

MINUTES

**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK ROAD, BUILDING FOUR
DECEMBER 15, 2022 AT 6:00 PM**

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

Event Password: CedarPark2022

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

Access Code: 2556 709 4087

Phone Password: 23327727

Jim Penniman-Morin, Mayor
Stephen Thomas, Council Place One
Mel Kirkland, Council Place Two
Anne Duffy, Council Place Three

Kevin Harris, Mayor Pro Tem
Eric Boyce, Council Place Four
Heather Jefts, Council Place Six
Brenda Eivens, City Manager

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

Mayor Penniman-Morin called the meeting to order at 6:00 p.m.

Councilmember Jefts absent from meeting. All others present. Councilmember Kirkland arrived at 7:34 p.m.

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

a. The Bell Boulevard Redevelopment Project.

b. Acquisition Of Property For The Brushy Creek North Fork Trail Project.

B.2 Section § 551.074 Deliberate The Appointment, Employment, Evaluation, And Duties Of A Public Officer Or Employee.

a. Brenda Eivens, City Manager.

b. J.P. LeCompte, City Attorney.

The Council Reconvenes into Open Meeting.

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

Council reconvened from Executive Session into Open Meeting at 7:07 p.m.

- C.1 Invocation. (Harris)
- C.2 Pledges Of Allegiance (U.S. and Texas).
- C.3 Public Communications. (Regarding items not listed on this Agenda. Three Minutes each. No deliberations with the Council. The Council may respond only with factual statements, recitation of existing policy, and requests for an item to be placed on a future Agenda.)

None.

- C.4 City Manager Report: Fiscal Year 2022 Fourth Quarter Financial And Investment Report - Kevin Klosterboer, Interim Finance Director.

Kevin Klosterboer, Interim Finance Director, presented the FY2022 Fourth Quarter Finance and Investment Report.

Consent Agenda

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

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

Movant: Councilmember Boyce

Second: Mayor Pro Tem Harris

Vote: 5-0 with Councilmember Kirkland and Councilmember Jeffs absent from meeting.

- D.1 Receipt of Minutes From The Parks, Arts, And Community Enrichment ("PACE") Board Meeting Of August 8, 2022.

Received under the Consent Agenda.

- E.1 Second Reading And Approval Of An Ordinance Amending Cedar Park Code Of Ordinances, Appendix A Fee Schedule, Article 5.000 Library Fees

Approved under the Consent Agenda.

Ordinance Number CO06.22.12.15.E1

- E.2 Second Reading And Approval Of An Ordinance Approving A Final Project & Finance Plan For Tax Increment Reinvestment Zone #3 For A Super-Regional Destination Center That Includes A Convention Center And Hotel Project.

Approved under the Consent Agenda.

Ordinance Number D07.22.12.15.E2

- F.1 A Resolution Authorizing An Agreement With Axon Enterprise, Inc. For The Purchase Of Tasers And Associated Equipment In An Amount Not To Exceed \$202,866.02.

Approved under the Consent Agenda.

Resolution Number R045.22.12.15.F1

- F.2 A Resolution Authorizing An Agreement With Flock Group, Inc. For The Software And Hardware Solution For Automatic License Plate Recognition And Vehicle Fingerprint Technology In The Total Amount Not To Exceed \$107,000.

Approved under the Consent Agenda.

Resolution Number R046.22.12.15.F2

- F.3 A Resolution Adopting A Computer Use And Internet Safety Policy For The Cedar Park Public Library.

Approved under the Consent Agenda.

Resolution Number R047.22.12.15.F3

- F.4 A Resolution Authorizing An Agreement With Dial Development Services, Ltd. For Third-Party Construction Inspection And Observation Services To Support Construction Of The Brushy Creek North Fork Trail Project In an Amount Not To Exceed \$78,000.

Approved under the Consent Agenda.

Resolution Number R048.22.12.15.F4

- F.5 A Resolution Authorizing An Agreement With ECM International, Inc. For Third-Party Construction Inspection And Observation Services To Support Construction Of The New Cedar Park Library In an Amount Not To Exceed \$195,000.

Approved under the Consent Agenda.

Resolution Number R049.22.12.15.F5

- F.6 A Resolution Authorizing A Professional Services Agreement With Terracon Consultants, Inc. For Construction Materials Testing For The New Cedar Park Library Project In An Amount Not To Exceed \$80,000.

Approved under the Consent Agenda.

Resolution Number R050.22.12.15.F6

- F.7 A Resolution Authorizing An Interlocal Agreement With Williamson County Emergency Services District 12 For Fire Protection, Fire Suppression, EMS, First Responder And Rescue Services.

Approved under the Consent Agenda.

Resolution Number R051.22.12.15.F7

- F.8 A Resolution Authorizing A Professional Services Agreement With WSB & Associates, Inc. For Engineering Project Management Staff Augmentation Services In An Amount Not To Exceed \$250,000.

Approved under the Consent Agenda.

Resolution Number R052.22.12.15.F8

Public Hearings

- G.1 First Reading and Public Hearing Of An Ordinance Granting A Franchise Agreement To One Gas, Inc., Acting By And Through Its Texas Gas Service Company Division.

Jacob Worth, Asst. to the City Mgr., reviewed the background of the current Franchise Agreement that is set to expire in 2023. The Agreement before Council includes an initial ten (10) year term, non-exclusive right to utilize the City's right-of-way, requirement to obtain permits and apply with applicable City codes, and a franchise fee of 5%.

Mayor Penniman-Morin opened the Public Hearing.

No Public Comment.

Mayor Penniman-Morin closed the Public Hearing.

Regular Agenda (Non-Consent)

- H.1 (2022-10-FLU) Consideration Of A Future Land Use Plan Amendment Petition Requesting An Amendment From Local Office/Retail/Commercial (LOC) To Regional Office/Retail/Commercial (REG) For Approximately 4.29 Acres Generally Located Within The 1200 Block Of Little Elm Trail.

Amy Link, Dir. of Dvlp. Services, reviewed the request to amend the Future Land Use Plan for 4.29 acres from LOC to REG. The proposed development is for an office/warehouse building for the future Volente Mosquito Control Systems facility.

Michael Burleson, on behalf of applicant, addressed Council regarding the request.

General discussion followed regarding the aspects of the lot, concerns with trucks, traffic, and storage of any hazardous materials.

Motion to approve Agenda Item H.1 as presented.

“A Future Land Use Plan Amendment Petition Requesting An Amendment From Local Office/Retail/Commercial (LOC) To Regional Office/Retail/Commercial (REG) For Approximately 4.29 Acres Generally Located Within The 1200 Block Of Little Elm Trail”.

Movant: Councilmember Boyce

Second: Councilmember Thomas

Vote: 6-0 with Councilmember Jefts absent from meeting.

**** Councilmember Kirkland arrived at 7:34 p.m. during the general discussion.***

- H.2 Consideration Of A Resolution Authorizing An Agreement With Fazzone Construction Company, Inc. For Construction Of The Brushy Creek North Fork Trail Project In An Amount Not To Exceed \$2,973,819.

Marisa McKnight, Senior Engr., reviewed the competitive sealed bidding and evaluation process for the contractor selection for the Brushy Creek North Fork Trail Project.

Motion to approve Agenda Item H.2 as presented.

“A Resolution Authorizing An Agreement With Fazzone Construction Company, Inc. For Construction Of The Brushy Creek North Fork Trail Project In An Amount Not To Exceed \$2,973,819”.

Movant: Councilmember Kirkland

Second: Councilmember Duffy

Vote: 6-0 with Councilmember Jefts absent from meeting.

Resolution Number R053.22.12.15.H2

- H.3 Consideration Of A Resolution Authorizing An Agreement For The Collection, Hauling Recycling And Disposal Of Household Hazardous Waste Between The City Of Cedar Park And Doliver Enterprises, LLC., dba HHW Solutions.

Nanette McCartan, Utility Programs Manager, reviewed the enhanced HHW porch-collection services to residents within the city limits that currently have City-provided solid waste and recycling collection services.

General discussion followed regarding the cost of the program, public campaign on informing citizens, feedback from community, and statistical information on collection.

Motion to approve Agenda Item H.3 as presented.

“A Resolution Authorizing An Agreement For The Collection, Hauling Recycling And Disposal Of Household Hazardous Waste Between The City Of Cedar Park And Doliver Enterprises, LLC., dba HHW Solutions.”

Movant: Councilmember Thomas

Second: Councilmember Kirkland

Vote: 6-0 with Councilmember Jefts absent from meeting.

Resolution Number R054.22.12.15.H3

- H.4 Consideration Of A Resolution Authorizing A Special Exception Pursuant To Cedar Park Code Of Ordinances Article 8.08 Noise Regulations For The Haute Spot Venue New Year’s Eve Celebration.

Chief Harmon, Police Dept., reviewed the request from Haute Spot for a noise ordinance exemption for December 31, 2022 into January 1, 2023.

Motion to approve Agenda Item H.4 as presented.

“A Resolution Authorizing A Special Exception Pursuant To Cedar Park Code Of Ordinances Article 8.08 Noise Regulations For The Haute Spot Venue New Year’s Eve Celebration”.

Movant: Councilmember Kirkland

Second: Councilmember Boyce

Vote: 6-0 with Councilmember Jefts absent from meeting.

Resolution Number R055.22.12.15.H4

- H.5 Consider Action, If Any, On Items Discussed In Executive Session.

None.

- H.6 Mayor And Council Closing Comments.

Council commented on 2022 and the many accomplishments of the City.

- H.7 Adjournment.

Mayor Penniman-Morin adjourned the meeting at 8:11 p.m.

PASSED AND APPROVED THIS 9th DAY OF FEBRUARY, 2023.

James Penniman-Morin, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary