



MINUTES

**REGULAR CALLED MEETING OF THE
COMMUNITY DEVELOPMENT (Type B) CORPORATION
Tuesday, March 8, 2016 at 6:30 PM
Cedar Park City Hall Council Chambers
450 Cypress Creek Road, Building Four, Cedar Park, Texas 78613**

BOARD OF DIRECTORS

- | | |
|--|--|
| <input checked="" type="checkbox"/> Kaden Norton, Place 1 | <input checked="" type="checkbox"/> David Burger, Place 2, President |
| <input checked="" type="checkbox"/> Brian Rice, Place 5 | <input checked="" type="checkbox"/> Bob Lemon, Place 4 (V. P.) |
| <input checked="" type="checkbox"/> Dustin Weibel, Place 3 (Sect.) | <input checked="" type="checkbox"/> Ryan Wood, Place 6 |
| | <input checked="" type="checkbox"/> Mel Kirkland, Place 7 |

- A.1 **CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
President Burger Called the Meeting to order at 6:30 PM 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.)
- A.3 Board Members' Opening Comments.
President Burger noted that Director Norton is running for City Council and thanked him for his desire to serve.
- A.4 Presentations
No items scheduled.

STAFF REPORTS - NONE (DISCUSSION ONLY)

- B.1 Quarterly Report On FY 2015-2016 Revenues, Expenditures, And Fund Balance. (Aaron Rector, Assistant Finance Director)
Aaron Rector, Assistant Finance Director announced that this will be his last presentation to the Board as he has taken a new job with the City of Keller. He said that he had enjoyed working at Cedar Park and his time working with the Board.

Revenues to date are \$1,516,808 and expenditures are \$132,180. All revenues to date are the result of sales tax collections which are \$126,540 or 9.1% higher than budget and 85,887 or 6.0% higher than FY15.

Fund balance at September 30, 2015 was \$11,388,884 and the projected year-end fund balance is \$11,388,884. Aaron explained that in previous years some fund balance had been held separate from the rest of the fund balance as "designated fund balance". Those projects have now been completed and the remaining designated fund balance has been rolled into the regular fund balance.

- B.2 Update On A Request By The Parks Department To Provide Matching Funds For A Texas Parks And Wildlife Recreational Trails Parks Grant Application. (Shawn Cooper, Assistant Parks Director)
Kimberly Painter, Budget & Grants Coordinator, provided the Board with an update on the Texas Parks and Wildlife Recreational Trails Grant. She explained that the City anticipates an award decision will be made by Texas Parks and Wildlife in late May. If we are selected for funding, Staff anticipates returning to the Board in June for official action related to this project.

CONSENT AGENDA

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

- C.1 Approval Of The Minutes Of The February 9, 2016 Regular Called Meeting.
Director Rice moved to approve the minutes of the February 9, 2016 regular called Board meeting. Director Lemon seconded the motion and it passed with a 7-0 vote.

PUBLIC HEARINGS-NONE

No Items Scheduled

REGULAR AGENDA

DISCUSSION AND POSSIBLE ACTION

- E.1 Consider An Economic Development Infrastructure Reimbursement Agreement With Pecan Grove-SPVEF, L.P. In An Amount Not To Exceed \$622,566 For Public Infrastructure Improvements.
Phil Brewer, Director of Economic Development explained that this proposed agreement would be a performance based agreement for public infrastructure improvements (Water, wastewater, electric improvements and the extension of Scottsdale Drive). Under this agreement the company would build two office buildings totaling 55,000 square feet and all of the infrastructure improvements. It is anticipated that the infrastructure improvements will total \$1,043,371. Under this agreement, the Board would reimburse the Company up to \$622,566 for the infrastructure improvements. The agreement would include performance based claw back provisions and would have a 24 month term.

This project would provide much needed spec office space, and would extend the western half of Scottsdale to the south property line. There are two potential businesses that have expressed interest in the new buildings and are expected to result in at least 150 new jobs.

Payments for this agreement would be made in two parts. 50% would be paid within 45 days from receipt of the "Notice of Completion" and the remaining 50% would be paid within 90 days from receipt of the "Notice of Completion".

Director Wood pointed out that the Board had entered into an agreement in the past with Pecan Grove and asked if it was likely that they would continue to return requesting agreements for projects like this. Staff indicated that it is hard to say for sure, but that as long as the City continues to lack office space it is likely that the City will continue to play a role in encouraging these types of office space developments.

Director Lemon asked if the City should look into constructing office space on its own. Staff did not recommend that at this time.

The Board awarded the project 43 points on Economic Development Project Matrix.

Director Rice moved to accept the economic development infrastructure reimbursement project for Pecan Grove-SPVEF, L.P. in an amount not to exceed \$622,566 and to authorize staff to set a date for a public hearing and to publish the Project Notice. Director Norton seconded the motion and it passed with a 7-0 vote.

- E.2 Consider An Update From The Engineering Department On The RM 1431 Sidewalk And Pedestrian Bridge Project Funded With A Grant From CAMPO In The Amount Of \$378,000. (Wood)
Darwin Marchell, Director of Engineering, reminded the Board that this project was largely paid for using grant funds. The City pays for the project up front and receives a reimbursement of up to 80% of constructions costs. The design portion will be fully funded by the City. Staff explained that the plans for this project are with TxDOT for their approval and the Department anticipates a bid opening in Mid-April. The bridge is anticipated to be operational and open to the public within 6 months.
- E.3 Consider An Update From The Engineering Department On The Sidewalk Gap Closure Phase 3 Project In The Amount Of \$320,000.
Darwin Marchell, Director of Engineering, explained that this project now consists of five locations- the four that were initially proposed (Buttercup Creek Blvd, El Salido at Heather Drive, Alamo Plaza Drive, and E. Park Street), plus an additional fifth project that includes ramp improvements at E. Park Street at Gadwall to correct a sightline issue. He explained that project plans are nearing completion. One project (E. Park Street) is into CAPMETRO for review, and once approved all five locations will go out for bid.
- E.4 Consider Project Eligibility, Authority And Options Related To The Application Of Community Development (Type B) Corporation Funds To Provide Incentives For The Upgrade And Restoration Of Private Neighborhood Or Subdivision Fencing. (Lemon).
Director Lemon indicated that he asked for this item. He indicated that he was concerned that many of the fences in older neighborhoods that back to City thoroughfares are no longer uniform in appearance like they were when they were initially installed by the developers. He indicated that by law the Board cannot pay for the creation of improved fences. Director Lemon asked for feedback from the Board if they would be interested in funding a project like this, and

if so would they like to ask Council to look into getting the laws changed to allow 4B funding to be used for a project like this.

President Burger asked what the current rules are for fences. Staff explained that City Code Compliance could respond if the fence becomes a safety or mobility issue (i.e.: falls on the sidewalk) however the current ordinances do not allow for Code Compliance to intervene for purely aesthetic reasons. Also there is no requirement that a property have a fence, so a resident currently could just remove the fence all together if approached by Code Compliance related to a fence related violation.

The Board discussed the potential issues that could arrive from offering to replace one fence, but not another. The Board also discussed the possibility of incentivizing neighborhoods to improve fences backing to arterial roadways. The Board also discussed the possibility of a partnership with a local home improvement supply business to provide discounts on fencing supplies for those that wish to make improvements themselves. At this time the Board agreed to continue to think on the issue and potentially revisit it at a future meeting.

- E.5 Consider Authorization To Post Announcements and Schedules Related To Submission Of 2016-2017 Community Development Board Project Applications.
- a) Consider Posting Of Announcement For Proposed Projects.
 - b) Consider Proposed Schedule For 2016-2017 Project Submissions.
 - c) Consider Meeting Schedule and Board Budget Recommendations To City Council.

Director Burger mentioned that if staff knows that there is a project that would require an unusually large amount of funding, the Board may want to separate those from the other categories during the project proposal review process.

Director Wood moved to begin the budget process with the initial posting of the project applications on April 1st. President Burger, seconded the motion and it passed with a 7-0 vote.

F.0 EXECUTIVE SESSION

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

- F.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 the Economic Development Agreement between the City Of Cedar Park and Fallbrook Technologies, Inc.

The Board recessed into executive session at 8:14 P.M.

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

Open Meeting

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

The Board reconvened into an open meeting at 8:37 P.M.

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 Report on Council Actions Directly Related to Board Items Of February 11th and February 25th, 2016, City Council Meetings.

None.

- G.2 Board Member Closing Comments.
Director Kirkland, asked for a future agenda item discussing a bridge over the spillway along the Town Center Trail.

President Burger requested the City's Emergency Management Coordinator come make a presentation on the City emergency preparedness at a future meeting.

Next Regular Scheduled Board Meeting **Tuesday, April 12, 2016 At 6:30 P.M.** In The Cedar Park Council Chambers At 450 Cypress Creek Road, Building Four.

- H.1 **ADJOURNMENT**
The meeting was adjourned at 8:40 PM.


 David Burger, President

ATTEST:


 Dustin Weibel, Secretary

