incentive Payment” means the Corporation’s payment to Applicant in consideration for Applicant’s performance under this Agreement, as described in Article III, below.
- (i) “Construct” and “construction” mean construction in a good and workmanlike manner and in compliance with applicable State and local laws, codes, and regulations or valid waiver thereof.

**Article II**  
**Performance Requirements**

2.01 Performance Requirements.

- (a) Completion of Project. Within ninety (90) days of the Effective Date of this Agreement, Applicant shall complete, or cause to be completed, the Project, and forward written notice of such completion to the Corporation, including invoices and receipts reflecting Applicant’s actual expenditures for the Project.
- (b) Insurance. Applicant shall procure and maintain insurance on the replacement sign constructed for the Project for a period of five (5) years from the date

construction is completed. Such insurance shall cover the sign for any damage or loss in an amount not less than the full replacement cost.

- (c) Forfeiture for Non-Compliance. Failure to comply shall result in forfeiture of any incentive payments under this Agreement.

**Article III**  
**Incentive Payment**

- 3.01 Incentive Payment. Within thirty (30) days of the Corporation's receipt of Applicant's written notice of completion of the Project, the Corporation shall pay to Applicant the sum of \$ \_\_\_\_\_ as reimbursement for Applicant's actual expenditures for the Project, which is equivalent to not more than seventy-five percent (75%) of the total costs for the Project, and subject to future revision based on the documentation of the Applicant's actual reimbursable expenditures for the Project.
- 3.02 Appropriation of Funds. This Agreement and the Incentive Payment contemplated herein are expressly subject to the appropriation of adequate funds in the Corporation's budget adopted for any fiscal year for the specific purpose of making payments pursuant to this Agreement for that fiscal year. The Corporation's obligation under this Agreement in any fiscal year for which the Agreement is in effect shall constitute a current expense of the Corporation for that fiscal year only, and shall not constitute an indebtedness of the Corporation or City of any monies other than those lawfully appropriated in any fiscal year. In the event of non-appropriation of funds in any fiscal year to make payments pursuant to this Agreement, Applicant's sole and exclusive remedy shall be termination of this Agreement.

**Article IV**  
**Liability & Indemnification**

- 4.01 Limitation of Liability. APPLICANT SPECIFICALLY AGREES THAT THE CORPORATION SHALL ONLY BE LIABLE TO APPLICANT AND APPLICANT'S SOLE AND EXCLUSIVE REMEDY SHALL BE FOR THE ACTUAL AMOUNT OF THE INCENTIVE PAYMENTS CONVEYED OR TO BE CONVEYED TO APPLICANT AND THE CORPORATION AND CITY, INCLUDING THEIR RESPECTIVE OFFICIALS, EMPLOYEES, REPRESENTATIVES, AND AGENTS, SHALL NOT BE LIABLE TO APPLICANT FOR ANY OTHER ACTUAL OR CONSEQUENTIAL DAMAGES, OR FOR ANY OTHER LEGAL OR EQUITABLE REMEDIES INCLUDING ATTORNEY'S FEES AND/OR INJUNCTION FOR ANY ACT OF DEFAULT BY THE CORPORATION UNDER THE TERMS OF THIS AGREEMENT.
- 4.02 **INDEMNIFICATION. TO THE MAXIMUM EXTENT PERMITTED BY LAW, APPLICANT AGREES TO FULLY AND UNCONDITIONALLY RELEASE, INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF CEDAR PARK, ITS MAYOR, CITY COUNCIL, OFFICERS, EMPLOYEES, AND AGENTS FROM ANY AND ALL CLAIMS, SUITS, DEMANDS, LOSSES,**

**LIABILITIES, OR DAMAGES OF ANY NATURE WHATSOEVER, INCLUDING, BUT NOT LIMITED TO, ANY AND ALL CLAIMS RELATED TO DAMAGES OR INJURIES TO REAL OR PERSONAL PROPERTY AND PERSONS, INCLUDING DEATH, INCLUDING ANY AND ALL RELATED COSTS, EXPENSES, COURT COSTS, AND ATTORNEY FEES, WHETHER BROUGHT BY THE APPLICANT OR ANY OF THE APPLICANT'S OFFICERS, EMPLOYEES, AGENTS, OR REPRESENTATIVES, OR BY ANY THIRD PARTY, THAT MAY DIRECTLY OR INDIRECTLY ARISE OUT OF, OR IN CONNECTION WITH THE PROJECT OR THIS AGREEMENT WHETHER CAUSED BY THE SOLE OR JOINTLY NEGLIGENT, GROSSLY NEGLIGENT, RECKLESS, OR WILLFUL ACTS OF THE CONTRACTOR, ITS OFFICERS, AGENTS, EMPLOYEES, OR EVENT REGISTRANTS/PARTICIPANTS, OR THE CITY OF CEDAR PARK, TEXAS, ITS MAYOR, CITY COUNCIL, OFFICERS, EMPLOYEES, OR AGENTS. THIS PROVISION SHALL APPLY TO ALL IMPUTED OR ACTUAL JOINT ENTERPRISE AND JOINT VENTURE LIABILITY, IF ANY. NEITHER PARTY HAS WAIVED NOR SHALL BE DEEMED TO HAVE WAIVED ANY DEFENSE THAT IT MAY HAVE IN RESPONSE TO SUCH CLAIMS.**

#### **Article V**

#### **Term, Termination & Default**

- 5.01 Term of Agreement. This Agreement shall be effective as of the date stated below (the "Effective Date").
- 5.02 Termination. This Agreement shall remain in full force and effect from the Effective Date until the earlier of: (a) completion of the Project; (b) expiration of ninety (90) consecutive days from the Effective Date; or (c) termination upon written notice pursuant to this Agreement.
- 5.03 Default. If any party to this Agreement should Default (the "Defaulting Party") with respect to any of its obligations hereunder and should fail to cure such default within thirty (30) days after delivery of written notice of such default from another party (the "Complaining Party"), the Complaining Party may elect to terminate this Agreement in writing to the Defaulting Party.

#### **Article VI**

#### **General Terms**

- 6.01 Cooperation and Mutual Assistance. The parties shall reasonably cooperate so as to do all things necessary or appropriate to carry out the terms and provisions of this Agreement and to aid and assist one another in carrying out such terms and provisions.
- 6.02 Headings. Headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

- 6.03 Entire Agreement. This Agreement contains the entire agreement between the parties with respect to the transaction contemplated herein. Use of term "Agreement" herein includes all amendments or supplements to this Agreement.
- 6.04 Amendment. This Agreement may only be amended, altered, or revoked by written instrument signed by the parties.
- 6.05 Successors and Assigns. This Agreement shall be binding on and inure to the benefit of the parties, or their respective successors, and assigns. However, Applicant may not assign any of its rights or obligations hereunder without the prior written consent of the Corporation. Any assignment made by Applicant without the prior written consent of the Corporation shall be void.
- 6.06 Applicable Law. This Agreement is made and all obligations arising hereunder shall be construed and interpreted under the laws of the State of Texas and the City of Cedar Park, and venue for any dispute arising herefrom shall lie in Williamson County, Texas.
- 6.07 Survival. Any provision of this Agreement which imposes an obligation after termination or expiration of this Agreement shall survive the termination or expiration of this Agreement.
- 6.08 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which shall constitute one instrument.
- 6.09 Notice. Notices required to be given to any party to this Agreement shall be given personally or by certified mail, return receipt requested, postage prepaid, addressed to the party at its address as set forth below, and, if given by mail, shall be deemed delivered as of the date deposited in the United States mail:

For the Corporation:

City of Cedar Park Community Development (Type B) Corporation  
Attn: Board President  
450 Cypress Creek Road, Bldg. 1  
Cedar Park, Texas 78613

With a copy to:

City Attorney  
City of Cedar Park  
450 Cypress Creek Road, Bldg. 1  
Cedar Park, Texas 78613

For Applicant:

Pastor Nathan Hoeft

1150 South Bell Boulevard  
Cedar Park, Texas 78613

Any party may change the address to which notices are to be sent by giving the other parties written notice in the manner provided in this paragraph.

EXECUTED to be effective on \_\_\_\_\_, 20\_\_.

**TWIN LAKES FELLOWSHIP**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Pastor Nathan Hoeft  
1150 South Bell Boulevard  
Cedar Park, Texas 78613

**CEDAR PARK COMMUNITY DEVELOPMENT (TYPE B) CORPORATION**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Ryan Wood, President  
Cedar Park Community Development (Type B) Corporation  
450 Cypress Creek Boulevard, Bldg. 1  
Cedar Park, Texas 78613

**CITY OF CEDAR PARK, TEXAS**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Corbin Van Arsdale, Mayor  
City of Cedar Park  
450 Cypress Creek Boulevard Bldg. 1  
Cedar Park, Texas 78613

ATTEST:

APPROVED AS TO FORM & CONTENT:

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

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

**EXHIBIT A**

**Description of Project**

**EXHIBIT B**

**Total Project Cost**



**COMMUNITY DEVELOPMENT CORPORATION**

**AGENDA ITEM E.3**

**September 11, 2018**

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**Item/Subject:** Consider An Application For A Proposed Project For Twin Creeks Left And Right Turn Lanes At Anderson Mill Road And Twin Creeks Club Drive Submitted for Fiscal Year 2019 Community Development Corporation Funding From Board Member Tom Moody.

**Initiating Dept.:** 4B Board Member Recommendation – Tom Moody

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**Commentary:**

Board member Tom Moody will present a proposed project for consideration to be added to the FY 2019 Project List. A copy of the evaluation matrix has been added to the packet for your review and consideration.



**City of Cedar Park  
4B Community Development Corporation**

**Board Project Funding Proposal  
FY 2018-2019**

Please provide the following information for EACH project that you intend to submit for Community Development Sales Tax Funding consideration.

Please complete and submit to Fran Irwin at [fran.irwin@cedarparktexas.gov](mailto:fran.irwin@cedarparktexas.gov). The board will review the proposed board member projects at the next regularly scheduled meeting.

**1. Name of the Board Member submitting the Project.**

**Tom Moody**

**2. Date of submission.**

**July 10, 2018**

**3. Working caption or title for the project.**

**Twin Creeks Left and Right Turn Lanes**

**4. Location of proposed project.**

**Anderson Mill Rd and Twin Creeks Club Drive**

**5. Amount of funding requested.**

**TBD**

**6. Concise description of the proposed project.**

**Extend left turn lane on Anderson Mill Rd north at Twin Creeks Club Drive to accommodate additional vehicles currently being blocked by vehicles going north toward FM 1431.**

**Provide right turn lane on Twin Creeks Club Drive for vehicles wanting to go south on Anderson Mill Rd currently being blocked by vehicles going straight ahead into Cedar Park High School.**

**Another possible solution to this situation might be to re-strip and re-sign for right turn only and left lane for straight ahead and left turn only.**

**Considered by The Community Development Board On:**

**Board Action:**

**For staff use:**

**Referred to Department For Review and Cost Estimate:**

**Referred to Board for additional review:**

**4B Matrix - Project Criteria**

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

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

Prior to consideration by the Cedar Park Community Development Corporation, potential projects must be in compliance with, and/or not conflict with any of the following: 1) The State Statute Governing Section 4B Corporations; 2) City Manager accepts O&M; 3) Goals and Objectives of the Cedar Park Community Development Corporation such as: Emphasis on and preference for community development projects where the investment of 4B funds contributes to the acquisition or development of publicly-owned assets (as opposed to private economic development projects).

EVALUATION MATRIX (Maximum Points = 100)	Max Points Subtotal	Category Score	Point Range							Staff Score	Place 1	Place 2	Place 3	Place 4	Place 5	Place 6	Place 7	Scored Matrix Subtotal	Average Score		
			0 - 15	0 - 15	0 - 15	0 - 15	0 - 15	0 - 15	0 - 15												
<b>Quality of Life</b>	60	15	Level of Equity Does this project improve the level of service equity within Cedar Park?																n/a		
% of Population Served Based upon estimated usage of the proposed project, what percentage of population would this project benefit? This category is scored on a sliding scale, 0-15. 0% = 0pts, 50% = 7pts, 100% = 15pts.																				n/a	
Community Need / Uniqueness Is there a void in the City that this project would fill? Will the project fulfill a need that is important to the community? This allows for a non-standard project that has benefit to the community.																					n/a
Community Impact / Identity Will this project impact the community in a positive way? Does the project increase awareness of city identity?																					n/a
<b>Administrative</b>	25	15	Criticality Will the project fail or be significantly impaired without the involvement of 4B? Are there other projects depending on this project?																n/a		
Timeliness Is this project feasible to implement in a reasonable length of time? Reasonable time is dependant upon the type of project.																				n/a	
Value / Cost Grant / Matching Funds (Adjust scale to OLD Method) Does this project significantly leverage other funds (State, City, County, Federal, Private, etc)?																				n/a	
<b>Total Points</b>	100																				

**Point Key**  
Match Scale -- 4 to 1=15, 3 to 1=12, 2 to 1=9, 1 to 1 = 7, 0 = None

Input Area Above

**GOAL: 50 POINTS**  
Revision Approved 11/09/10