



**AGENDA**  
**SPECIAL CALLED CITY COUNCIL MEETING**  
**CITY OF LEANDER, TEXAS**

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

Monday ~ September 19, 2016 at 6:00 PM



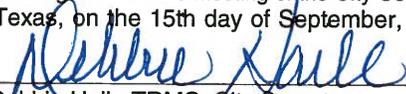
**Mayor – Christopher Fielder**  
**Place 1 – Andrea Navarrette**  
**Place 2 – Michelle Stephenson**  
**Place 3 – Shanán Shepherd**

**Place 4 – Ron Abruzzese (Mayor Pro Tem)**  
**Place 5 – Jeff Seiler**  
**Place 6 – Troy Hill**  
**City Manager – Kent Cagle**

1. Open meeting
2. Roll Call
3. Second Reading of an Ordinance levying ad valorem taxes for the use and support of the municipal government of the City of Leander, Texas for FY 2016-17
4. Consider a Resolution of the City of Leander, Texas, Authorizing and Approving the Assignment of the Contract for Engineering Services Between and Among Camp Dresser & McKee, Inc., and the City of Round Rock, the City of Cedar Park, and the City of Leander dated December 21 2006 to the Brushy Creek Regional Utility Authority and Authorizing the City Manager to Sign Any Assignment Documents
5. Adjournment

**CERTIFICATION**

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting the Council reserves the right to adjourn into executive session on any of the above posted agenda items in accordance with the sections 551.071 [litigation and certain consultation with attorney], 551.072 [acquisition of interest in real property], 551.073 [contract for gift to city], 551.074 [certain personnel deliberations] or 551.076 [deployment/ implementation of security personnel or devices]. The City of Leander is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. **Please call the City Secretary at 512/ 528-2743 for information.** Hearing impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 512/ 528-2800. I certify that the above agenda for this Meeting of the City Council of the City of Leander, Texas, was posted on the bulletin board at City Hall, in Leander, Texas, on the 15th day of September, 2016 by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.

  
Debbie Haile TRMC, City Secretary



**Executive Summary**  
**September 19, 2016**

**Agenda Subject:** Second Reading of an Ordinance levying ad valorem taxes for the use and support of the municipal government of the City of Leander, Texas for FY 2016-17.

**Background:** The City Charter requires two readings for any ordinance levying taxes. The proposed tax rate is \$0.59900 which is 3.392 cents less than the current rate. However, since the recommended rate exceeds the effective rate of \$0.591675 (1.2%), state law also requires that adoption of the tax rate ordinance be made by specific motion.\* State law also now requires a vote of at least 60% of the governing body to adopt a rate that exceeds the effective tax rate.

**Origination:** Robert G. Powers, Finance Director

**Financial Consideration:**

**Recommendation:** \* Approve the following motion “I move that the property tax rate be increased by the adoption of a tax rate of \$0.5990 per \$100 valuation which is effectively a 1.2 % increase in the tax rate.”

**Attachments:** Ordinance Levying Ad Valorem Taxes

**Prepared by:** Robert G. Powers, Finance Director

ORDINANCE NO.

AN ORDINANCE LEVYING AD VALOREM TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF LEANDER, TEXAS, FOR THE FISCAL YEAR 2016-17; PROVIDING FOR AND APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES; AND PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN THE SAME SHALL BECOME DELINQUENT IF NOT PAID.

WHEREAS, the City Council of the City of Leander, Texas, has approved the municipal budget for the fiscal year beginning October 1, 2016, and ending September 30, 2017; and

WHEREAS, it is necessary that an ordinance be passed levying an ad valorem tax on all property, both real and personal, within the corporate limits of the City of Leander, Texas in accordance with such budget and the Texas Tax Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:

Section 1. There is hereby levied and there shall be collected for the use, support and operation of the municipal government of the City of Leander and to provide an interest and sinking fund for the fiscal year, upon all property, real, personal and mixed, within the corporate limits of the City subject to taxation, a tax of \$0.5990 for each \$100.00 valuation of property, said tax being so levied and apportioned for the following specific purposes;

- (a) For the current expenses, maintenance and operation of the general government (General Fund), \$0.38560 on each \$100.00 valuation for property, and
- (b) For the interest and sinking fund, \$0.21340 on each \$100.00 valuation of property.

Section 2. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 2.7 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$10.06.

Section 3. Taxes levied under this ordinance shall be due October 1, 2016 and if not paid on or before January 31, 2017, shall immediately become delinquent.

Section 4. Taxes shall become a lien upon the property against which assessed, and the Travis County Tax Assessor/Collector within Travis County, and the Williamson County Tax Assessor/Collector within Williamson County, respectively, as the assessor and collector of taxes for the City of Leander, are hereby authorized and empowered to enforce the collection of such taxes, according to the Constitution and laws of the State of Texas and ordinances of the City, and shall, and, by virtue of the tax rolls, fix and establish a lien by levying upon such property whether real, personal or mixed for the payment of said taxes, penalty and interest. The penalty and interest collected from such delinquent taxes shall be apportioned between the General Fund and the Interest and Sinking Fund of the City of Leander. All delinquent taxes shall bear interest from date of delinquency at the rate prescribed by state law.

Section 5. That this ordinance shall take effect and be in full force from and after its passage.

FIRST READING PASSED AND APPROVED THIS THE 15th DAY OF SEPTEMBER, 2016 by the following motion "I move that the property tax rate be increased by the adoption of a tax rate of \$0.5990 which is effectively an 1.2% increase in the tax rate." which was made by (\_\_\_\_\_) and seconded by (\_\_\_\_\_) to approve this ordinance having received \_\_\_ votes for; \_\_\_ against and \_\_\_ abstain, \_\_\_ absent.

SECOND READING PASSED AND APPROVED THIS THE 19th DAY OF SEPTEMBER, 2016 by the following motion "I move that the property tax rate be increased by the adoption of a tax rate of \$0.5990 which is effectively an 1.2% increase in the tax rate." which was made by (\_\_\_\_\_) and seconded by (\_\_\_\_\_) to approve this ordinance having received \_\_\_ votes for; \_\_\_ against and \_\_\_ abstain, \_\_\_ absent.

CITY OF LEANDER, TEXAS

\_\_\_\_\_  
Christopher Fielder, Mayor

ATTEST:

\_\_\_\_\_  
Debbie Haile, City Secretary



**Executive Summary**  
**September 19, 2016**

**Agenda Subject:** A Resolution of the City of Leander, Texas, Authorizing and Approving the Assignment of the Contract for Engineering Services Between and Among Camp Dresser & McKee, Inc., and the City of Round Rock, the City of Cedar Park, and the City of Leander dated December 21 2006 to the Brushy Creek Regional Utility Authority and Authorizing the City Manager to Sign Any Assignment Documents

**Background:** The City of Round Rock, the City of Cedar Park, and the City of Leander (the “Cities”) entered a Contract for Engineering Services with Camp Dresser & McKee, Inc. dated December 21, 2006 (the “Contract”), which provided that the Cities may assign the Contract to a Local Government Corporation or similar entity created by the Cities. The Cities created the BCRUA to aid and act on behalf of the Cities to accomplish governmental purposes including, but not limited to having the BCRUA Water Treatment Plant-Phase 1A Project designed and constructed. When the Cities executed the Contract, the City of Leander intended for the Local Government Corporation to be formed by the Cities to be a beneficiary and assignee of the Contract. When the BCRUA was created by the Cities, the City of Leander intended for the BCRUA to be a beneficiary and assignee of the Contract and intended, as a condition of the assignment, that in addition to the BCRUA being assigned the rights, remedies, benefits, duties and obligations of the Owners under the Contract and under applicable law, the Cities would reserve and retain the rights, remedies, benefits, duties and obligations of the Owners under the Contract and under applicable law. The City of Leander desires to memorialize the assignment to the BCRUA contemplated by the City

of Leander under the Contract by approving the resolution and authorizing the assignment to be signed.

**Recommendation:** Approval of the Resolution

**Attachments:** Resolution and Assignment of Contract

**Prepared by:** Paige Saenz, City Attorney  
Wayne Watts, City Engineer

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF LEANDER, TEXAS, (“CITY”) AUTHORIZING AND APPROVING THE ASSIGNMENT OF THE CONTRACT FOR ENGINEERING SERVICES BETWEEN AND AMONG CAMP DRESSER & MCKEE, INC., AND THE CITY OF ROUND ROCK, THE CITY OF CEDAR PARK, AND THE CITY OF LEANDER DATED DECEMBER 21, 2006 TO THE BRUSHY CREEK REGIONAL UTILITY AUTHORITY AND AUTHORIZING THE CITY MANAGER TO SIGN ANY ASSIGNMENT DOCUMENTS**

**WHEREAS**, the City of Round Rock, the City of Cedar Park, and the City of Leander (the “Cities”) entered into that certain Contract for Engineering Services with Camp Dresser & McKee, Inc. dated December 21, 2006 (the “Contract”);

**WHEREAS**, the Contract provides that the Cities may assign the Contract to a Local Government Corporation or similar entity created by the Cities; and

**WHEREAS**, the Cities created a local government corporation, the Brushy Creek Utility Authority, Inc. pursuant to Subchapter D, Chapter 431, Texas Transportation Code for, among other purposes, to aid and act on behalf of the Cities to accomplish governmental purposes including, but not limited to having the BCRUA Water Treatment Plant-Phase 1A Project designed and constructed (the “BCRUA”);

**WHEREAS**, when the Cities executed the Contract the City of Leander intended for the Local Government Corporation to be formed by the Cities to be a beneficiary and assignee of the Contract;

**WHEREAS**, when the BCRUA was created by the Cities, the City of Leander intended for the BCRUA to be a beneficiary and assignee of the Contract and intended, as a condition of the assignment, that in addition to the BCRUA being assigned the rights, remedies, benefits, duties and obligations of the Owners under the Contract and under applicable law, the Cities would reserve and retain the rights, remedies, benefits, duties and obligations of the Owners under the Contract and under applicable law; and

**WHEREAS**, the City of Leander desires to memorialize the assignment to the BCRUA contemplated by the City of Leander under the Contract.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS:**

**SECTION 1.** The City Council of the City of Leander hereby authorizes and approves the assignment of the Contract to the BCRUA subject to the conditions

described herein. Such assignment shall include an assignment of the rights, remedies, benefits, duties and obligations of the Owners under the contract and under applicable law and shall reserve and retain to the Cities the rights, remedies, benefits, duties and obligations of the Owners under the Contract and under applicable law if the Cities should elect to exercise such rights, remedies, benefits, duties and obligations. The City Manager is authorized to execute any documents needed to give effect to such assignment.

**SECTION 2.** This resolution shall be effective immediately upon adoption.

**SECTION 3.** It is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

Resolved this the 19<sup>th</sup> day of September, 2016.

**ATTEST:**

**CITY OF LEANDER:**

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Debbie Haile, City Secretary

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Mr. Christopher Fielder, Mayor

## **ASSIGNMENT OF CONTRACT FOR ENGINEERING SERVICES**

This Assignment of Contract for Engineering Services (“Assignment”) is entered into by and between the City of Round Rock, the City of Cedar Park, and the City of Leander, (collectively referred to as “Assignors”) and the Brushy Creek Regional Utility Authority, Inc., a Local Government Corporation (“BCRUA”). The above entities may be referred to herein as “Party” or “Parties” as the context may require.

### **RECITALS**

**WHEREAS**, Assignors and Camp Dresser & McKee, Inc. (“CDM”) entered into that certain Contract for Engineering Services (“Contract”) effective December 21, 2006, whereby CDM was to provide engineering services related to a regional water treatment and transmission system for Assignors; and

**WHEREAS**, Article 28 of said Contract specifically provides that the Assignors may assign the Contract to a Local Government Corporation created by the Assignors and Assignors intended for such Local Government Corporation to benefit from and be an assignee of Assignor’s rights, remedies, benefits, duties and obligations under the Contract; and

**WHEREAS**, on the 26<sup>th</sup> day of July, 2007, Assignors did create the BCRUA., a Local Government Corporation pursuant to the provisions of Subchapter D of Chapter 431, Texas Transportation Code; and

**WHEREAS**, Assignors desire to memorialize the assignment of rights, remedies, benefits, duties and obligations under the Contract and applicable law to the BCRUA, and the BCRUA desires to assume and accept such assignment;

**NOW, THEREFORE**, it is hereby agreed between the Parties as follows:

### **I.**

#### **ASSIGNMENT AND ACCEPTANCE**

1.1 Subject to the conditions and reservations of the assignment set forth in Section II below, Assignors hereby assign Assignors’ rights, remedies, benefits, duties and obligations under the Contract and under applicable law to the BCRUA.

1.2 Subject to the conditions and reservations of the assignment set forth in Section II below, BCRUA hereby accepts the assignment of the Assignors’ rights, remedies and benefits under the Contract and applicable law and accepts Assignors’ duties and obligations under the Contract and under applicable law.

**II.**  
**CONDITIONS AND RESERVATIONS OF ASSIGNMENT**

2.1 In executing this Assignment, in addition to assigning to Assignee the rights, remedies, benefits, duties and obligations of Assignor under the Contract and under applicable law and as a condition to such assignment, Assignors also reserve and retain unto themselves, the right, if they so choose, to exercise the rights and remedies of the Owners under the Contract and under applicable law and the right, if they so choose, to perform any of the duties and obligations of the Owners under the Contract and under applicable law.

2.2 In accepting this Assignment, the BCRUA acknowledges and accepts the assignment set forth herein subject to the conditions and reservations set forth in paragraph 2.1 above.

2.3 In executing this Assignment, the Assignors are intending to assign and are assigning to the BCRUA any benefits applicable to the Assignors under applicable law, including but not limited to any codes or statutes that pertain to the rights, remedies, benefits, duties and obligations of the Assignors under the Contract.

**IN WITNESS WHEREOF**, the above named parties have caused this document to be executed on the dates provided below by their duly authorized agents to be retroactively effective as of the 26<sup>th</sup> day of July, 2007.

**ASSIGNORS**

**The City of Round Rock**

By: \_\_\_\_\_  
Alan McGraw, Mayor

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

**The City of Cedar Park**

By: \_\_\_\_\_  
Matt Powell, Mayor

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

**The City of Leander**

By: \_\_\_\_\_  
Christopher Fielder, Mayor

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

**BRUSHY CREEK REGIONAL UTILITY  
AUTHORITY, INC.**

By: \_\_\_\_\_  
Jon Lux, President

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