



**MINUTES
REGULAR CITY COUNCIL
CITY OF LEANDER, TEXAS**

Pat Bryson Municipal Hall
201 North Brushy Street ~ Leander, Texas



Thursday ~ April 21, 2016 at 7:00 PM

Mayor – Christopher Fielder

Place 1 – Andrea Navarrette (Mayor Pro Tem)

Place 2 – Michelle Stephenson

Place 3 – Shanan Shepherd

Place 4 – Ron Abruzzese

Place 5 – Jeff Seiler

Place 6 – Troy Hill

City Manager – Kent Cagle

1. Open meeting, Invocation, Pledges of Allegiance
Mayor Fielder opened the meeting at 7:00 pm and welcomed those in attendance
Council Member Seiler delivered the invocation
Mayor Fielder invited Eagle Scout David Rowe to lead the Pledges of Allegiance
2. Roll Call
All present
3. Staff Comments: Pat Womack, Public Works Director – Leander Spring Clean-up
Pat Womack, Public Works Director, talked about Leander Spring Clean-up
Steve Bosak, Parks & Recreation Director, spoke about the Kite Festival
4. Citizen Comments: Three (3) minutes allowed per speaker
Please turn in speaker request form before the meeting begins
Karen Thompson 11327 Old 2243 W – spoke about water to her property and the road Improvements on RR 2243
Audrey Poche, 1807 Alamo Bound – spoke about the construction on the Randall's site
Frank Stiles, 4180 Hwy 183 – spoke about Leander residents who have been annexed and have no access to city water
5. Recognition of Eagle Scout David Rowe
Sponsored by Chief Greg Minton
Police Chief Greg Minton introduced David Rowe and read his accomplishments
Mayor Fielder presented him with a Certificate from the City of Leander
6. Proclamation declaring April 2016 as “Child Abuse Prevention Month”
Sponsored by Council Member Seiler
Council Member Seiler read the Proclamation and presented it to Monica Benoit-Beatty, Executive Director of the Williamson County Children’s Advocacy Center
7. Proclamation declaring May 2016 as “Motorcycle Safety Awareness Month”
Sponsored by Mayor Fielder
This item will be placed on the May 5th agenda
8. Presentation from Four Square Research, Inc. on YMCA
Li Li with Four Square Research, Inc. gave a presentation on YMCA

CONSENT AGENDA: ACTION

9. Approval of the minutes: April 7, 2016
10. Second Reading of an Ordinance on Zoning Case 15-Z-028 & Subdivision Case #15-CP-005: amending Ordinance 05-018, the Composite Zoning Ordinance for three parcels located at the southwest corner of Bagdad Road and San Gabriel Parkway, for 202.79 acres, more or less, from PUD, Planned Unit Development, GC-3-B, General Commercial and GC-3-C, General Commercial to PUD, Planned Unit Development with base zoning districts of SFU-2-A, Single Family Urban, SFC-2-A, Single Family Compact, SFL-2-A, Single Family Limited, GC-2-A, General Commercial and MF-2-A, Multi Family, Leander, Williamson County, Texas
11. Approval of a Special Permit for the Old Town Street Festival
12. Approval of Street Closure for Liberty Fest
13. Acceptance of a Community Development Block Grant for the construction of a sidewalk on the east side of Bagdad Road
14. License Agreement for the Right to enter the Sandy Creek Water Treatment Plant Property for the Purpose of constructing two segments of 4-foot Metal Woven Fencing and an Access Gate
15. Annexation Development Agreements under Section 43.035, Texas Local Government Code, between the City of Leander and each of the following property owners:
 - a) Shari Carmody Greene
 - b) Roy L. and Alice F. Kuchera
16. Addendum to the Annexation Development Agreements under Section 43.035, Texas Local Government Code, between the City of Leander and each of the following property owners:
 - a) Curtis C. Borho
 - b) Emogene Champion
 - c) Terence and Gloria MacConnell
 - d) Larry and Leslie Miller
 - e) James E. Roberson and Monta Jane Akin
 - f) Darrell and Bonita Word
17. Second Reading of an Ordinance on Area A: Annexation of all that certain parcel or tract of land containing 56.09 acres, more or less, located in Travis County, Texas, generally located north of RM 1431, and either side of Vista Rock Rd. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters
18. Second Reading of an Ordinance on Area B: Annexation of all that certain parcel or tract of land containing 6.34 acres, more or less, located in Williamson County, Texas, generally located either side of CR 279 / Bagdad Rd, north of W San Gabriel Pkwy. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters
19. Second Reading of an Ordinance on Area C: Annexation of all that certain parcel or tract of land containing 288.22 acres, more or less, located in Williamson County, Texas, generally located south of County Road 280, west of County Road 279 / Bagdad Rd. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

20. Second Reading of an Ordinance on Area D: Annexation of all that certain parcel or tract of land containing 187.06 acres, more or less, located in Williamson County, Texas, generally located south of County Road 280, east of the Mesa Vista Estates subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters
21. Second Reading of an Ordinance on Area E: Annexation of all that certain parcel or tract of land containing 62.69 acres, more or less, located in Williamson County, Texas, generally located north of County Road 280, west of the Greatwood subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters
22. Second Reading of an Ordinance on Area F: Annexation of all that certain parcel or tract of land containing 408.58 acres, more or less, located in Williamson County, Texas, generally located either side of CR 279 / Bagdad Rd, north of County Road 280, south of County Road 281 including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

Kristen Witbeck, 80 Mockingbird Lane – spoke against
Bobby Gonzales, 3675 CR 279 – spoke against
Susan Turner, 3675 CR 279 - spoke against

23. Second Reading of an Ordinance on Area G: Annexation of all that certain parcel or tract of land containing 30.70 acres, more or less, located in Williamson County, Texas, and generally located east of Oak Grove Rd, north of Heritage Grove Rd. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters
24. Second Reading of an Ordinance on Area H: Annexation of all that certain parcel or tract of land containing 3.72 acres, more or less, located in Williamson County, Texas, and generally located west of US 183, east of County Road 276, south of the High Gabriel West subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters
25. Second Reading of an Ordinance on Area I: Annexation of all that certain parcel or tract of land containing 188.43 acres, more or less, located in Williamson County, Texas, and generally located south of W State Highway 29, west of Ronald W Reagan Blvd, either side of Kaufmann Loop, north and west of County Road 267 including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters
26. Second Reading of an Ordinance on Area J: Annexation of all that certain parcel or tract of land containing 27.37 acres, more or less, located in Williamson County, Texas, and generally located south of W State Highway 29, east of Ronald W Reagan Blvd, north of County Road 268. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters
27. Second Reading of an Ordinance on Area K: Annexation of all that certain parcel or tract of land containing 63.87 acres, more or less, located in Williamson County, Texas, and generally located either side of County Road 270, south of E. San Gabriel Pkwy, north of Hero Way including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters
28. Second Reading of an Ordinance on Area L: Annexation of all that certain parcel or tract of land containing 93.0 acres, more or less, located in Williamson County, Texas, and generally located north of Hero Way, east of County Road 270, west of Ronald W Reagan Blvd, south and west of the Palmera Ridge subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

29. Second Reading of an Ordinance on Area M: Annexation of all that certain parcel or tract of land containing 146.15 acres, more or less, located in Williamson County, Texas, and generally located east of Ronald W Reagan Blvd, south of the South Fork of the San Gabriel River, north of the Reagans Overlook subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters
30. Second Reading of an Ordinance on Area N: Annexation of all that certain parcel or tract of land containing 138.32 acres, more or less, located in Williamson County, Texas, and generally located east of Ronald W Reagan Blvd, north of RM 2243, south of the Reagans Overlook subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters
31. Second Reading of an Ordinance on Area O: Annexation of all those certain three parcels or tracts of land containing a total of 35.92 acres, more or less, located in Williamson County, Texas, and generally located east of Ronald W Reagan Blvd, south of County Road 176, north of Journey Pkwy, either side of County Road 175, west and north of the Parkside at Mayfield Ranch subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters
32. Second Reading of an Ordinance on Area P: Annexation of all that certain parcel or tract of land containing 6.80 acres, more or less, located in Williamson County, Texas, and generally located south of Journey Pkwy, north of the Stonehurst subdivision, either side of County Road 175, north of the Williamson County Regional Park, south of the Trails at Shady Oak / Borho subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters
33. Second Reading of an Ordinance on Area 1: Annexation of all that certain parcel or tract of land containing 1.55 acres, more or less, located in Williamson County, Texas, generally located north of County Road 280, east of the Greatwood subdivision, being generally known as the CR 280 Elevated Storage Tank site, being wholly owned by the City of Leander including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters
34. Second Reading of an Ordinance on Area 2: Annexation of all that certain parcel or tract of land containing 43.18 acres, more or less, located in Williamson County, Texas, generally located east of US 183, north of the South Fork of the San Gabriel River, being generally known as the San Gabriel River Park site, being wholly owned by the City of Leander including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

Mayor Fielder pulled item #13 and item # 28 from the consent agenda. Both of these items have been postponed.

At the request of Council Member Stephenson, Mayor Fielder pulled the following items from the consent agenda to be voted on separately. Items # 17, 19, 22, 26, 30, 31 & 32.

Mayor Fielder made a motion to approve the following consent agenda items with the exception of item 15a, items # 9, 10, 11, 12, 14, 15b, 16, 18, 20, 21, 23, 24, 25, 27, 29, 33 & 34. Second by Mayor Pro Tem Navarrette. Motion passes, all voting "aye"

Motion made by Mayor Pro Tem Navarrette to approve item #17. Second by Council Member Abruzzese. Motion passes, 6 to 1 with Council Member Stephenson voting against.

Motion made by Council Member Abruzzese to approve item #19. Second by Council Member Seiler. Motion passes, 6 to 1 with Council Member Stephenson voting against.

Motion made by Council Member Abruzzese to approve it #22. Second by Mayor Pro Tem Navarrette. Motion passes, 6 to 1 with Council Member Stephenson voting against

Motion made by Mayor Pro Tem Navarrette to approve item #26. Second by Council Member Seiler. Motion passes, 6 to 1 with Council Member Stephenson voting against.

Motion made by Council Member Shepherd to approve item #30. Second by Council Member Seiler. Motion passes, 6 to 1 with Council Member Stephenson voting against.

Motion made by Council Member Shepherd to approve item #31. Second by Mayor Pro Tem Navarrette. Motion passes, 6 to 1 with Council Member Stephenson voting against.

Motion made by Council Member Shepherd to approve item #32. Second by Mayor Pro Tem Navarrette. Motion passes, 6 to 1 with Council Member Stephenson voting against.

PUBLIC HEARING: ACTION

35. **Public Hearing** on Zoning Case 16-Z-007: Consider a zoning change of several parcels of land generally located to the west of the intersection of CR 279 and Live Oak for 76.89 acres, more or less from interim zoning SFR-1-B, Single Family Rural to SFR-2-B, Single Family Rural, Leander, Williamson County, Texas
Applicant: San Gabriel Whitt Ranch, LLC (Davy Roberts)
This item has been postponed by the applicant

Mayor Fielder announced that this item has been postponed

36. **Public Hearing** on Zoning Case 16-Z-004: Consider a zoning change of a parcel of land located at 801 Apache Trail for 1.50 acres, more or less from GC-3-C, General Commercial to PUD, Planned Unit Development with a base zoning of MF-2-A, Multi-Family, Leander, Williamson County, Texas
Applicant: Dannen Development, LLC (Josh Becker)
Tom Yantis, Asst. City Manager explained
Josh Becker, Applicant, gave a presentation

Shooter Russell, 601 Seminole – spoke against
Bill Russell, 603 Seminole – spoke against
Kevin Black, 2507 Cheyenne – spoke against
Harold Skinner, 602 Apache Trail – spoke against

Action on Zoning Case 16-Z-004: Consider a zoning change of a parcel of land located at 801 Apache Trail for 1.50 acres, more or less from GC-3-C, General Commercial to PUD, Planned Unit Development with a base zoning of MF-2-A, Multi-Family, Leander, Williamson County, Texas

Motion made by Council Member Seiler to approve with P&Z recommendation and renderings to be shown to council before second reading of the ordinance. Second by Council Member Shepherd. Motion passes, all voting “aye”

37. **Public Hearing** on Zoning Case 15-Z-015: Consider a zoning change of a parcel of land located to the south of the intersection of US 183 and the Union Pacific Railroad, and to the north of the southern city limits for 13.590 acres, more or less from SFU-2-B, Single Family Urban to GC-3-B, General Commercial, Leander, Williamson County, Texas
Applicant: James Knight on behalf of Robert Knight, Trustee
The applicant has pulled this item from the agenda

Action on Zoning Case 15-Z-015: Consider a zoning change of a parcel of land located to the south of the intersection of US 183 and the Union Pacific Railroad, and to the north of the southern city limits for 13.590 acres, more or less from SFU-2-B, Single Family Urban to GC-3-B, General Commercial, Leander, Williamson County, Texas

38. **Public Hearing** on Zoning Case 16-TOD-Z-005: Consider a zoning change of several tracts of land generally located to the southwest of the intersection of San Gabriel Parkway & US 183 for 151.2 acres, more or less, legally described as Oak Creek, Phase 1, Sections 1 & 2; Oak Creek, Phase 2, Sections 1-3; Oak Creek, Phase 5 from PUD, Planned Unit Development with the base zoning districts of SFU-2-B, Single Family Urban, SFC-2-B, Single Family Compact, SFL-2-B, Single Family Limited, SFT-2-B, Single Family Townhouse and MF-2-B, Multi-Family to an amended PUD to increase the residential density allowed within the properties located on the east side of West Broade Street, Leander, Williamson County, Texas

Applicant: Mark Baker on behalf of Sentinel Cotter Leander LLC, Castlerock Communities L.P., Megatel Homes, Inc. or its Affiliates, and Pacesetter Homes, LLC, Tom Lynch, President

Tom Yantis, Asst. City Manager explained

Mark Baker, Applicant gave a presentation

Edward Valdes, 445 Longhorn Cavern Road – spoke against

Keith Heath, 609 Jess Maynard Trail – spoke against

Michael Kaply, 612 Jess Maynard Trail – spoke against

Sean Conly, 617 Joppa Road – spoke against

Joe Aboulhosn, 500 S. Braun Dr – spoke against

Patty Chalupa, 313 Longhorn Cavern Road – spoke against

Marty Chalupa, 313 Longhorn Cavern Road – spoke against

Mary Davis, 536 South Brook - spoke against

Karen Wells, 508 South Brook - spoke against

Frank Stiles, 4180 Hwy. 183 – expressed concerns, not for or against

Karen Thompson, 11327 Old 2243 W – spoke against

Action on Zoning Case 16-TOD-Z-005: Consider a zoning change of several tracts of land generally located to the southwest of the intersection of San Gabriel Parkway & US 183 for 151.2 acres, more or less, legally described as Oak Creek, Phase 1, Sections 1 & 2; Oak Creek, Phase 2, Sections 1-3; Oak Creek, Phase 5 from PUD, Planned Unit Development with the base zoning districts of SFU-2-B, Single Family Urban, SFC-2-B, Single Family Compact, SFL-2-B, Single Family Limited, SFT-2-B, Single Family Townhouse and MF-2-B, Multi-Family to an amended PUD to increase the residential density allowed within the properties located on the east side of West Broade Street, Leander, Williamson County, Texas

Motion made by Council Member Abruzzese to approve with the rendering to be part of the PUD. Second by Council Member Shepherd. Motion passes, 5 to 2 with Council Members Hill and Stephenson voting against.

Mayor Fielder called for a break at 9:55 pm

Council convened into session at 10:06 pm

REGULAR AGENDA

39. Second Reading of an Ordinance on Zoning Case 15-Z-033: amending Ordinance 05-018, the Composite Zoning Ordinance for two parcels of land generally located approximately 270 ft. south from the southwest corner of the intersection of Great Owl Pass and Council Springs Pass from interim zoning SFR-1-B, Single Family Rural with the remaining portion of the property in the ETJ to SFR-2-A, Single Family Rural, SFT-2-B, Single Family Townhome, LC-2-B, Local Commercial and LC-2-A, Local Commercial, Leander, Williamson County, Texas

This item has been postponed due to a notification error

Mayor Fielder announced that this item has been pulled from the agenda

40. Consider an Ordinance adopting the 2015 ICC Building Codes and the 2014 National Electrical Code (NEC)
Tom Yantis, Asst. City Manager explained

**Motion made by Council Member Abruzzese to approve. Second by Mayor Pro Tem Navarrette.
Motion passes, all voting "aye"**

41. Consider an Ordinance adopting the 2015 Fire Code with local amendments
Bill Gardner, Fire Chief explained

**Motion made by Council Member Stephenson to approve. Second by Council Member Seiler.
Motion passes, all voting "aye"**

42. Water Use and Supply Update
Pat Womack, Director of Public Works gave the water use update

43. Council Member Closing Statements
Council Members gave their closing statements

EXECUTIVE SESSION

Mayor Fielder read the additional item agenda into the record

44. Convene into executive session pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding a proposed settlement agreement in Cause No. 15-0088- C277, Premas Global Leander I v. City of Leander, et al., In the 277th Judicial District Court of Williamson County, Texas

**Council convened into executive session at 10:20 pm
Council reconvened into open session at 11:17 pm**

45. Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding a proposed settlement agreement in Cause No. 15-0088- C277, Premas Global Leander I v. City of Leander, et al., In the 277th Judicial District Court of Williamson County, Texas

No action taken

See attached minutes for motion on additional executive session agenda item.

46. Adjournment
With there being no further business the meeting adjourned at 11:19 pm



Christopher Fielder, Mayor

Attest:



Debbie Haile, TRMC, City Secretary

MINUTES
ADDITIONAL ITEMS ON AGENDA



REGULAR CITY COUNCIL MEETING
CITY OF LEANDER, TEXAS
April 21, 2016



NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, WILL MEET AT 7:00 P.M. IN A REGULAR MEETING ON THE 21st DAY OF APRIL, 2016 AT ITS REGULAR MEETING PLACE, THE PAT BRYSON MUNICIPAL HALL, 201 N. BRUSHY STREET, IN THE CITY OF LEANDER, TEXAS, AND IN ADDITION TO THE ITEMS POSTED IN ACCORDANCE WITH THE MEETING REQUIREMENTS WILL ALSO CONSIDER THE ADDITIONAL ITEMS LISTED BELOW:

EXECUTIVE SESSION:

1. Convene into executive session pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding initiating litigation against Brooke Anne Hazzard and any other appropriate parties related to filing of UCC liens against City employees, officers, and departments, and other appropriate remedies, and reporting the liens to the district attorneys' office

Mayor Fielder read this item into the record with item # 44 on the Regular Agenda

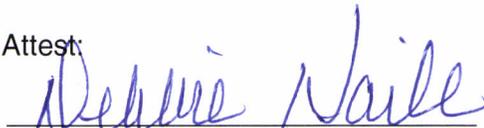
2. Reconvene into open session to take action as determined appropriate in the City Council's discretion regarding filing lawsuits against Brooke Anne Hazzard and any other appropriate parties to seek release of financing statements and UCC liens against City employees, officers, and departments and other appropriate remedies, and reporting the liens to the district attorney's office

Motion made by Mayor Pro Tem Navarrette to authorize City Attorney to report Brooke Anne Hazzard's filing of fraudulent liens with the appropriate authorities. Second by Council Member Shepherd. Motion passes, all voting "aye"



Christopher Fielder, Mayor

Attest:



Debbie Haile, TRMC, City Secretary