# AGENDA

## CITY COUNCIL
## CITY OF LEANDER, TEXAS

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

Thursday ~ February 21, 2013 at 7:00 PM

**Mayor – Christopher Fielder**
**Place 1 – Andrea Navarrette** **Place 4 – Michell Cantwell (Mayor Pro Tem)**
**Place 2 – Kirsten Lynch** **Place 5 – Jason Dishongh**
**Place 3 – Simon Garcia** **Place 6 – David Siebold**
**City Manager – Kent Cagle**

1. Open meeting, Invocation, Pledges of Allegiance
2. Roll Call
3. Staff Comments:
4. Citizen Comments: Three (3) minutes allowed per speaker
   ***Please turn in speaker request form before the meeting begins.***
5. Update on Recycling from Tanya Clawson with Clawson Disposal
6. Recognition of Eagle Scouts – Sponsored by Mayor Fielder
7. Proclamation in recognition of "National Engineers Week". Sponsored by Mayor Pro Tem Cantwell

**CONSENT AGENDA: ACTION**

8. Approval of the minutes: Regular Meeting: February 7, 2013
9. Second reading of an Ordinance on annexation of 0.781 acre parcel, more or less, located in Williamson County, Texas, generally located to the east of the intersection of Sam Bass Road/CR 175 and CR 179 including the abutting streets, roadways, and rights-of-way
10. Second reading of an Ordinance on annexation of 105.9301 acre parcel, more or less, located in Williamson County, Texas, generally located to the east of the intersection of Sam Bass Road/CR 175 and CR 179 including the abutting streets, roadways, and rights-of-way
11. Second Reading of an Ordinance for Zoning Case # 12-Z-020: amending Ordinance #05-018, the Composite Zoning Ordinance for a parcel generally located at the northwest corner of Old 2243 W and US Hwy 183, approximately 600 feet west of N US Hwy 183 and 1,100 feet north of Old 2243 W to SFU-2-B and SFC-2-B, Leander, Williamson County, Texas
    (original request was for SFL-2-B, SFC-2-B and SFU-2-B)
12. Second Reading of an Ordinance for Zoning Case # 12-Z-029: amending Ordinance #05-018, the Composite Zoning Ordinance for two parcels generally located at the southwest corner of the intersection of Bagdad Road and Vista Ridge Drive to SFL-2-B, Leander, Williamson County, Texas

13. Second Reading of an Ordinance for Zoning Case #12-Z-028: amending Ordinance #05-018, the Composite Zoning Ordinance for a parcel located to the east of the intersection of Sam Bass Road and CR 179, south of Parkside at Mayfield Ranch, northwest of Williamson County Regional Park to SFS-2-B and SFU-2-A, Leander, Williamson County, Texas

14. Submission of Racial (Biased Based) Profiling Report for calendar year 2012

## PUBLIC HEARING: ACTION

15. **a. Public Hearing** on Zoning Case # 13-Z-001: Consider a zoning change for 20.290 acres, more or less for two parcels located at 950 CR 179 from interim zoning SFR-1-B, Single Family Rural to SFC-2-B, Single Family Compact, Leander, Williamson County, Texas
Applicant: Jerel Choate on behalf of Emory P. Montgomery

**b. Action** on Zoning Case # 13-Z-001: amending Ordinance #05-018, the Composite Zoning Ordinance for the property located at 950 CR 179, Leander, Williamson County, Texas

16. **a. Public Hearing** on Zoning Case # 13-Z-002: Consider a zoning change for 1.191 acres, more or less for a parcel located on the northwest corner of the intersection of 183A and CR 271 from GC-3-A General Commercial to GC-4-C, General Commercial, Leander, Williamson County, Texas
Applicant: Javier Barajas, P.E. on behalf of Douglas L. Harbison

**b. Action** on Zoning Case # 13-Z-002: amending Ordinance #05-018, the Composite Zoning Ordinance for the property located on the northwest corner of the intersection of 183A and CR 271. Leander, Williamson County, Texas

## REGULAR AGENDA

17. Receive Annual Financial Report for Year Ending September 30, 2012

18. Consider an Ordinance of the City of Leander, Texas amending Ordinance # 12-044-00, adopting the Annual Budget of the City of Leander, Texas for Fiscal Year 2012-2013

19. Consider a Resolution adopting a Long-Range Financial Management Policy and Financial Targets

20. Consider amendments to Ordinance #01-009-00, Ethics Ordinance

21. Consider an Ordinance ordering and establishing procedures for the May 11, 2013 General Election

22. Consideration of an Ordinance ordering and establishing procedures for the May 11, 2013 Special Election for possible amendments to the City Charter

23. Council Members Closing Statements

24. 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 February, 2013 by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.

Debbie Haile

Debbie Haile, TRMC, City Secretary

# The City of Leander, Texas

# PROCLAMATION

**WHEREAS,** Engineers have used their scientific and technical knowledge and skills in creative and innovative ways to fulfill society's needs; and

**WHEREAS,** Engineers face the major technological challenges of our time—from rebuilding towns devastated by natural disasters to designing an information superhighway that will speed our country into the twenty-first century; and

**WHEREAS,** Engineers are encouraging our young math and science students to realize the practical power of their knowledge; and

**WHEREAS,** we will look more than ever to Engineers and their knowledge and skills to meet the challenges of the future

**NOW, THEREFORE**, I Christopher Fielder, Mayor of the City of Leander, Texas do proclaim **February 17-23, 2013** as:

## National Engineers Week

**In Leander, Texas and do urge all citizens to show their support for their hard work**

Attest:

Christopher Fielder, Mayor

Debbie Haile, City Secretary

**AGENDA ITEM # 8**

# MINUTES

## CITY COUNCIL
## CITY OF LEANDER, TEXAS

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

Thursday ~ February 7, 2013 at 7:00 PM

**Mayor – Christopher Fielder**
**Place 1 – Andrea Navarrette** **Place 4 – Michell Cantwell (Mayor Pro Tem)**
**Place 2 – Kirsten Lynch** **Place 5 – Jason Dishongh**
**Place 3 – Simon Garcia** **Place 6 – David Siebold**
**City Manager – Kent Cagle**

1. Open meeting, Invocation, Pledges of Allegiance
   **Mayor Fielder opened the meeting at 7:00 p.m. and welcomed those in attendance**

2. Roll Call
   **All present**

3. Staff Comments:
   **Wayne Watts, City Engineer informed council that the bids for the pedestrian signal at Leander High School were too high and some of the work will be done in house and re-bid**

4. Citizen Comments: Three (3) minutes allowed per speaker
   ***Please turn in speaker request form before the meeting begins.***
   ***Greg Bentch – District Director for Representative Tony Dale - informed Council they have filed HB971 dealing with the Leander TOD MUDand they are available for any questions***

   ***Bob Cantwell 604 Scenic Path- spoke about National Engineers week***

## CONSENT AGENDA: ACTION

5. Approval of the minutes: Regular Meeting: January 17, 2013
   Joint Work Session with P & Z: January 24, 2013

6. Receive Quarterly Investment Report
   **Motion made by Council Member Siebold to approve. Second by Council Member Garcia. Motion passes, all voting "aye"**

## PUBLIC HEARING: ACTION

7. **a. Public Hearing** on Zoning Case # 12-Z-028: Consider a zoning change for 105.998 acres, more or less, a parcel located to the east of the intersection of Sam Bass Road and CR 179; south of Parkside at Mayfield Ranch and northwest of Williamson County Regional Park, from SFR-1-B, Single Family Rural (upon annexation) to SFS-2-B, Single Family Suburban and SFU-2-A, Single Family Urban, Leander, Williamson County, Texas
   Applicant: James A. Huffcut on behalf of Curtis and Julie Borho
   **Jim Bechtol, Director of Development Services explained**

b. **Action** on Zoning Case # 12-Z-028: amending Ordinance #05-018, the Composite Zoning Ordinance for the property located to the east of the intersection of Sam Bass Road and CR 179, south of Parkside at Mayfield Ranch and northwest of Williamson County Regional Park, Leander, Williamson County, Texas

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

8. a. **Public Hearing** on Zoning Case # 12-Z-026: Consider a zoning change for 23.28 acres, more or less,for eleven parcels generally located at the southwest corner of RM 2243 and Ronald W. Reagan Blvd, from SFR-1-B, Single Family Rural (upon annexation) and SFS-2-B, Single Family Suburban to GC-3-C, General Commercial and SFS-2-B, Single Family Suburban, Leander, Williamson County, Texas
Applicant: Scott Foster on behalf of Beasley Tract, LP/Jeremy Smitheal and Williamson County / Dan A. Gattis
**This item will be re-advertised and brought back to Council on the March 7, 2013 Agenda**

**Motion made by Council Member Navarrette to approve to re-post and bring back on the March 7, 2013 agenda. Second by Council Member Siebold. Motion passes, all voting "aye"**

## REGULAR AGENDA

9. Consider Action on Zoning Case 12-Z-029: rezoning of two parcels generally located at the southwest corner of the intersection of Bagdad Road and Vista Ridge Drive, 18.732 acres, more or less from MF-2-B ,Multi Family to SFL-2-B, Single Family Limited, Leander, Williamson County, Texas
**Jim Bechtol, Director of Development Services explained**

**Motion made by Council Member Dishongh to bring this item back for re-consideration. Second by Mayor Pro Tem Cantwell. Motion passes, all voting "aye"**

**Motion made by Council Member Cantwell to approve based on Planning & Zoning recommendation to rezone to SFL-2-A with the condition of no lots smaller than 45 feet in width measured at the front building set back line and no dwelling to be less that 1200 sq. ft. of living space. Second by Council Member Lynch. Motion passes, 6 to 1 with Council Member Siebold voting against.**

10. First reading of Ordinance for voluntary annexation of a 0.781 acre parcel, more or less, located in Williamson County, Texas, generally located on the north side of CR 179 from the Intersection of Sam Bass Road/CR 175 west along CR 179, including the abutting streets, roadways and rights-of-way
**Jim Bechtol, Director of Development Services explained**

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

11. First reading of Ordinance for voluntary annexation of a 105.9301 acre parcel, more or less, located in Williamson County, Texas, generally located to the east of the intersection of Sam Bass Road/CR 175 and CR 179, including the abutting streets, roadways, and rights-of-way
**Jim Bechtol, Director of Development Services explained**

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

12. Consider a Resolution accepting the petition for annexation of 29.31 acre parcel, more or less, located in Williamson County, Texas, generally located south of CR 179, 1,400 feet northwest of Acacia Drive and approximately 1 mile east of Ronald W. Reagan Blvd. including the abutting streets, roadways, and rights-of-way and setting an annexation schedule
**Jim Bechtol, Director of Development Services explained**

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

13. Consider a Resolution accepting the petition for annexation of four (4) tracts totaling 0.7107 acres, more or less, located in Williamson County, Texas, generally located approximately 500 feet south of CR 177, 400 feet east of Ronald W. Reagan Blvd., 1,900 feet north of CR 179 and 2,800 feet west of Valley View Drive, including the abutting streets, roadways, and rights-of-way and setting an annexation schedule
**Jim Bechtol, Director of Development Services explained**

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

14. Consider authorizing the Mayor to execute the Construction Financing and Reimbursement Agreement for the Hero Way Waterline
**Pix Howell, Urban Design Officer explained**

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

15. Consider authorization of City Manager to negotiate and execute Task Order K-2 with Kleinfelder Central, Inc. for Professional Services for Construction Materials Observation and Testing Services for 1.25 MG Crystal Falls Elevated Storage Tank and Pump Station Modifications
**Wayne Watts, City Engineer explained**

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

16. Consider Change Order No. 1 for Mel Mathis Avenue (CR273) and San Gabriel Parkway (CR 274) Project
**Wayne Watts, City Engineer explained**

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

17. Consider Dedication and Acceptance of Subdivision Infrastructure Improvements for Vista Ridge, Phase Two-A
**Wayne Watts, City Engineer explained**

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

18. Consider Dedication and Acceptance of Subdivision Infrastructure Improvements for The Bluffs at Crystal Falls, Section 2, Phase 2D
**Wayne Watts, City Engineer explained**

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

19. Consider Dedication and Acceptance of Subdivision Infrastructure Improvements for The Fairways at Crystal Falls, Section 5, Caprock Estates, Phase 1
**Wayne Watts, City Engineer explained**

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

20. Consider an Ordinance Giving Consent to the Filing of Legislation Creating Leander Hills Municipal Utility District of Williamson County, Texas
**Jim Bechtol, Director of Development Services explained**

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

21. Consider amendments to the Personnel Policy for Section 2.05, At Will Employer, Section 2.02, Political Activity and Article 8, Adverse Action
**Kent Cagle, City Manager explained**

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

22. Consider Joint Election Agreement for Participating Entities with Williamson County
**Kent Cagle, City Manager explained**

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

23. Consider approval of Contract of Election Services with Williamson County
**Kent Cagle, City Manager explained**

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

24. Discuss and Consider amendments to the City Charter to be placed on the May 2013 ballot
**Motion made by Mayor Pro Tem Cantwell to decline the revision to Section 3.09 to be placed on the May 11, 2013 ballot. Second by Council Member Garcia. Motion passes, all voting "aye"**

**Motion made by Council Member Navarrette to approve revision to Section 403(f) with corrected language as recommended by City Attorney to be placed on the May 11, 2013 ballot. Second by Council Member Siebold. Motion passes, all voting "aye"**

**Motion made by Mayor Pro Tem Cantwell to decline addition of Section 4.08 to be placed on the May 11, 2013 ballot. Second by Council Member Garcia. Motion passes, all voting "aye"**

**Motion made by Mayor Pro Tem Cantwell to approve revision to Section 10.04 but not deleting the last line as recommended by City Attorney to be placed on the May 11, 2013 ballot. Second by Council Member Siebold. Motion passes, all voting "aye"**

**Motion made by Council Member Siebold to approve revision to Section 12.01 to be placed on the May 11, 2013 ballot. Second by Mayor Pro Tem Cantwell. Motion passes, all voting "aye"**

**Motion made by Council Member Dishongh to approve revision to Section 5.05, option #1 with recommendation from the City Attorney to include "Authorized by State Law" and removing the rest of the verbiage to be placed on the May 11, 2013 ballot. Second by Mayor Pro Tem Cantwell. Motion passes, all voting "aye"**

**Motion made by Mayor Pro Tem Cantwell to approve revision (without the word "City") to Section 5.05 (b) to be placed on the May 11, 2013 ballot. Second by Council Member Dishongh. Motion passes, all voting "aye"**

**Motion made by Mayor Pro Tem Cantwell to approve revision to Section 507 (d) with the wording "not inconsistent with state law" to be added and be placed on the May 11, 2013 ballot. Second by Council Member Garcia. Motion passes, all voting "aye"**

**Motion made by Council Member Navarrette to approve revision to Section 607 to be placed on the May 11, 2013 ballot. Second by Council Member Dishongh. Motion passes, all voting "aye"**

**Motion made by Council Member Lynch to approve revision to Section 7.06 to be placed on the May 11, 2013 ballot. Second by Mayor Pro Tem Cantwell. Motion passes, all voting "aye"**

**Motion made by Council Member Navarrette to decline the revision to Section 11.01 (b) to be placed on the May 11, 2013 ballot. Second by Mayor Pro Tem Cantwell. Motion passes, all voting "aye"**

**Motion made by Council Member Navarrette to decline the revision to Section 11.04 to be placed on the May 11, 2013 ballot. Second by Mayor Pro Tem Cantwell. Motion passes, all voting "aye"**

**Motion made by Council Member Navarrette to decline the revision to Section 11.11 to be placed on the May 11, 2013 ballot. Second by Mayor Pro Tem Cantwell. Motion passes, all voting "aye"**

**Motion made by Council Member Navarrette to decline the revision to Section 11.12 to be placed on the May 11, 2013 ballot. Second by Mayor Pro Tem Cantwell. Motion passes, all voting "aye"**

25. Council Members Closing Statements
    **Council Members gave their closing statements**

26. Adjournment
    **With there being no further business, the meeting adjourned at 8:08 p.m.**

Attest:

Christopher Fielder, Mayor

Debbie Haile, City Secretary

**AGENDA ITEM # 9**

**Executive Summary**

**February 21, 2013**

**Council Agenda Subject**: Second reading of the ordinance on annexation of 0.781 acre parcel, more or less, located in Williamson County, Texas, generally located to the east of the intersection of Sam Bass Road/CR 175 and CR 179 including the abutting streets, roadways, and rights-of-way.

**Background:** The Resolution setting the two public hearings for January 3, 2013 and January 17, 2013 was approved by City Council on November 29, 2012. The first reading of the Ordinance was approved by City Council February 7, 2013. This is a voluntary annexation whereas the property owner is requesting the property to be annexed into the city limits.

**Origination:** Development Services Department

**Attachments:** Ordinance
Resolution
Petition for Annexation
Exhibit "A" – Property Descriptions
Exhibit "B" – Municipal Services Plan
Schedule for Voluntary Annexation

**Prepared by:** Jim Bechtol, Director of Development Services

**ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS ANNEXING A 0.781 ACRE TRACT, MORE OR LESS, INTO THE CORPORATE LIMITS OF THE CITY, INCLUDING THE ABUTTING ROADWAYS AND RIGHTS-OF-WAY, AT THE REQUEST OF THE LANDOWNER; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Leander, Texas, is a home rule municipality authorized by State law to annex territory lying adjacent and contiguous to the City;

**WHEREAS**, the owner of the property, as hereinafter described, made written request for the City to annex such property in compliance with the *Tex. Loc. Gov't. Code*;

**WHEREAS**, the property is adjacent and contiguous to the present city limits;

**WHEREAS**, the City Council heard and has decided to grant the owner's request that the City annex said property;

**WHEREAS**, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with §*43.063 of the Tex. Loc. Gov't. Code*;

**WHEREAS**, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

**WHEREAS**, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

**WHEREAS**, the City intends to provide services to the property to be annexed according to the Service Plan attached hereto as Exhibit "B".

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

**SECTION 1.** That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** All portions of the following described property, including the abutting roadways and rights-of-way (hereinafter referred to as the "Annexed Property"), not previously annexed into the City, are hereby annexed into the corporate limits of the City of Leander:

> All that certain tract or parcel of land being 0.781 acres, more or less, located in Williamson County, Texas, being more particularly described and shown in Exhibit "A" attached hereto and incorporated herein for all purposes.

**SECTION 3.** That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

**SECTION 4.** That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

**SECTION 5.** That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Leander.

**SECTION 6.** That the Annexed Property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

**SECTION 7.** That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 8.** That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**SECTION 9.** That it is hereby officially found and determined that the meeting at which this Ordinance 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*.

**PASSED AND APPROVED** on First Reading this 7th day of February, 2013.

**FINALLY PASSED AND APPROVED** on this 21st day of February, 2013.

**ATTEST:**

Debbie Haile, City Secretary

**CITY OF LEANDER, TEXAS**

Christopher Fielder, Mayor

**RESOLUTION NO. 12-029-00**

**A RESOLUTION OF THE CITY OF LEANDER, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF A 0.781, MORE OR LESS, ACRE PARCEL, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY, LOCATED IN WILLIAMSON COUNTY, TEXAS; SETTING AN ANNEXATION SCHEDULE; PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.**

**WHEREAS,** the owner of certain property located within Williamson County, Texas, has petitioned the City of Leander, Texas, (herein the "City"), a home-rule City, for annexation of said property, more particularly described herein (the "subject property"), into the City limits;

**WHEREAS,** the subject property is contiguous and adjacent to the corporate limits of the City and the owners have made application for annexation;

**WHEREAS,** after review and consideration of such petition for annexation, the City Council finds that the property is exempt from the City's annexation plan pursuant to § 43.052 (h)(2) of the *Local Government Code*; and,

**WHEREAS,** the petitioner has agreed and consented to the annexation of the subject property by the City and further agreed to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted;

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Proceedings.** The petition for annexation of the following property, including the abutting streets, roadways, and rights of way, not previously annexed into the City and the draft services plan shown in Exhibit "B", submitted by Petitioner, are hereby accepted:

> All that certain tract or parcel of land, located in Williamson County, Texas, being 0.781 acre, more or less, and more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

Two public hearings are set for the dates of January 3, 2013 and January 17, 2013. Notice of such hearings shall be posted and the hearings shall be open to the public to accept public comment on the annexation request.

**Section 3.** **Severability.** Should any section or part of this Resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Resolution are declared to be severable.

**Section 4.** **Open Meetings.** 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*.

**PASSED AND APPROVED** this the 29th day of November, 2012.

**ATTEST:**

Debbie Haile, City Secretary

**THE CITY OF LEANDER, TEXAS**

Christopher Fielder, Mayor

CITY OF LEANDER
ESTABLISHED 1882 INCORPORATED 1978
STATE OF TEXAS

# ANNEXATION PETITION

STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

## REQUEST & PETITION TO THE CITY COUNCIL OF THE CITY OF LEANDER FOR ANNEXATION OF PROPERTY

**WHEREAS**, the undersigned is the owner of a certain tract of property located within Williamson County, Texas, such property more particularly described hereinafter by true and correct legal description (referred to herein as the "subject property");

**WHEREAS**, the undersigned has sought the annexation of the subject property by the City of Leander, Texas, (hereinafter sometimes referred to as "City"), in order to obtain the benefits of City services to the subject property by the City;

**WHEREAS**, the subject property is contiguous and adjacent to the corporate limits of the City;

**WHEREAS**, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code* and the request of the property owner, is authorized to annex the subject property; and,

**WHEREAS**, the undersigned agrees and consents to the annexation of the subject property by the City and further agrees to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted.

**NOW THEREFORE**, the undersigned by this Request and Petition:

**SECTION ONE:** Requests the City Council of the City to commence annexation proceedings and to annex into the corporate limits of the City of Leander, Texas, of all portions of the subject property, including the abutting streets, roadways, and rights-of-way, not previously annexed into the City and further described as follows:

> All that certain tract or parcel of land, located in Williamson County, Texas, being 0.781 acre, more or less, and more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

**SECTION TWO:** Requests that after annexation the City provide such services as are legally permissible and provided by the City, including sanitation, water and general governmental services as set forth in the municipal services plan.

**SECTION THREE:** Acknowledges and represents having received, read and understood the attached "draft" Service Plan, attached hereto as Exhibit "B", (proposed to be applicable to and adopted for the subject property) and that such "draft" Service Plan is wholly adequate and acceptable to the undersigned who hereby requests the City Council to proceed with the annexation

and preparation of a final Municipal Service Plan and publish notice and hold the requisite public hearings thereon, in accordance with the applicable laws of the State of Texas.

SECTION FOUR: Acknowledges that the undersigned understands and agrees that all city services to the subject property will be provided by the City on the same terms and conditions as provided to other similarly situated areas of the City and as provided in the Municipal Service Plan.

SECTION FIVE: Agrees that a copy of this Request and Petition may be filed of record in the offices of the City of Leander and in the real property records of Williamson County, Texas, and shall be notice to and binding upon all persons or entities now or hereafter having any interest in the subject property.

FILED, this 30 day of Oct., 2012, with the City Secretary of the City of Leander, Williamson County, Texas.

Petitioners

Peggy Borho Simpson

Peggy Borho Simpson

STATE OF TEXAS §
§
COUNTY OF Williamson §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Peggy Borho Simpson, Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he had authority to bind the entity and that he executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 30 day of Oct 2012.

(SEAL)

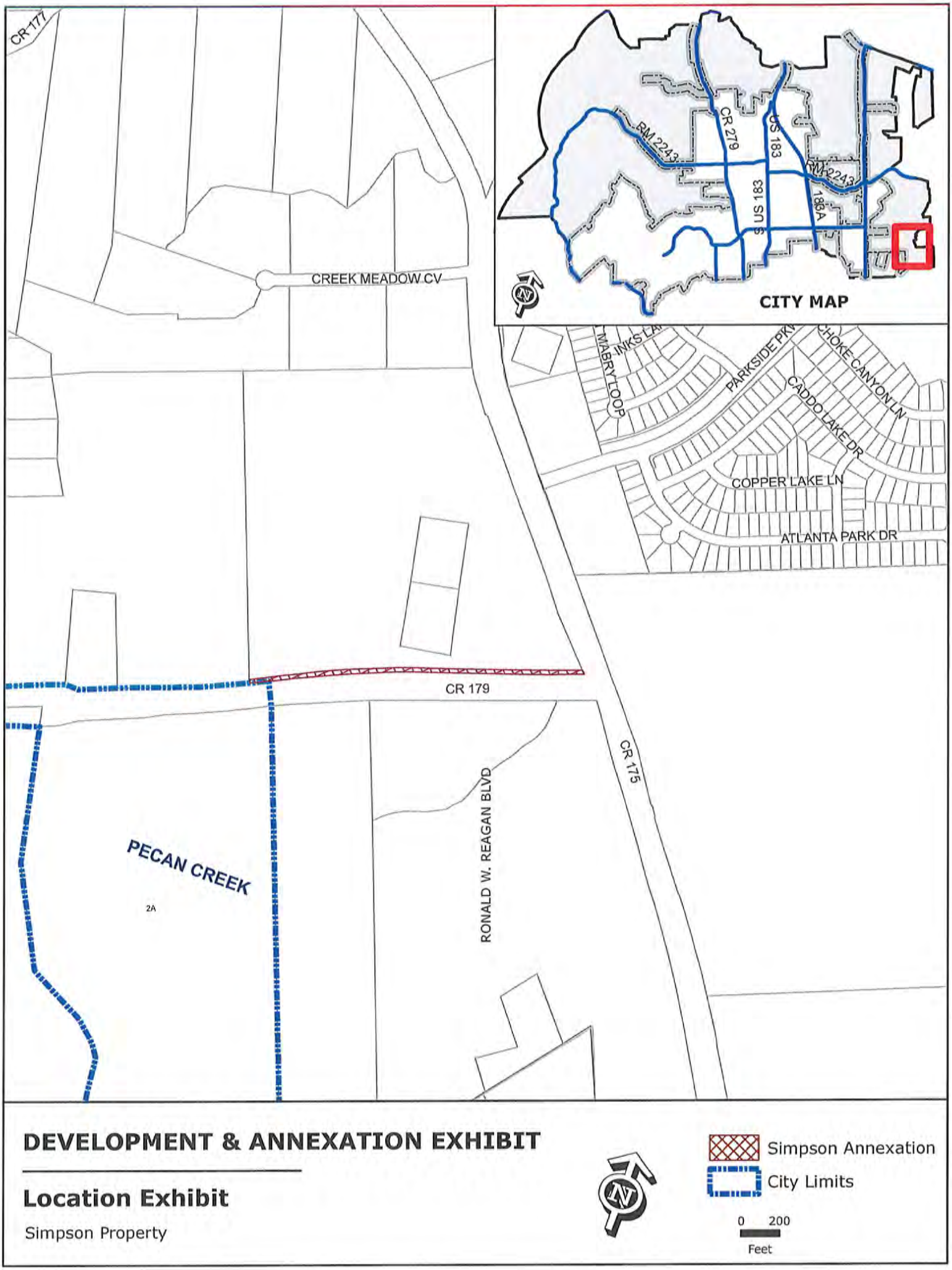
MASON RYAN GIDDENS
Notary Public, State of Texas
My Commission Expires
September 20, 2016

Mason Ryan Giddens

Notary Public-State of Texas

EXHIBIT "A"

**Property Description**


CR 177
CREEK MEADOW CV
CR 179
CR 175
RONALD W. REAGAN BLVD
PECAN CREEK
2A
MABRY LOOP
INKS LA
PARKSIDE PKY
CHOKE CANYON LN
CADDO LAKE DR
COPPER LAKE LN
ATLANTA PARK DR
RM 2243
CR 279
US 183
S US 183
183A
CITY MAP
DEVELOPMENT & ANNEXATION EXHIBIT
Location Exhibit
Simpson Property
Simpson Annexation
City Limits
0 200
Feet

FIELD NOTES

FOR A

20' ANNEXATION STRIP

A 0.781 acre, or 34,008 square feet more or less, tract of land, being out of a called 59.319 acre tract described in conveyance to Peggy Simpson in Partition Deed recorded in Volume 2542, Pages 838-843 of the Official Records of Williamson County, Texas, out of the Anastasha Carr Survey, Abstract 122, Williamson County, Texas. Said 0.781 acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the Central Zone:

BEGINNING: At a found ½" iron rod with a cap marked "Haynie", at the southwest end of the cutback for the north right-of-way line of Williamson County Road 179, a variable width right-of-way and west right-of-way line of County Road 175, a variable width right-of-way, a southeast corner of said called 59.319 acre tract;

THENCE: Along and with the north right-of-way line of said Williamson County Road 179, the south line of said called 59.319 acre tract, the following calls and distances:

Southwesterly, along a non-tangent curve to the right, said curve having a radial bearing of N 23°50'58" W, a radius of 5679.58 feet, a central angle of 03°02'43", a chord bearing and distance of S 67°40'23" W, 301.82 feet, for an arc length of 301.86 feet to a found ½" iron rod with a cap marked "Haynie", a calculated point of tangency;

S 69°11'44" W, a distance of 532.14 feet to a calculated point of curvature;

Southwesterly, along a tangent curve to the left, said curve having a radius of 5779.58 feet, a central angle of 06°12'33", a chord bearing and distance of S 66°05'28" W, 626.02 feet, for an arc length of 626.33 feet to a calculated point of tangency;

S 62°59'12" W, a distance of 69.21 feet to a calculated point of curvature;

Southwesterly, along a tangent curve to the right, said curve having a radius of 5679.58 feet, a central angle of 01°41'25", a chord bearing and distance of S 63°49'54" W, 167.55 feet, for an arc length of 167.55 feet to a calculated point of non-tangency, at a southeast corner of a called 34.824 acre tract recorded in Volume 2542, Pages 838-843 of the Official Records of Williamson County, Texas, the southwest corner of said called 59.319 acre tract;

THENCE: N 20°16'42" W, departing the north right-of-way line of said Williamson County Road 179, along and with an east line of said called 34.824 acre tract, the west line of said called 59.319 acre tract, a distance of 20.08 feet to a calculated point of non-tangent curvature;

THENCE: Departing an east line of said called 34.824 acre tract, over and across said called 59.319 acre tract, the following calls and distances:

Northeasterly, along a non-tangent curve to the left, said curve having a radial bearing of N 25°20'28" W, a radius of 5659.58 feet, a central angle of 01°40'23", a chord bearing and distance of N 63°49'21" E, 165.26 feet, for an arc length of 165.26 feet to a calculated point of tangency;

N 62°59'12" E, a distance of 69.14 feet to a calculated point of curvature;

Northeasterly, along a tangent curve to the right, said curve having a radius of 5799.58 feet, a central angle of 06°12'33", a chord bearing and distance of N 66°05'28" E, 628.19 feet, for an arc length of 628.49 feet to a calculated point of tangency;

N 69°11'44" E, a distance of 532.14 feet to a calculated point of curvature;

Northeasterly, along a tangent curve to the left, said curve having a radius of 5659.58 feet, a central angle of 03°04'26", a chord bearing and distance of N 67°39'31" E, 303.60 feet, for an arc length of 303.63 feet to a calculated point on a barbed wire fence;

THENCE: S 39°18'14" E, along with said barbed wire fence, a distance of 12.36 feet to a found ½" iron rod with a cap marked "Haynie", on the aforementioned cutback;

THENCE: S 13°19'32" W, along and with said cutback, a distance of 10.15 feet to the POINT OF BEGINNING, and containing 0.781 of an acre in Williamson County, Texas. Said tract being described in accordance with a survey made on the ground and a survey description and map prepared under job number 50751-00 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: October 9, 2012
JOB No.: 50751-00
DOC.ID.: N:\AUSTIN\50751-00\ESMT\FIELD NOTES\SIMPSON ANNEX.docx
TBPE Firm Registration #470
TBPLS Firm Registration #100288-00

LOCATION MAP

MAPSCO MAP GRID: 344 F
NOT-TO-SCALE

LEGEND:

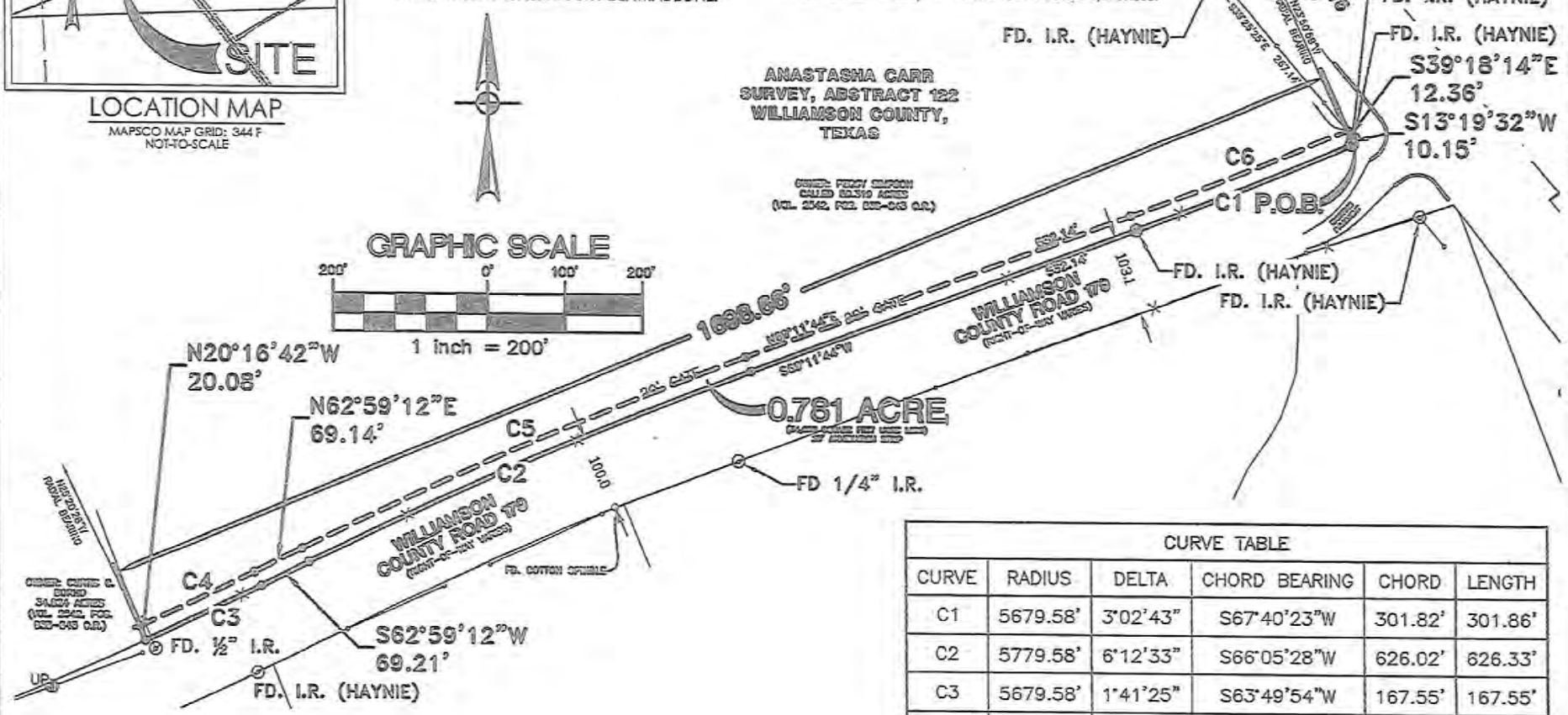
| | |
|---|---|
| DR | DEED RECORDS OF WILLIAMSON COUNTY, TEXAS |
| OR | OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS |
| PR | PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS |

NOTES:

1. THE PROFESSIONAL SERVICES PROVIDED HEREWITH INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.
2. THE BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (CORS 1996), FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.

EXHIBIT
OF A
CONTIGUITY TRACT

A 0.781 ACRE, OR 34,008 SQUARE FEET MORE OR LESS, TRACT OF LAND, BEING OUT OF A CALLED 59.319 ACRE TRACT DESCRIBED IN CONVEYANCE TO PEGGY SIMPSON IN PARTITION DEED RECORDED IN VOLUME 2542, PAGES 838-843 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, OUT OF THE ANASTASHA CARR SURVEY, ABSTRACT 122, WILLIAMSON COUNTY, TEXAS.




| CURVE TABLE | | | | | |
|---|---|---|---|---|---|
| CURVE | RADIUS | DELTA | CHORD BEARING | CHORD | LENGTH |
| C1 | 5679.58' | 3°02'43" | S67°40'23"W | 301.82' | 301.86' |
| C2 | 5779.58' | 6°12'33" | S66°05'28"W | 626.02' | 626.33' |
| C3 | 5679.58' | 1°41'25" | S63°49'54"W | 167.55' | 167.55' |
| C4 | 5659.58' | 1°40'23" | N63°49'21"E | 165.26' | 165.26' |
| C5 | 5799.58' | 6°12'33" | N66°05'28"E | 628.19' | 628.49' |
| C6 | 5659.58' | 3°04'26" | N67°39'31"E | 303.60' | 303.63' |

PAPE-DAWSON ENGINEERS

TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470
TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 100323-00

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OCTOBER 23, 2012

SHEET 1 OF 1

JOB No.: 50751-00

Date: Oct 23, 2012, 3:49pm User ID: WPrimeau
File: N:\AUSTIN\50751-00\ESMT\CONTIGUITY TRACT.dwg

EXHIBIT "B"

MUNICIPAL SERVICES PLAN
FOR PROPERTY TO BE
ANNEXED TO THE CITY OF LEANDER

WHEREAS, the City of Leander, Texas (the "City") intends to institute annexation proceedings for a tract of land described more fully hereinafter (referred to herein as the "subject property" or "the Property");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

WHEREAS, infrastructure provided for herein and that existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject property into the City;

NOW, THEREFORE, the City agrees to provide the following services for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the present personnel and equipment of the City fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned "SFR-1-B" with the intent to rezone the property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the property at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Due to the size of the Property and the plans and schedule for the development of the Property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) The property owner shall construct the internal water lines and pay the costs of line extension and/or construct the facilities necessary to extend water service the property boundary as required in City ordinances and state law. Upon acceptance of the water lines within the subject property, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. Requests for new water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) The property owner shall construct the internal sewer water lines and pay the costs of line extension and/or construct the facilities necessary to extend wastewater service the property boundary as required in City ordinances and state law. Upon acceptance of the sewer lines within the subject property, sewer service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual policies. Requests for new sewer line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for additional service is submitted shall govern the costs and request for service.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

(i) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;

(ii) Routine maintenance as presently performed by the City;

(iii) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(v) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal description of the subject property is as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

**SCHEDULE FOR VOLUNTARY ANNEXATION - SIMPSON**

| DATE | ACTION/EVENT | LEGAL AUTHORITY |
|---|---|---|
| November 29, 2012 | **COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings: **January 3, 2013 and January 17, 2013**; Council directs development of service plan for area to be annexed. | Loc. Gov't Code, §§ 43.063 & 43.065; Public Hearings: are on or after the 40th day but before 20th day before institution of proceedings. |
| **By Dec. 3, 2012** | **NOTICE TO** property owners & utility providers | Loc. Gov't Code § 43.062(a) |
| **Dec. 19, 2012*** Publish notice of First Public Hearing<br><br>**January 2, 2013*** Publish notice of Second Public Hearings | **NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable Notice to Railroad)<br><br>**SCHOOL DISTRICT NOTICE** (notify each school district of possible impact) POST NOTICE ON WEB SITE and MAINTAIN UNTIL COMPLETE | Not less than 10 days nor more than 20 days before 1st and 2nd public hearings. Loc. Gov't Code, §43.063 (c). |
| Ten days after the date the first notice of Public Hearing is published | LAST DAY FOR SUBMISSION OF WRITTEN PROTEST BY RESIDENTS (10 days after first newspaper notice) | Site hearing required if 10% of adult residents of tracts protest within 10 days after 1st newspaper notice. Loc. Gov't Code, § 43.063 (b) |
| **January 3, 2013*** | **1st PUBLIC HEARING** AND PRESENT SERVICE PLAN (Not more than 40 days before the 1st reading of ordinance) *REGULAR MEETING* | Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065. |
| **January 17, 2013*** | **2nd PUBLIC HEARING** AND PRESENT SERVICE PLAN (At least 20 days before 1st reading of ordinance.) *REGULAR MEETING* | Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065. |
| Institution Date **February 7, 2013*** | **FIRST READING** OF ORDINANCE *REGULAR MEETING* | Date of institution of proceedings. Not less than 20 days from the second public hearing nor more than 40 days from the first public hearing. |
| February 21, 2013 Or at a special called meeting after the First Reading | **SECOND-FINAL READING** OF ORDINANCE *REGULAR MEETING* | Not more than 90 days after 1st reading of Ordinance § 43.064. |
| March 15, 2013 Or as soon as documents are received from City | FILE FOR VOTING RIGHTS ACT **PRECLEARANCE** | 42 U.S.C. §1973c; Loc. Gov't Code, §43.906; |
| **Within 30 days of Second Reading** | **CITY SENDS COPY OF MAP** showing boundary changes to County Voter Registrar in a format that is compatible with mapping format used by registrar | Elec. Code §42.0615 |
| Upon receipt of DOJ Preclearance or 60 days after DOJ's receives submission | **IMPLEMENT ANNEXATION** for voting purposes (Upon preclearance from Justice Dept.) **Send certified copy of ordinance and maps** to State Comptroller and any franchise holders | 42 U.S.C. §1973c. |
| After DOJ Preclearance | **CITY PROVIDES CERTIFIED COPY OF ORDINANCE AND MAPS TO:**<br>1. County Clerk<br>2. County Appraisal District<br>3. County Tax Assessor Collector<br>4. 911 Addressing<br>5. Sheriff's Office<br>6. City Department Heads | |

***Dates in BOLD are MANDATORY dates to follow this schedule. Please advise if deviation.**

***Newspaper notices to paper by 10 a.m. the preceding Friday**

**AGENDA ITEM # 10**

**Executive Summary**

**February 21, 2013**

**Council Agenda Subject**: Second reading of the ordinance on annexation of 105.9301 acre parcel, more or less, located in Williamson County, Texas, generally located to the east of the intersection of Sam Bass Road/CR 175 and CR 179 including the abutting streets, roadways, and rights-of-way.

**Background:** The Resolution setting the two public hearings for January 3, 2013 and January 17, 2013 was approved by City Council on November 29, 2012. The first reading of the Ordinance was approved by City Council on February 7, 2013. This is a voluntary annexation whereas the property owner is requesting the property to be annexed into the city limits.

**Origination:** Development Services Department

**Attachments:** Ordinance
Resolution
Petition for Annexation
Exhibit "A" – Property Descriptions
Exhibit "B" – Municipal Services Plan
Schedule for Voluntary Annexation

**Prepared by:** Jim Bechtol, Director of Development Services

**ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS ANNEXING A 105.998 ACRE TRACT, MORE OR LESS, INTO THE CORPORATE LIMITS OF THE CITY, INCLUDING THE ABUTTING ROADWAYS AND RIGHTS-OF-WAY, AT THE REQUEST OF THE LANDOWNERS; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Leander, Texas, is a home rule municipality authorized by State law to annex territory lying adjacent and contiguous to the City;

**WHEREAS**, owners of the property, as hereinafter described, made written request for the City to annex such property in compliance with the *Tex. Loc. Gov't. Code*;

**WHEREAS**, the property is adjacent and contiguous to the present city limits;

**WHEREAS**, the City Council heard and has decided to grant the owners' request that the City annex said property;

**WHEREAS**, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with *§43.063 of the Tex. Loc. Gov't. Code*;

**WHEREAS**, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

**WHEREAS**, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

**WHEREAS**, the City intends to provide services to the property to be annexed according to the Service Plan attached hereto as Exhibit "B".

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

**SECTION 1.** That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** All portions of the following described property, including the abutting roadways and rights-of-way (hereinafter referred to as the "Annexed Property"), not previously annexed into the City, are hereby annexed into the corporate limits of the City of Leander:

> All that certain tract or parcel of land being 105.998 acres, more or less, located in Williamson County, Texas, being more particularly described and shown in Exhibit "A" attached hereto and incorporated herein for all purposes.

**SECTION 3.** That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

**SECTION 4.** That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

**SECTION 5.** That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Leander.

**SECTION 6.** That the Annexed Property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

**SECTION 7.** That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 8.** That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**SECTION 9.** That it is hereby officially found and determined that the meeting at which this Ordinance 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*.

**PASSED AND APPROVED** on First Reading this 7th day of February, 2013.

**FINALLY PASSED AND APPROVED** on this 21st day of February, 2013.

**ATTEST:**

Debbie Haile, City Secretary

**CITY OF LEANDER, TEXAS**

Christopher Fielder, Mayor

**RESOLUTION NO. 12-030-00**

**A RESOLUTION OF THE CITY OF LEANDER, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF A 105.9301, MORE OR LESS, ACRE PARCEL, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY, LOCATED IN WILLIAMSON COUNTY, TEXAS; SETTING AN ANNEXATION SCHEDULE; PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.**

**WHEREAS,** the owner of certain property located within Williamson County, Texas, has petitioned the City of Leander, Texas, (herein the "City"), a home-rule City, for annexation of said property, more particularly described herein (the "subject property"), into the City limits;

**WHEREAS,** the subject property is contiguous and adjacent to the corporate limits of the City and the owners have made application for annexation;

**WHEREAS,** after review and consideration of such petition for annexation, the City Council finds that the property is exempt from the City's annexation plan pursuant to § 43.052 (h)(2) of the *Local Government Code*; and,

**WHEREAS,** the petitioner has agreed and consented to the annexation of the subject property by the City and further agreed to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted;

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Proceedings.** The petition for annexation of the following property, including the abutting streets, roadways, and rights of way, not previously annexed into the City and the draft services plan shown in Exhibit "B", submitted by Petitioner, are hereby accepted:

> All that certain tract or parcel of land, located in Williamson County, Texas, being 105.9301 acre, more or less, and more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

Two public hearings are set for the dates of January 3, 2013 and January 17, 2013. Notice of such hearings shall be posted and the hearings shall be open to the public to accept public comment on the annexation request.

**Section 3.** **Severability.** Should any section or part of this Resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Resolution are declared to be severable.

**Section 4.** **Open Meetings.** 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.*

**PASSED AND APPROVED** this the 29th day of November, 2012.

**ATTEST:**

Debbie Haile, City Secretary

**THE CITY OF LEANDER, TEXAS**

Christopher Fielder, Mayor

CITY OF LEANDER
ESTABLISHED 1887 INCORPORATED 1978
STATE OF TEXAS

ANNEXATION PETITION

STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

REQUEST & PETITION TO THE CITY COUNCIL OF THE CITY OF LEANDER FOR ANNEXATION OF PROPERTY

WHEREAS, the undersigned is the owner of a certain tract of property located within Williamson County, Texas, such property more particularly described hereinafter by true and correct legal description (referred to herein as the "subject property");

WHEREAS, the undersigned has sought the annexation of the subject property by the City of Leander, Texas, (hereinafter sometimes referred to as "City"), in order to obtain the benefits of City services to the subject property by the City;

WHEREAS, the subject property is contiguous and adjacent to the corporate limits of the City;

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code* and the request of the property owner, is authorized to annex the subject property; and,

WHEREAS, the undersigned agrees and consents to the annexation of the subject property by the City and further agrees to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted.

NOW THEREFORE, the undersigned by this Request and Petition:

SECTION ONE: Requests the City Council of the City to commence annexation proceedings and to annex into the corporate limits of the City of Leander, Texas, of all portions of the subject property, including the abutting streets, roadways, and rights-of-way, not previously annexed into the City and further described as follows:

> All that certain tract or parcel of land, located in Williamson County, Texas, being 105.9301 acres, more or less, and more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION TWO: Requests that after annexation the City provide such services as are legally permissible and provided by the City, including sanitation, water and general governmental services as set forth in the municipal services plan.

SECTION THREE: Acknowledges and represents having received, read and understood the attached "draft" Service Plan, attached hereto as Exhibit "B", (proposed to be applicable to and adopted for the subject property) and that such "draft" Service Plan is wholly adequate and acceptable to the undersigned who hereby requests the City Council to proceed with the annexation

and preparation of a final Municipal Service Plan and publish notice and hold the requisite public hearings thereon, in accordance with the applicable laws of the State of Texas.

SECTION FOUR: Acknowledges that the undersigned understands and agrees that all city services to the subject property will be provided by the City on the same terms and conditions as provided to other similarly situated areas of the City and as provided in the Municipal Service Plan.

SECTION FIVE: Agrees that a copy of this Request and Petition may be filed of record in the offices of the City of Leander and in the real property records of Williamson County, Texas, and shall be notice to and binding upon all persons or entities now or hereafter having any interest in the subject property.

FILED, this 30 day of Oct 2012, with the City Secretary of the City of Leander, Williamson County, Texas.

Petitioners

Curtis Borho

Curtis Borho

Julie Borho

Julie Borho

STATE OF TEXAS §
§
COUNTY OF Williamson §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Curtis Borho and Julie Borho, Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he had authority to bind the entity and that he executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 30 day of Oct 2012.

(SEAL)

MASON RYAN GIDDENS
Notary Public, State of Texas
My Commission Expires
September 20, 2016

Mason Ryan Giddens

Notary Public-State of Texas

STATE OF TEXAS §
§
COUNTY OF Williamson §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Peggy Simpson, Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that she had authority to bind the

entity and that she executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 30 day of Oct 2012.

MASON RYAN GIDDENS
Notary Public, State of Texas
My Commission Expires
September 20, 2016

Mason Ryan Giddens
Notary Public-State of Texas

I hereby consent to annexation of the subject property.

Meritage Homes of Texas, LLC, a Texas limited liability company

By:_____
Name: Charlie Coleman
Title: _____

STATE OF TEXAS §
§
COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Charlie Coleman, _____ (title) of Meritage Homes of Texas, LLC, a Texas limited liability company, Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he had authority to bind the entity and that he executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the __day of_____ 2012.

(SEAL)

_____
Notary Public-State of Texas

entity and that she executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the __day of _____ 2012.

(SEAL)

_____
Notary Public-State of Texas

I hereby consent to annexation of the subject property.

**Meritage Homes of Texas, LLC**, a Texas limited liability company

By: Charlie Coleman
Name: Charlie Coleman
Title: Division President

STATE OF TEXAS §
§
COUNTY OF Travis §

**BEFORE ME**, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Charlie Coleman, Division President (title) of Meritage Homes of Texas, LLC, a Texas limited liability company, Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he had authority to bind the entity and that he executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 30 day of October 2012.

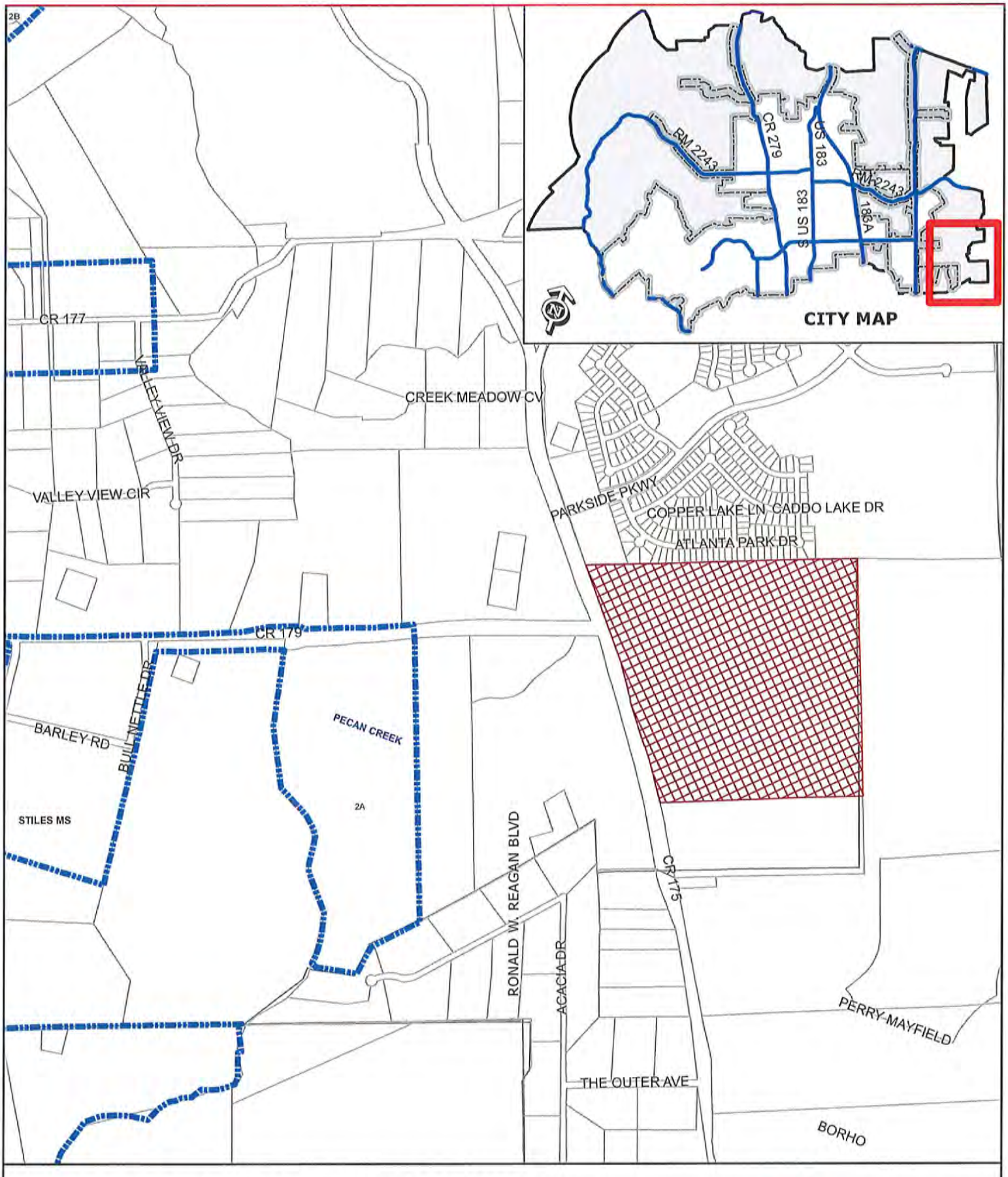
(SEAL)

Nga Tu Nguyen
Notary Public,
State of Texas
Comm. Exp. 08-12-15

Nga Tu Nguyen
Notary Public-State of Texas

EXHIBIT "A"

Property Description




# DEVELOPMENT & ANNEXATION EXHIBIT

## Location Exhibit

Borho Property

Borho Annexation

City Limits

0 200

Feet

FIELD NOTES

FOR

A 105.998 acre, or 4,617,263 square feet more or less, tract of land, being out of a called 107.462 acre tract described in conveyance to Curtis C. Borho in Partition Deed recorded in Volume 2542, Pages 838-843 of the Official Records of Williamson County, Texas, out of the Anastasha Carr Survey, Abstract 122, Williamson County, Texas. Said 105.998 acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the Central Zone:

BEGINNING: At a found ½" iron rod with a cap marked "Haynie", on the east right-of-way line of Williamson County Road 175, a variable width right-of-way, the northwest corner of a 28.280 acre tract, recorded in Volume 2542, Pages 838-843 of the Official Records of Williamson County, Texas, the southwest corner of said 107.462 acre tract;

THENCE: Along and with the east right-of-way line of said Williamson County Road 175, the west line of said 107.462 acre tract, the following calls and distances:

N 34°37'32" W, a distance of 549.88 feet to a found ½" iron rod with a cap marked "Haynie";

S 50°02'23" W, a distance of 5.38 feet to a found ½" iron rod with a cap marked "Haynie";

N 37°09'17" W, a distance of 404.06 feet to a found ½" iron rod with a cap marked "Haynie";

N 18°27'47" W, a distance of 15.43 feet to a found ½" iron rod with a cap marked "Haynie";

N 37°06'10" W, a distance of 50.29 feet to a found ½" iron rod with a cap marked "Haynie";

N 55°41'02" W, a distance of 15.84 feet to a found ½" iron rod with a cap marked "Haynie";

N 37°26'24" W, a distance of 96.44 feet to a found ½" iron rod with a cap marked "Haynie";

N 38°17'56" W, a distance of 233.25 feet to a found ½" iron rod with a cap marked "Haynie";

N 39°25'12" W, a distance of 877.50 feet to a cut "X" in a concrete drain, the southwest corner of Lot 1A, Block A, a Drainage and Landscape Easement, dedicated in the Parkside at Mayfield Ranch Section 1 Subdivision recorded in Cabinet DD, Slides 325-326 of the Plat Records of Williamson County, Texas, the northwest corner of said called 107.462 acre tract;

THENCE: N 68°50'55" E, departing the east right-of-way line of said Williamson County Road 175, along and with the south line of said Parkside at Mayfield Ranch Section 1 Subdivision, the north line of said called 107.462 acre tract, a distance of 595.33 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", the southwest corner of Lot 11, Block A of the Parkside at Mayfield Ranch Section 2 Subdivision recorded in Cabinet EE, Slides 4-5 of the Plat Records of Williamson County, Texas, the southeast corner of Lot 9 of said Block A;

THENCE: Along and with the south line of said Parkside at Mayfield Ranch Section 2 Subdivision, the north line of said called 107.462 acre tract, the following calls and distances:

N 68°50'55" E, a distance of 147.63 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 68°28'37" E, a distance of 938.38 feet to a found ½" iron rod;

N 68°40'19" E, at a distance of 440.2 feet passing a found ½ iron rod with a cap marked RJ-Surveying, at the southeast corner of Lot 11, Block B of said Parkside at Mayfield Ranch Section 2 Subdivision, along and with the south line of a 229.556 acre tract recorded in Document No. 2007002997 of the Official Public Records of Williamson County, Texas, the north line of said called 107.462 acre tract, for a total distance of 820.29 feet to a found ½" iron rod, the northwest corner of a 54.10 acre tract recorded in Volume 2542, Pages 834-837 of the Official Records of Williamson County, Texas, the northeast corner of said called 107.462 acre tract;

THENCE: S 20°39'19" E, departing the south line of said 229.556 acre tract, along and with the west line of said 54.10 acre tract, the east line of said called 107.462 acre tract, a distance of 2138.36 feet to a found ½" iron rod, the northeast corner of the aforementioned 28.280 acre tract, the southeast corner of said called 107.462 acre tract;

THENCE: S 68°18'43" W, departing the west line of said 54.10 acre tract, along and with the north line of said 28.280 acre tract, the south line of said 107.462 acre tract, a distance of 1845.59 feet to the POINT OF BEGINNING and containing 105.998 acres in Williamson County, Texas. Said tract being described in accordance with a survey made on the ground and a survey description and map prepared under job number 50751-00 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: September 20, 2012
JOB No.: 50751-00
DOC.ID.: N:\AUSTIN\50751-00\WORD\50751-00FN.docx
TBPE Firm Registration #470
TBPLS Firm Registration #100288-00

PAPE-DAWSON ENGINEERS

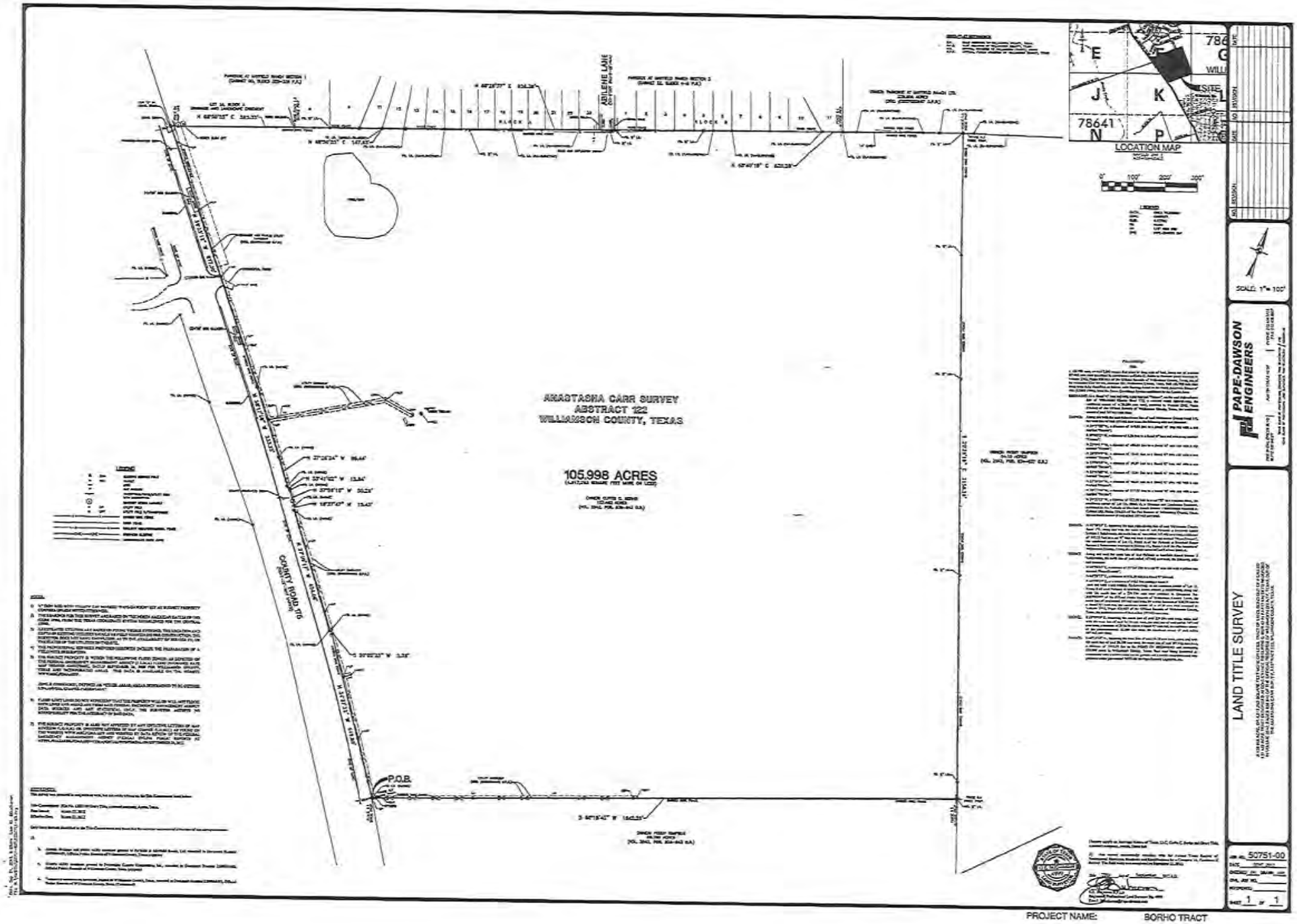

ANASTASIA CARR SURVEY
ABSTRACT 122
WILLIAMSON COUNTY, TEXAS
105.998 ACRES
COUNTY ROAD 110
ABILENE LANE
P.O.B.
LOCATION MAP
SCALE: 1" = 100'
LAND TITLE SURVEY
PAPE-DAWSON ENGINEERS
50751-00
SHEET 1 OF 1
PROJECT NAME: BORHO TRACT

EXHIBIT "B"

MUNICIPAL SERVICES PLAN
FOR PROPERTY TO BE
ANNEXED INTO THE CITY OF LEANDER

WHEREAS, the City of Leander, Texas (the "City") intends to institute annexation proceedings for a tract of land described more fully hereinafter (referred to herein as the "subject property");

WHEREAS, the owner of the subject property, or owner's authorized agent (the "Owner"), has requested annexation of the subject property and *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

WHEREAS, infrastructure shall be provided for the subject property pursuant to the terms and conditions of that certain Development and Annexation Agreement for the Borho Tract dated _____ (the "Development Agreement"); provided that, except for municipal service provided for in the Development Agreement, municipal services shall be provided on the same terms and conditions as such services are provided to other similarly situated properties currently within the City; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject property into the City;

NOW, THEREFORE, the City agrees to provide the following services for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the present personnel and equipment of the City fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the subject property, and, until the zoning of the subject property is established by ordinance after annexation, the subject property shall be entitled to be developed with the land uses as more specifically provided in the Development Agreement. It is the City's intent to zone the subject property at the Owner's request in a manner that is not inconsistent with such uses, as provided in the Development Agreement. The Planning & Zoning Commission and the City Council will consider the applicant's request to process a zoning application and zone the subject property for such use and development following final annexation of the subject property.

I. Library service: Service by present personnel, equipment, and facilities within the City.

J. Storm Water Management: Owner/developr will provide storm water system as necessary at its own expense, which will be inspected by City Engineers at the time of completion. The City will then maintain the storm water system upon acceptance of the system by the City.

(2) **Scheduled Municipal Services.** Due to the size and vacancy of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) The City intends to provide water services to the subject property pursuant to the Development Agreement. Save and except as provided in the Development Agreement, the City will provide water service in accordance with the applicable ordinances, rules, regulations, and policies of the City in effect from time to time for the extension of water service. The Owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject property as required in City ordinances. Upon acceptance of the water lines within the subject property and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The water system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. In the event of a conflict between this Municipal Services Plan and an approved and executed Development Agreement, the terms and provisions of the Development Agreement shall govern and control.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) Wastewater services to the subject property will be provided pursuant to the Development Agreement. Save and except as provided in the Development Agreement, the City will provide wastewater service in accordance with the applicable ordinances, rules, regulations, and policies of the City in effect from time to time for the extension of wastewater service. The Owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines within the subject property and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. In the event of a conflict between this Municipal Services Plan and an approved and executed Development Agreement, the terms and provisions of the Development Agreement shall govern and control.

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, subject to and except as provided within the terms, conditions and requirements of the Development Agreement, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the subject property abut existing roadways. The Owner agrees that no improvements are required by the City on such roadways to service the subject property.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property, the Owner will be responsible for the development costs as provided in the Development Agreement, this Municipal Services Plan, and the applicable ordinances, rules, and policies of the City. Capital Improvements shall be designed, constructed and installed by the Owner as provided in the Development Agreement and this Municipal Services Plan.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal description of the subject property is as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

**SCHEDULE FOR VOLUNTARY ANNEXATION – BORHO**

| DATE | ACTION/EVENT | LEGAL AUTHORITY |
|---|---|---|
| November 29, 2012 | **COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings: **January 3, 2013 and January 17, 2013**; Council directs development of service plan for area to be annexed. | Loc. Gov't Code, §§ 43.063 & 43.065; Public Hearings: are on or after the 40th day but before 20th day before institution of proceedings. |
| **By Dec. 3, 2012** | **NOTICE TO** property owners & utility providers | Loc. Gov't Code § 43.062(a) |
| **Dec. 19, 2012*** Publish notice of First Public Hearing<br><br>**January 2, 2013*** Publish notice of Second Public Hearings | **NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable Notice to Railroad)<br><br>**SCHOOL DISTRICT NOTICE** (notify each school district of possible impact) POST NOTICE ON WEB SITE and MAINTAIN UNTIL COMPLETE | Not less than 10 days nor more than 20 days before 1st and 2nd public hearings. Loc. Gov't Code, §43.063 (c). |
| Ten days after the date the first notice of Public Hearing is published | LAST DAY FOR SUBMISSION OF WRITTEN PROTEST BY RESIDENTS (10 days after first newspaper notice) | Site hearing required if 10% of adult residents of tracts protest within 10 days after 1st newspaper notice. Loc. Gov't Code, § 43.063 (b) |
| **January 3, 2013*** | **1st PUBLIC HEARING** AND PRESENT SERVICE PLAN (Not more than 40 days before the 1st reading of ordinance) *REGULAR MEETING* | Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065. |
| **January 17, 2013*** | **2nd PUBLIC HEARING** AND PRESENT SERVICE PLAN (At least 20 days before 1st reading of ordinance.) *REGULAR MEETING* | Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065. |
| Institution Date **February 7, 2013*** | **FIRST READING** OF ORDINANCE *REGULAR MEETING* | Date of institution of proceedings. Not less than 20 days from the second public hearing nor more than 40 days from the first public hearing. |
| February 21, 2013 Or at a special called meeting after the First Reading | **SECOND-FINAL READING** OF ORDINANCE *REGULAR MEETING* | Not more than 90 days after 1st reading of Ordinance § 43.064. |
| March 15, 2013 Or as soon as documents are received from City | FILE FOR VOTING RIGHTS ACT **PRECLEARANCE** | 42 U.S.C. §1973c; Loc. Gov't Code, §43.906; |
| **Within 30 days of Second Reading** | **CITY SENDS COPY OF MAP** showing boundary changes to County Voter Registrar in a format that is compatible with mapping format used by registrar | Elec. Code §42.0615 |
| Upon receipt of DOJ Preclearance or 60 days after DOJ's receives submission | **IMPLEMENT ANNEXATION** for voting purposes (Upon preclearance from Justice Dept.) **Send certified copy of ordinance and maps** to State Comptroller and any franchise holders | 42 U.S.C. §1973c. |
| After DOJ Preclearance | **CITY PROVIDES CERTIFIED COPY OF ORDINANCE AND MAPS TO:**<br>1. County Clerk<br>2. County Appraisal District<br>3. County Tax Assessor Collector<br>4. 911 Addressing<br>5. Sheriff's Office<br>6. City Department Heads | |

***Dates in BOLD are MANDATORY dates to follow this schedule. Please advise if deviation.**

***Newspaper notices to paper by 10 a.m. the preceding Friday**

**AGENDA ITEM # 11**

**Executive Summary**

**February 21, 2013**

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| | |
|---|---|
| **Agenda Subject:** | Zoning Case 12-Z-020: Second reading and consider action on the rezoning of a parcel generally located at the northwest corner of Old 2243 W and US Hwy 183, approximately 600 feet west of N US Hwy 183 and 1,100 feet north of Old 2243 W; 69.23 acres more or less; Parcel #R031635. Currently the property is zoned SFU-2-B (Single-Family Urban), LC-2-B (Local Commercial) and GC-3-C (General Commercial) and is proposed to be zoned SFL-2-B (Single-Family Limited), SFC-2-B (Single-Family Compact), and SFU-2-B (Single-Family Urban), Leander, Williamson County, Texas. |
| **Background:** | This request is the final step in the rezoning process. |
| **Origination:** | Applicant: Jenn Dermanci on behalf of HEB Grocery Company. |
| **Financial Consideration:** | None |
| **Recommendation:** | See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval at the November 8, 2012 meeting. The City Council recommended approval the SFU-2-B (Single-Family Urban) and SFC-2-B (Single-Family Compact) districts with a five to two vote at the November 29, 2012 meeting. |
| **Attachments:** | 1. Planning Analysis<br>2. Current Zoning Map<br>3. Proposed Zoning<br>4. Aerial Map<br>5. Letter of Intent<br>6. Ordinance |
| **Prepared By:** | Robin M. Griffin, AICP<br>Planner<br>12/03/2012 |

# PLANNING ANALYSIS

ZONING CASE 12-Z-020

## GENERAL INFORMATION

**Owner:** HEB Grocery Company

**Current Zoning:** SFU-2-B (Single-Family Urban)
LC-2-B (Local Commercial)
GC-3-C (General Commercial)

**Proposed Zoning:** SFL-2-B (Single-Family Limited)
SFC-2-B (Single-Family Compact)
SFU-2-B (Single-Family Urban)

**Size and Location:** The property is generally located at the northwest corner of Old 2243 W and US Hwy 183 (behind HEB), approximately 600 feet west of N US Hwy 183 and 1,100 feet north of Old 2243 W and is approximately 69.23 acres in size.

**Staff Contact:** Robin M. Griffin, AICP
Planner

## ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

| | ZONING | LAND USE |
|---|---|---|
| NORTH | PUD/TOD | Undeveloped Transit Oriented Development Property |
| EAST | GC-3-C<br>GC-4-C | Undeveloped commercial property<br>Commercial Property (HEB) |
| SOUTH | GC-4-C<br>LI-4-D<br>MF-3-A | Commercial Property (HEB)<br>Established Single-Family Home zoned for Light Industrial<br>Established Senior Living Apartments |
| WEST | SFU-2-B | Established Single-Family Neighborhood<br>(Estates of North Creek Ranch) |

## COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

### USE COMPONENTS:

#### SFU – SINGLE FAMILY URBAN:

*Features*: 7,200 sq. ft. lot min.; 1,200 sq. ft. living area min.

*Intent*: Development of single-family detached dwellings on moderate urban standard sized lots and for other compatible and complimentary uses. The purpose of this component is to provide regulations to maintain and protect the City's single-family residences and neighborhoods in areas with moderate lot sizes. Such components are generally intended to offer variety in housing opportunities and in the fabric of the neighborhoods.

#### SFC – SINGLE FAMILY COMPACT:

*Features*: 5,500 sq. ft. lot min.; 1,100 sq. ft. living area min.

*Intent*: Development of single-family detached dwellings on small lots and for other compatible and complimentary uses. The purpose of this component is to provide regulations to maintain and protect the City's single-family residences and neighborhoods in areas with small lot sizes. Such components are generally intended to offer variety in housing opportunities and in the fabric of the neighborhoods, and to be developed on a moderate scale with a maximum district size of seventy-five (75) acres.

#### SFL – SINGLE FAMILY LIMITED:

*Features*: 3,500 sq. ft. lot min.; 1,000 sq. ft. living area min.

*Intent*: Development of single-family detached dwellings on small lots, including zero lot line development, and for other compatible and complimentary uses. The purpose of this component is to provide regulations to maintain and protect the City's single-family residences and neighborhoods in areas where it is appropriate to have small lot sizes and reduced setbacks. This component is generally intended as follows:

(1) To provide an orderly transition to and create a buffer between larger lot neighborhoods and more intensive uses such as multi-family or commercial uses or arterial roadways.

(2) To create more variety in housing opportunities and in the fabric of neighborhoods.

(3) To be located in planned developments of greater than 100 acres and comprising less than twenty percent (20%) of the lots, or to provide infill opportunities in appropriate areas of the City such as in areas under transition.

(4) To include or be located within six hundred feet of parkland or other recreational open space. Lots that average less than forty feet in width along a block shall front on a street with a ROW of fifty-six (56) feet or greater and a pavement width of thirty-six (36) feet or greater unless access to garages on such lots is from an alley.

### SITE COMPONENTS:

#### TYPE 2:

*Features*: Accessory buildings greater of 10% of primary building or 120 sq. ft.; accessory dwellings for SFR, SFE and SFS; drive-thru service lanes; uses not to exceed 40,000 sq. ft.; multi-family provides at least 35% of units with an enclosed garage parking space.

*Intent*:

(1) The Type 2 site component may be utilized with non-residential developments that are adjacent to a residential district or other more restrictive district to help reduce potential negative impacts to the more restrictive district and to provide for an orderly transition of development intensity.

(2) The Type 2 site component is intended to be utilized for residential development not meeting the intent of a Type 1 site component and not requiring the additional accessory structure or accessory dwelling privileges of the Type 3 site component.
(3) This component is intended to be utilized with the majority of LO and LC use components except those that meet the intent of the Type 1 or Type 3 site component or with any use requiring drive-through service lanes.
(4) This component is generally not intended to be utilized with LI and HI use components except where such component is adjacent to, and not adequately buffered from, residential districts or other more restricted districts, and except as requested by the land owner.

**ARCHITECTURAL COMPONENTS:**

**TYPE B:**

*Features*: 85% masonry 1st floor, 50% overall; 4 or more architectural features.

*Intent*:

(1) The Type B architectural component is intended to be utilized for the majority of residential development except that which is intended as a Type A architectural component.
(2) Combined with appropriate use and site components, this component is intended to help provide for harmonious land use transitions.
(3) This component may be utilized to raise the building standards and help ensure compatibility for non-residential uses adjacent to property that is more restricted.
(4) This component is intended for the majority of the LO and LC use components except those meeting the intent of the Type A or C architectural components.

## COMPREHENSIVE PLAN STATEMENTS:

The following Comprehensive Plan statements may be relevant to this case:

- Plan for continued growth and development that improves the community's overall quality of life and economic viability.
- Establish high standards for development.

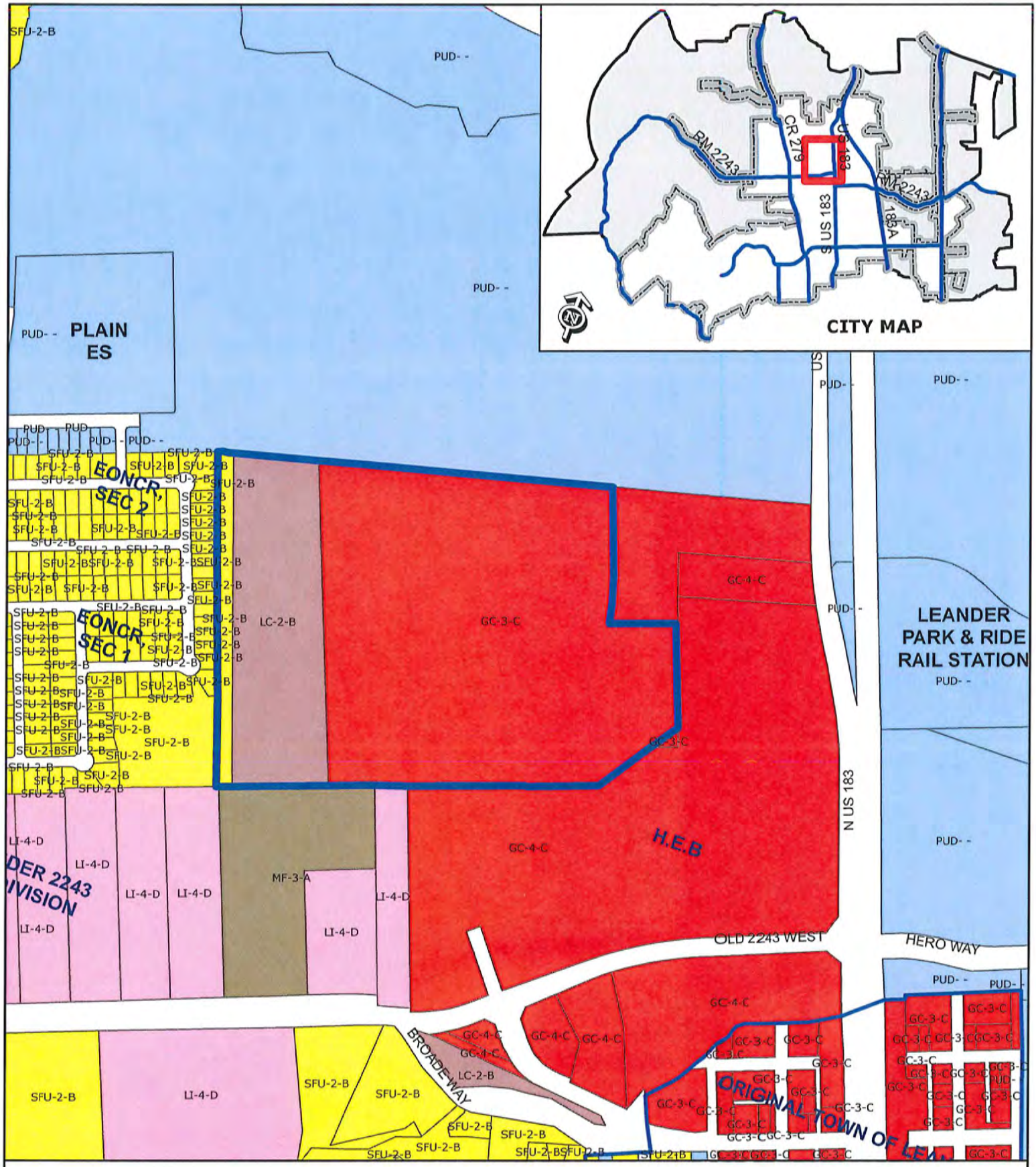
## ANALYSIS:

The applicant is requesting the SFL-2-B (Single-Family Limited), SFC-2-B (Single-Family Compact), and SFU-2-B (Single-Family Urban) districts in order to develop a mixture of lot sizes in this proposed residential community. The proposal includes residential lot widths ranging from as narrow as 35' wide to 60' wide. The applicant has incorporated the mix of residential districts in a well integrated neighborhood plan providing a variety of lot sizes all within the same neighborhood.

The Comprehensive Plan Update establishes development nodes throughout the City of Leander. This property is located within a Town Center node. This node is approximately one mile in radius and encourages density and a mix of uses including apartments, condominiums, major commercial, major retail, office and employment centers. This node plan encourages densities at

major intersections and is not a requirement. The HEB shopping center and the Village at Leander Station Senior Apartment Complex are both located within this node and serve as a major commercial employer and apartments. The proposed residential neighborhood is located towards the edge of the node and serves as part of the transition to the established Estates of North Creek Neighborhood.

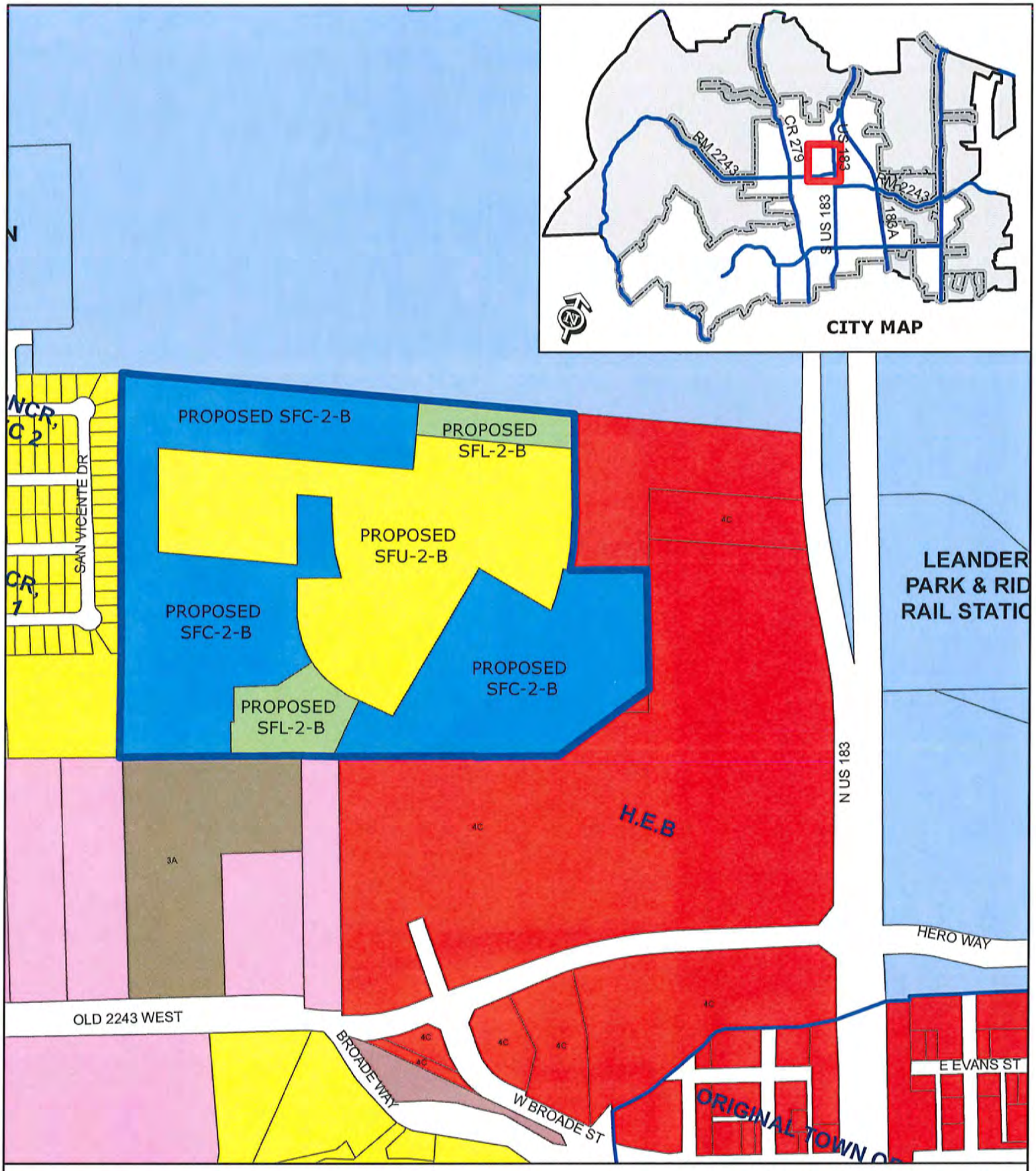
The proposed zoning request follows the goals of the Comprehensive Plan and the intent statements of the Composite Zoning Ordinance.




# ZONING CASE 12-Z-020

## Attachment #2

Current Zoning Map
Northside Meadows




## ZONING CASE 12-Z-020

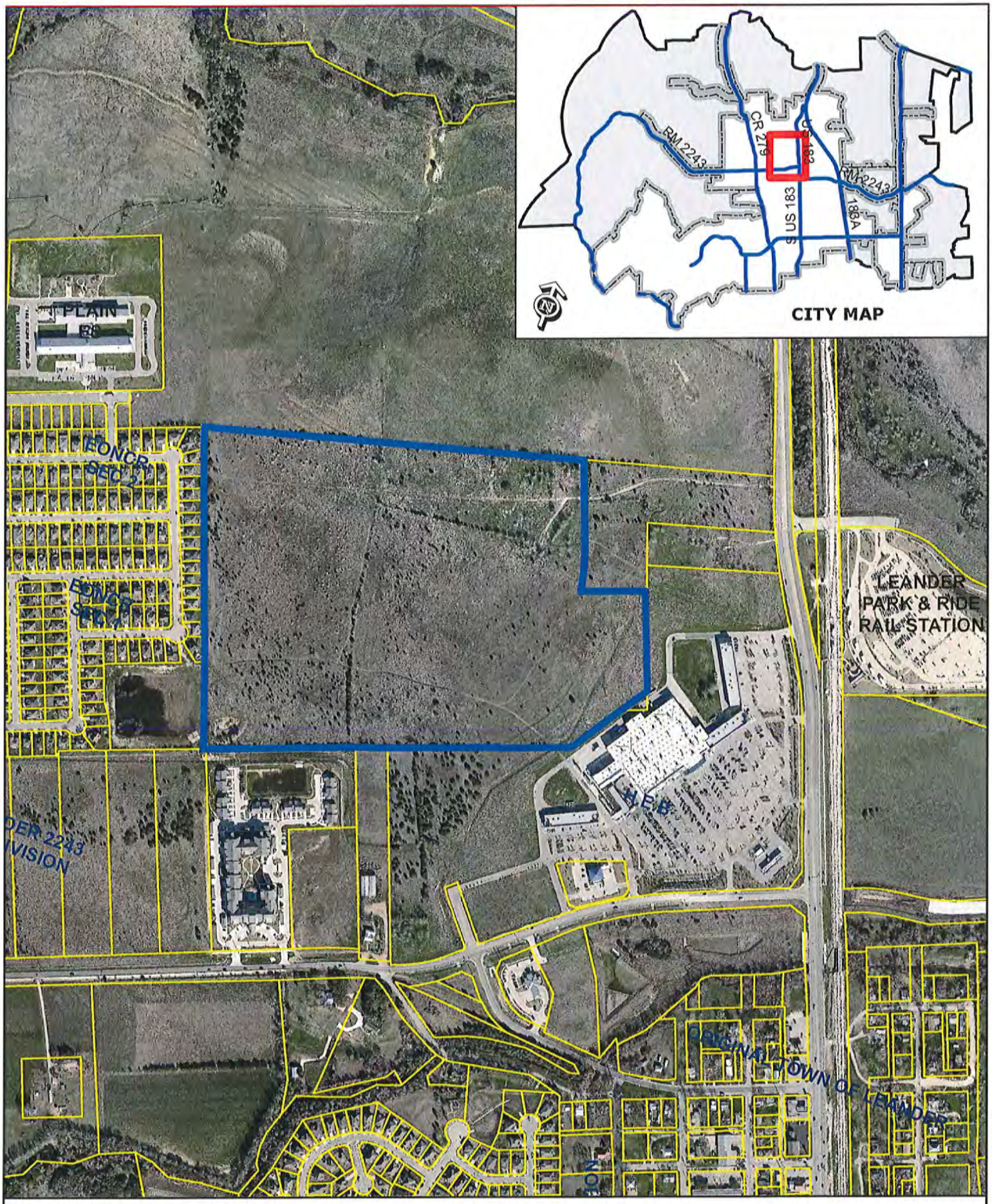
### Attachment #3

Proposed Zoning Map
Northside Meadows

0 200
Feet

Subject Property

| | | |
|---|---|---|
| SFR | SFT | GC |
| SFE | SFU/MH | LI |
| SFS | TF | HI |
| SFU | MF | PUD |
| SFC | LO | |
| SFL | LC | |




# ZONING CASE 12-Z-020, Attachment #4

Aerial Exhibit - Approximate Boundaries
Northside Meadows

0 200
Feet

Subject Property

**ATTACHMENT #5**

DOUCET
& ASSOCIATES

7401B Hwy 71 W, Ste. 160
Austin, TX 78735
office: 512.583.2600
fax: 512.583.2601

DoucetandAssociates.com

LETTER OF INTENT

The intent of this zoning change is to rezone the property from retail/commercial to single-family residential. Currently a portion of the lot is local commercial and the rest is general commercial. The proposed zoning is single-family urban, single-family compact, and single-family limited. The intended rezone is not along a major thoroughfare making the property more attractive for residential than commercial. Also, the adjacent tract to the west is single-family urban so this rezone is consistent with surrounding zoning.

PHYSICAL DESCRIPTION OF PROPERTY

The subject tract has mild slopes with no significant features. There are very few trees on the site, mostly along the property lines and these are small and not dense. No waterways cross through the site. The tract has no existing structures, just a dirt access road.

# ORDINANCE NO #

**ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING ONE PARCEL OF LAND FROM SFU-2-B (SINGLE-FAMILY URBAN), LC-2-B (LOCAL COMMERCIAL), AND GC-3-C (GENERAL COMMERCIAL) TO SFC-2-B (SINGLE-FAMILY COMPACT) AND SFU-2-B (SINGLE-FAMILY URBAN); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the owner of the property described herein after (the "Property") has requested that the Property be rezoned;

**Whereas**, after giving at least ten days written notice to the owners of land within two hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

**Whereas**, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Zoning Ordinance.** Ordinance No. 05-018, as amended, the City of Leander Composite Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Rezoned property.** The Zoning Ordinance is hereby amended by changing the zoning district for one parcel generally located at the northwest corner of Old 2243 W and US Hwy 183, approximately 600 feet west of N US Hwy 183 and 1,100 feet north of Old 2243 W. The property is approximately 69.23 acre more or less in size and includes parcel # R031635. This parcel is hereby zoned SFC-2-B (Single-Family Compact) and SFU-2-B (Single-Family Urban); Leander, Williamson County, Texas. (See Exhibit A).

**Section 4. Open Meetings**. That it is hereby officially found and determined that the meeting at which this ordinance 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, Loc. Gov't. Code.

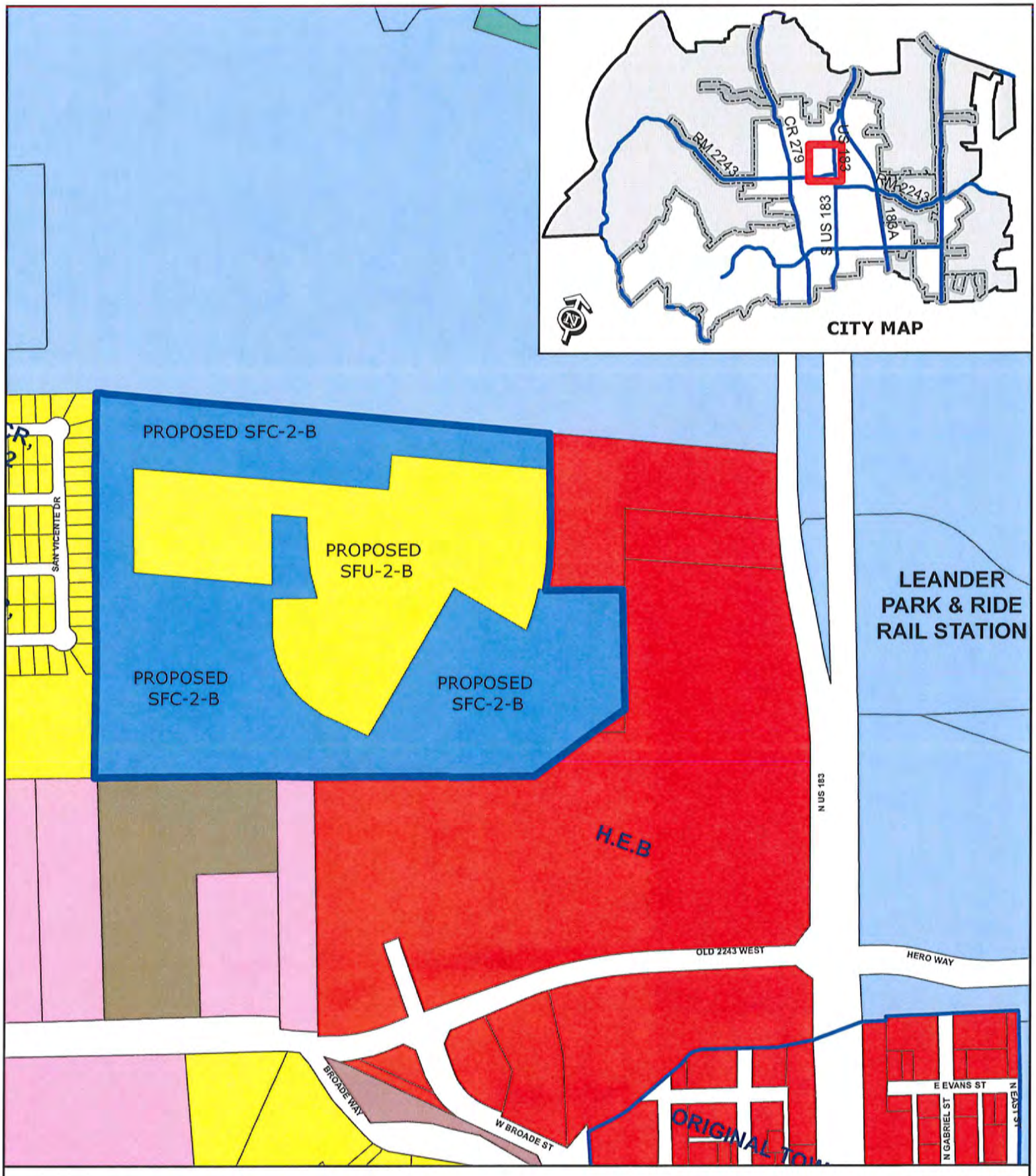
**PASSED AND APPROVED** on First Reading this the 29th day of November, 2012.
**FINALLY PASSED AND APPROVED** on this the 21st day of February, 2013.

**THE CITY OF LEANDER, TEXAS**

Christopher Fielder, Mayor

ATTEST:

Debbie Haile, City Secretary


CITY MAP
RM 2243
CR 279
US 183
S US 183
183A
PROPOSED SFC-2-B
PROPOSED SFU-2-B
PROPOSED SFC-2-B
PROPOSED SFC-2-B
SAN VICENTE DR
LEANDER PARK & RIDE RAIL STATION
N US 183
H.E.B
OLD 2243 WEST
HERO WAY
BROADE WAY
W BROADE ST
E EVANS ST
N GABRIEL ST
ORIGINAL TOU
EXHIBIT A
Zoning Case 12-Z-020
Northside Meadows
Subject Property
0 200
Feet
SFR
SFE
SFS
SFU
SFC
SFL
SFT
SFU/MH
TF
MF
LO
LC
GC
LI
HI
PUD

**AGENDA ITEM # 12**

**Executive Summary**

**February 21, 2013**

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| | |
|---|---|
| **Agenda Subject:** | Zoning Case 12-Z-029: Consider action on the rezoning of two parcels generally located at the southwest corner of the intersection of Bagdad Rd and Vista Ridge Drive; 18.732 acres more or less; Parcels #R430360 & R031366. Currently, the property is zoned, MF-2-B (Multi-Family). The property is proposed to be zoned SFL-2-B (Single-Family Limited) Leander, Williamson County, Texas. |
| **Background:** | This request is the final step in the rezoning process. |
| **Origination:** | Applicant: Geoff Guerrero on behalf of SDC West Brook Partners LP. |
| **Financial Consideration:** | None |
| **Recommendation:** | See Planning Analysis. The Planning and Zoning Commission recommended approval of SFL-2-A with the following conditions:<br>1. No lots smaller than forty five (45') feet in width measured at the front building setback line.<br>2. No dwelling shall be less than twelve hundred (1,200) square feet of living area.<br>The City Council recommended denial of this application at the December 20, 2012 meeting. Councilmember Dishongh requested that this application be brought back to City Council for reconsideration. The council may allow a member of the descending side the opportunity to bring a case back for reconsideration. Council must first approve by majority vote, the reconsideration of the case. If that passes then the council may vote on the case. City Council recommended approval at the February 7, 2013 meeting with a 6 to 1 vote. |
| **Attachments:** | 1. Planning Analysis<br>2. Current Zoning Map<br>3. Aerial Map<br>4. Letter of Intent<br>5. Ordinance |
| **Prepared By:** | Robin M. Griffin, AICP<br>Planner<br>02/12/2013 |

# PLANNING ANALYSIS

ZONING CASE 12-Z-029

## GENERAL INFORMATION

**Owner:** SDC West Brook Partners LP

**Current Zoning:** MF-2-B (Multi-Family)

**Proposed Zoning:** SFL-2-B (Single-Family Limited)

**Size and Location:** The property is generally located at the southwest corner of the intersection of Bagdad Rd and Vista Ridge Drive and is approximately 18.732 acres in size.

**Staff Contact:** Robin M. Griffin, AICP
Planner

## ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

| | ZONING | LAND USE |
|---|---|---|
| NORTH | SFU-2-B<br>LC-2-B | Established Single-Family Neighborhood (Vista Ridge)<br>Undeveloped Commercial Property |
| EAST | LC-2-B | Undeveloped Commercial Property |
| SOUTH | MF-2-B<br>SFU-2-B | Bledsoe Park |
| WEST | SFL-2-B | Established Single-Family Neighborhood (Vista Ridge) |

## COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

### USE COMPONENTS:

**SFL – SINGLE FAMILY LIMITED**:

*Features*: 3,500 sq. ft. lot min.; 1,000 sq. ft. living area min.

*Intent*: Development of single-family detached dwellings on small lots, including zero lot line development, and for other compatible and complimentary uses. The purpose of this component is to provide regulations to maintain and protect the City's single-family residences and neighborhoods in areas where it is appropriate to have small lot sizes and reduced setbacks. This component is generally intended as follows:

(1) To provide an orderly transition to and create a buffer between larger lot neighborhoods and more intensive uses such as multi-family or commercial uses or arterial roadways.

(2) To create more variety in housing opportunities and in the fabric of neighborhoods.

(3) To be located in planned developments of greater than 100 acres and comprising less than twenty percent (20%) of the lots, or to provide infill opportunities in appropriate areas of the City such as in areas under transition.

(4) To include or be located within six hundred feet of parkland or other recreational open space. Lots that average less than forty feet in width along a block shall front on a street with a ROW of fifty-six (56) feet or greater and a pavement width of thirty-six (36) feet or greater unless access to garages on such lots is from an alley.

### SITE COMPONENTS:

**TYPE 2**:

*Features*: Accessory buildings greater of 10% of primary building or 120 sq. ft.; accessory dwellings for SFR, SFE and SFS; drive-thru service lanes; uses not to exceed 40,000 sq. ft.; multi-family provides at least 35% of units with an enclosed garage parking space.

*Intent*:

(1) The Type 2 site component may be utilized with non-residential developments that are adjacent to a residential district or other more restrictive district to help reduce potential negative impacts to the more restrictive district and to provide for an orderly transition of development intensity.

(2) The Type 2 site component is intended to be utilized for residential development not meeting the intent of a Type 1 site component and not requiring the additional accessory structure or accessory dwelling privileges of the Type 3 site component.

(3) This component is intended to be utilized with the majority of LO and LC use components except those that meet the intent of the Type 1 or Type 3 site component or with any use requiring drive-through service lanes.

(4) This component is generally not intended to be utilized with LI and HI use components except where such component is adjacent to, and not adequately buffered from, residential districts or other more restricted districts, and except as requested by the land owner.

**ARCHITECTURAL COMPONENTS:**

**TYPE B:**

*Features*: 85% masonry 1st floor, 50% overall; 4 or more architectural features.

*Intent*:

(1) The Type B architectural component is intended to be utilized for the majority of residential development except that which is intended as a Type A architectural component.

(2) Combined with appropriate use and site components, this component is intended to help provide for harmonious land use transitions.

(3) This component may be utilized to raise the building standards and help ensure compatibility for non-residential uses adjacent to property that is more restricted.

(4) This component is intended for the majority of the LO and LC use components except those meeting the intent of the Type A or C architectural components.

**COMPREHENSIVE PLAN STATEMENTS:**

The following Comprehensive Plan statements may be relevant to this case:

- Plan for continued growth and development that improves the community's overall quality of life and economic viability.
- Establish high standards for development.

**ANALYSIS:**

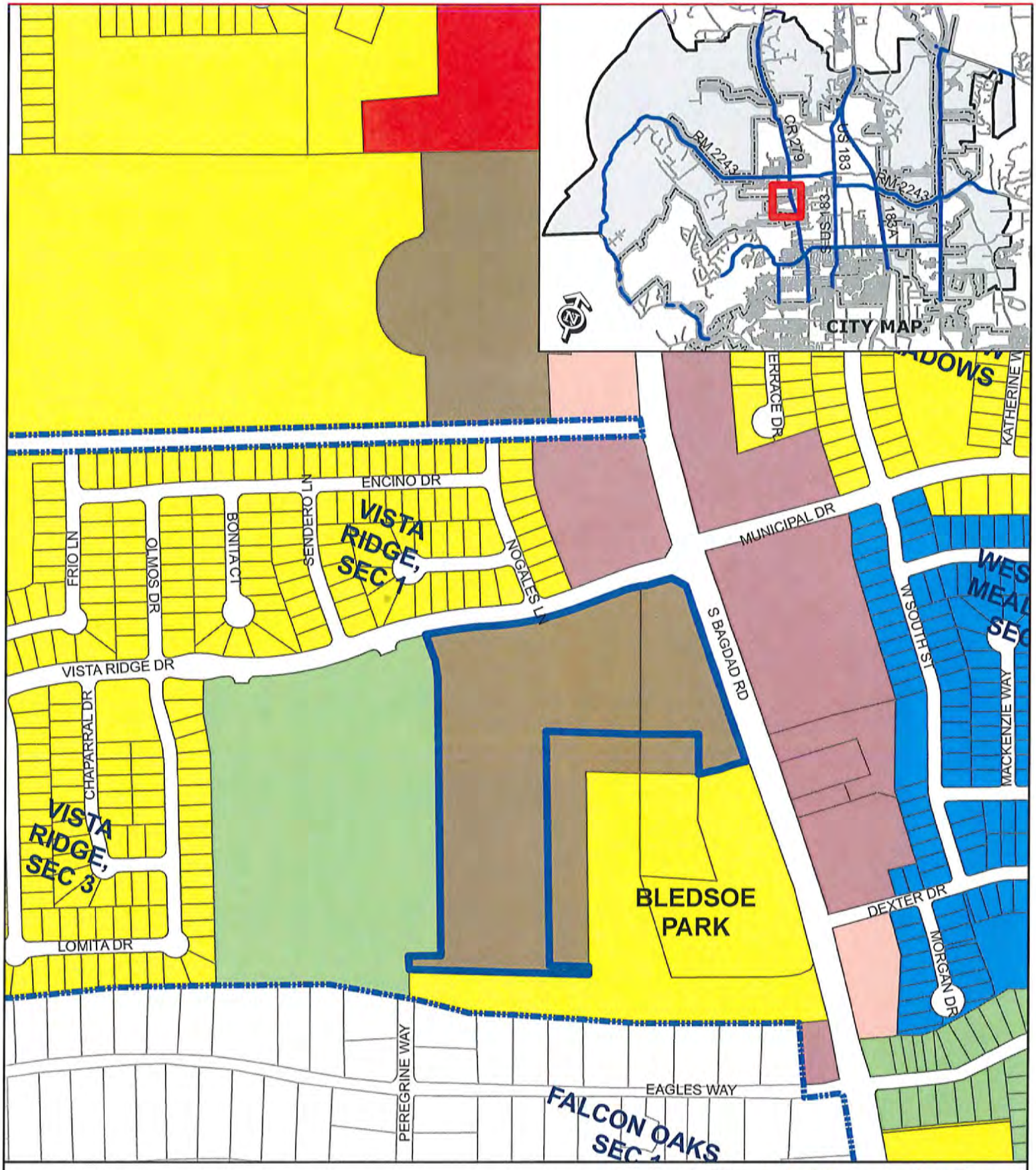
The applicant is requesting the SFL-2-B (Single-Family Limited) in order to develop a small lot residential community. The intent of the SFL use component is to provide a variety of housing types within neighborhoods. This use component is intended to provide a transition and create a buffer between larger lot neighborhoods and more intensive uses including commercial development. This use component is intended to be located within six hundred (600') feet of parkland or other recreational open space. The requested SFL at this location meets this requirement due to the close proximity to Bledsoe Park.

In addition, this use component includes following lot size minimums:

| Interior Lots | | | Corner Lots | | |
|---|---|---|---|---|---|
| **Area** | **Width** | **Depth** | **Area** | **Width** | **Depth** |
| 3,500 sq. ft. | 35' | 100' | 4,500 sq. ft. | 45' | 100' |

This use component requires lots that average less than forty (40') feet in width along a block front on a street with a right-of-way of fifty-six (56) feet or greater and a pavement width of thirty-six (36') feet or greater unless access to garages on such lots is from an alley. The homes are also limited to a single wide garage when dwellings are less than thirty-five (35') feet in width to keep the front of the structure from being dominated by garage doors.

The proposed zoning request follows the intent statements of the Composite Zoning Ordinance.




# ZONING CASE 12-Z-029

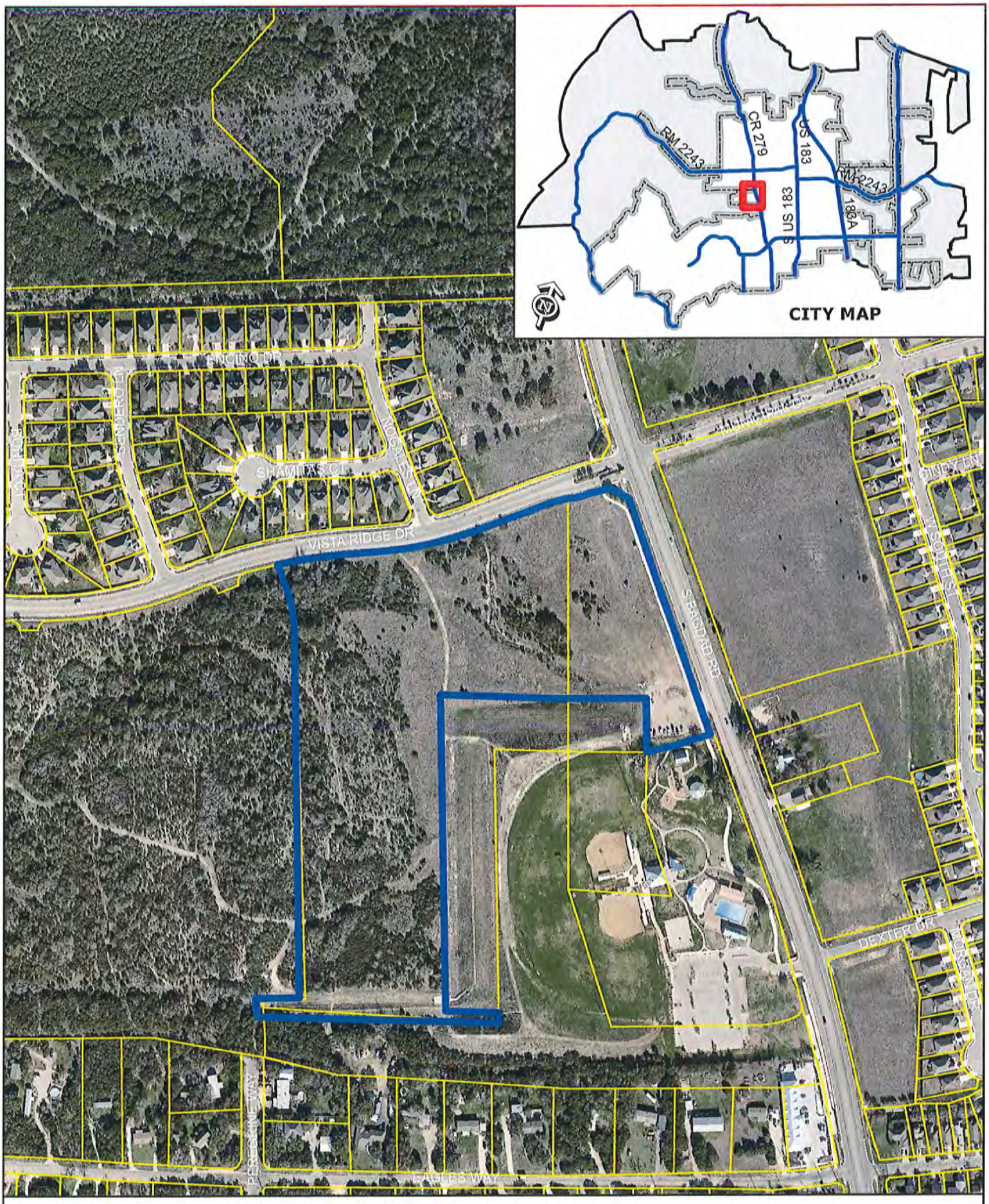
## Attachment #2

Zoning Map
Villas at Vista Ridge
Southwest of the Intersection of
Bagdad Road & Vista Ridge Drive

0 200
Feet

Subject Property

| | | |
|---|---|---|
| SFR | SFT | GC |
| SFE | SFU/MH | LI |
| SFS | TF | HI |
| SFU | MF | PUD |
| SFC | LO | |
| SFL | LC | |




# ZONING CASE 12-Z-029, Attachment #3

Aerial Exhibit - Approximate Boundaries
Bagdad Road & Vista Ridge Drive

0 200
Feet

Subject Property

ATTACHMENT #4

Carlson, Brigance & Doering, Inc.
Civil Engineering ✧ Surveying

October 30, 2012

City of Leander
Planning Department
Attn: Ms. Robin Griffin
104 North Brushy Street
Leander, Texas 78646

**RE: Villas at Vista Ridge – Zoning Application**
**CBD File # 4549**

***Letter of Intent for Re-Zoning / Property Description***

Dear Ms. Griffin,

On behalf of our client, SDC Westbrook Partners LP, Carlson, Brigance & Doering, Inc. respectfully submits this application for re-zoning of the properties located at the southwest corner of the intersection of Bagdad Road and Vista Ridge Drive – hereinafter referred to as the Villas at Vista Ridge tract.

The Villas at Vista Ridge is comprised of two tracts of land totaling 18.732 acres of undeveloped land currently zoned MF (multi-family) with a requested zoning change to SFL (single-family limited). The property forms an upside down "L" that creates the western and northern property boundary of Bledsoe Park. The Villas at Vista Ridge is also bordered to the west and north by the Vista Ridge community. Phases 2A and 2B to the west is SFL-zoned property currently in development by MHI Partnership Ltd. The existing portion of the Vista Ridge community across Vista Ridge Drive from the Villas project is SFU-zoned, and also includes an undeveloped LC (local commercial) tract. The property to the east across Bagdad is also LC and undeveloped as of the submittal of this application.

The request of SFL for this property is within the intent of the SFL definition that would serve as a buffer for the larger lot SFU Vista Ridge community to the LC use along Bagdad Road. An initial site layout currently proposes 102 single-family lots, which is 5.4 units per acre. The Villas project would also comply with the requirement of proximity to parkland or open space as an adjacent neighbor to Bledsoe Park. While the Villas property as currently zoned MF does already comply with the intent and purpose of the zoning land use plan for the City of Leander; the SFL designation accomplishes this as well by providing a less abrupt infill zoning transition into the more dense commercial property across Bagdad Road while still maintaining the single family designation.

The property is a combination of open plains on the eastern portion and tree / shrub cover along the western side as it borders Bledsoe Park. It is relatively flat with roughly 1% slope to the middle of the property where an open channel meanders to a detention pond located on the City of Leander property (Bledsoe Park). The property is void of existing structures and does not have any floodplain, waterways or related features.

Thank you for your time and review of this zoning application. Please feel free to contact me if you need any additional information.

Respectfully,

Geoff Guerrero
Zoning and Construction Development Manager

**ORDINANCE NO #**

**ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING TWO PARCELS OF LAND FROM MF-2-B (MULTI-FAMILY) TO SFL-2-B (SINGLE-FAMILY LIMITED); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the owner of the property described herein after (the "Property") has requested that the Property be rezoned;

**Whereas**, after giving at least ten days written notice to the owners of land within two hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

**Whereas**, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Zoning Ordinance.** Ordinance No. 05-018, as amended, the City of Leander Composite Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Rezoned property.** The Zoning Ordinance is hereby amended by changing the zoning district for two parcels generally located at the southwest corner of the intersection of Bagdad Rd and Vista Ridge Drive. The property is approximately 18.732 acre more or less in size and includes parcel #R430360 and R031366. This parcel is hereby zoned SFL-2-B (Single-Family Limited); Leander, Williamson County, Texas. (See Exhibit A).

**Section 4. Conditions of Zoning.**

1. No lots smaller than forty five (45') feet in width measured at the front building setback line.
2. No dwelling shall be less than twelve hundred (1,200) square feet of living area.

**Section 5. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect

and to this end the provisions of this ordinance are declared to be severable.

**Section 6. Open Meetings**. That it is hereby officially found and determined that the meeting at which this ordinance 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, Loc. Gov't. Code.

**PASSED AND APPROVED** on First Reading this the 7th day of February, 2013.
**FINALLY PASSED AND APPROVED** on this the 21st day of February, 2013.

**THE CITY OF LEANDER, TEXAS**

Christopher Fielder, Mayor

**ATTEST:**

Debbie Haile, City Secretary

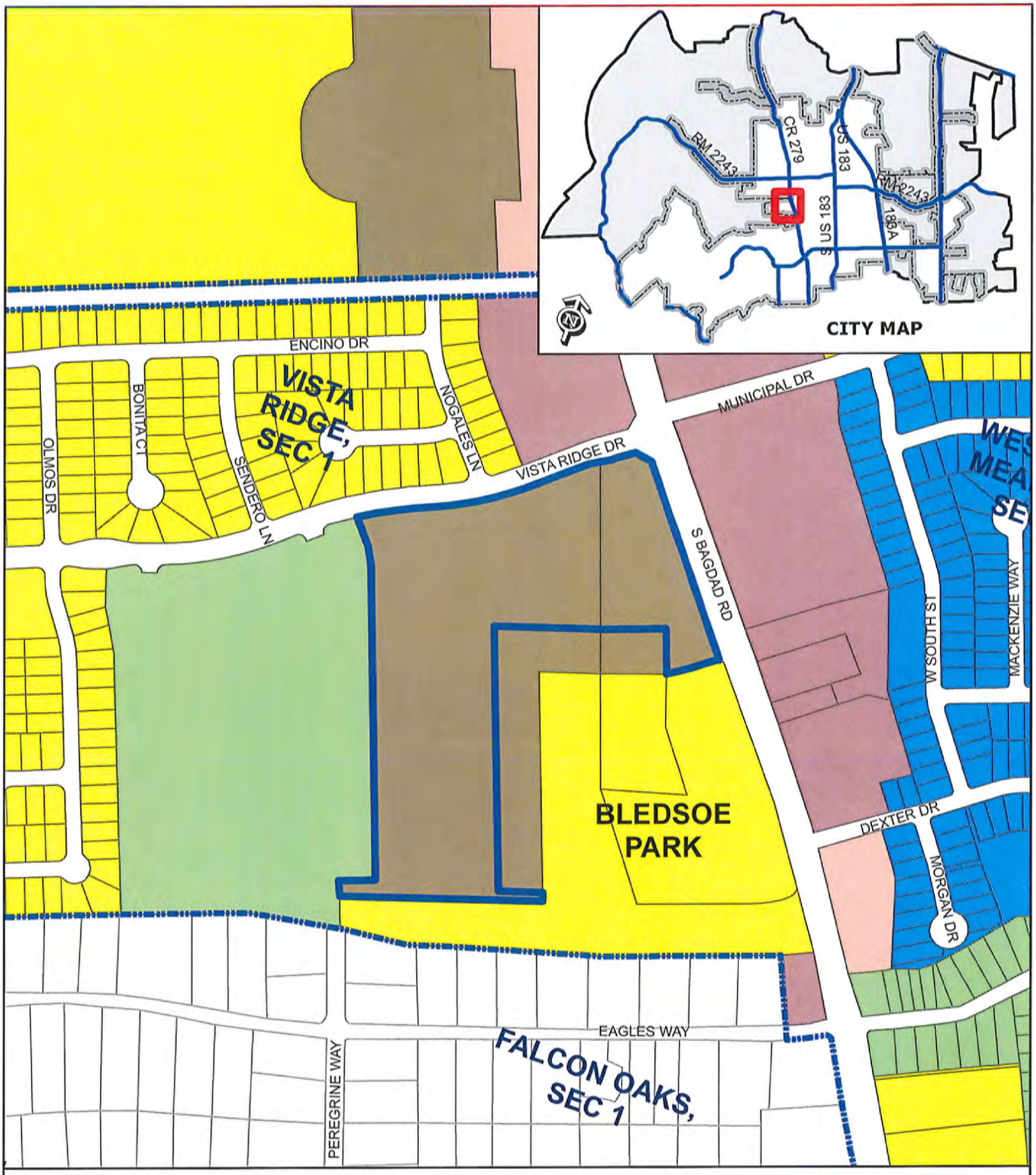



**EXHIBIT A**

**Zoning Case 12-Z-029**

Villas at Vista Ridge

Subject Property

City Limits

0 200

Feet

| | | |
|---|---|---|
| SFR | SFT | GC |
| SFE | SFU/MH | LI |
| SFS | TF | HI |
| SFU | MF | PUD |
| SFC | LO | |
| SFL | LC | |

**AGENDA ITEM # 13**

**Executive Summary**

**February 21, 2013**

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| | |
|---|---|
| **Agenda Subject:** | Zoning Case 12-Z-028: Second Reading of Ordinance on the rezoning of a parcel located to the east of the intersection of Sam Bass Rd and CR 179; south of Parkside at Mayfield Ranch; northwest of Williamson County Regional Park, 105.998 acres more or less; Parcel #R031532. Currently, the property is not zoned and upon annexation it will be zoned interim SFR-1-B (Single-Family Rural). The property is proposed to be zoned SFS-2-B (Single-Family Suburban) and SFU-2-A (Single-Family Urban), Leander, Williamson County, Texas. |
| **Background:** | This request is the final step in the rezoning process. |
| **Origination:** | Applicant: James A. Huffcut on behalf of Curtis and Julie Borho. |
| **Financial Consideration:** | None |
| **Recommendation:** | See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval at the January 10, 2013 meeting. The first reading of the Ordinance was approved by City Council on February 7, 2013. |
| **Attachments:** | 1. Planning Analysis<br>2. Current Zoning Map<br>3. Proposed Zoning Map<br>4. Aerial Map<br>5. Letter of Intent<br>6. Ordinance |
| **Prepared By:** | Robin M. Griffin, AICP<br>Planner |

# PLANNING ANALYSIS

ZONING CASE 12-Z-028

## GENERAL INFORMATION

**Owner:** Curtis and Julie Borho

**Current Zoning:** Interim SFR-1-B (Single-Family Rural) upon the completion of annexation

**Proposed Zoning:** SFS-2-B (Single-Family Suburban)
SFU-2-A (Single-Family Urban)

**Size and Location:** The property is generally located to the east of the intersection of Sam Bass Rd and CR 179; south of Parkside at Mayfield Ranch; northwest of Williamson County Regional Park. The property is approximately 105.998 in size.

**Staff Contact:** Robin M. Griffin, AICP
Planner

## ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

| | ZONING | LAND USE |
|---|---|---|
| NORTH | Outside City Limits | Established Single-Family Neighborhood (Parkside at Mayfield Ranch – approximately 50' lots adjacent to proposed Borho project) |
| EAST | Outside City Limits | Southwest Williamson County Regional Park |
| SOUTH | Outside City Limits | Undeveloped Property & Established Single-Family Homes |
| WEST | Outside City Limits | CR 175 & Established Single-Family Homes |

## COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

### USE COMPONENTS:

**SFS – SINGLE FAMILY SUBURBAN**:

*Features*: 9,000 sq. ft. lot min.; 1,500 sq. ft. living area min.

*Intent*: Development of single-family detached dwellings on intermediate suburban standard sized lots and for other compatible and complimentary uses. The purpose of this component is to provide regulations to maintain and protect the City's single-family residences and neighborhoods in areas with intermediate lot sizes.

**SFU – SINGLE FAMILY URBAN**:

*Features*: 7,200 sq. ft. lot min.; 1,200 sq. ft. living area min.

*Intent*: Development of single-family detached dwellings on moderate urban standard sized lots and for other compatible and complimentary uses. The purpose of this component is to provide regulations to maintain and protect the City's single-family residences and neighborhoods in areas with moderate lot sizes. Such components are generally intended to offer variety in housing opportunities and in the fabric of the neighborhoods.

### SITE COMPONENTS:

**TYPE 2**:

*Features*: Accessory buildings greater of 10% of primary building or 120 sq. ft.; accessory dwellings for SFR, SFE and SFS; drive-thru service lanes; uses not to exceed 40,000 sq. ft.; multi-family provides at least 35% of units with an enclosed garage parking space.

*Intent*:

(1) The Type 2 site component may be utilized with non-residential developments that are adjacent to a residential district or other more restrictive district to help reduce potential negative impacts to the more restrictive district and to provide for an orderly transition of development intensity.

(2) The Type 2 site component is intended to be utilized for residential development not meeting the intent of a Type 1 site component and not requiring the additional accessory structure or accessory dwelling privileges of the Type 3 site component.

(3) This component is intended to be utilized with the majority of LO and LC use components except those that meet the intent of the Type 1 or Type 3 site component or with any use requiring drive-through service lanes.

(4) This component is generally not intended to be utilized with LI and HI use components except where such component is adjacent to, and not adequately buffered from, residential districts or other more restricted districts, and except as requested by the land owner.

**ARCHITECTURAL COMPONENTS:**

**TYPE A:**

*Features*: 85% masonry; 5 or more architectural features.

*Intent*:

(1) The Type A architectural component is intended to be utilized for high quality developments or to provide variety as an additional option for portions of a residential development and may be utilized in or adjacent to single-family uses.

(2) This component is intended to be utilized for single-family development that backs up to, or sides to, a major thoroughfare.

(3) Combined with appropriate use and site components, this component is intended to help provide for harmonious land use transitions by applying this component to a less restrictive use or site component adjacent to a more restrictive use or site component. This standard may be utilized to help ensure compatibility for non-residential uses, multi-family, two-family, townhouse or small lot residential development with adjacent property that is more restricted.

(4) This component is intended to be utilized for buildings requiring heights greater than those provided in other architectural components.

(5) This component may be utilized for any high profile development, for any property in a prominent location or at an important gateway to the community.

(6) This component is not intended to become an involuntary standard for the majority of a single-family subdivision, especially with SFR, SFE, SFS, SFU and SFC components

**TYPE B:**

*Features*: 85% masonry 1st floor, 50% overall; 4 or more architectural features.

*Intent*:

(1) The Type B architectural component is intended to be utilized for the majority of residential development except that which is intended as a Type A architectural component.

(2) Combined with appropriate use and site components, this component is intended to help provide for harmonious land use transitions.

(3) This component may be utilized to raise the building standards and help ensure compatibility for non-residential uses adjacent to property that is more restricted.

(4) This component is intended for the majority of the LO and LC use components except those meeting the intent of the Type A or C architectural components.

**COMPREHENSIVE PLAN STATEMENTS:**

The following Comprehensive Plan statements may be relevant to this case:

- Plan for continued growth and development that improves the community's overall quality of life and economic viability.
- Establish high standards for development.

**ANALYSIS:**

The applicant is requesting the SFS-2-B (Single-Family Suburban) and SFU-2-A (Single-Family Urban) in order to develop a residential community. This proposal includes residential lot widths ranging from sixty (60') feet wide to over eighty (80') feet wide. There are undeveloped properties to the south, single-family neighborhood to the north, CR 175 and single-family homes to the west, and the Williamson County Regional Park on the east side.

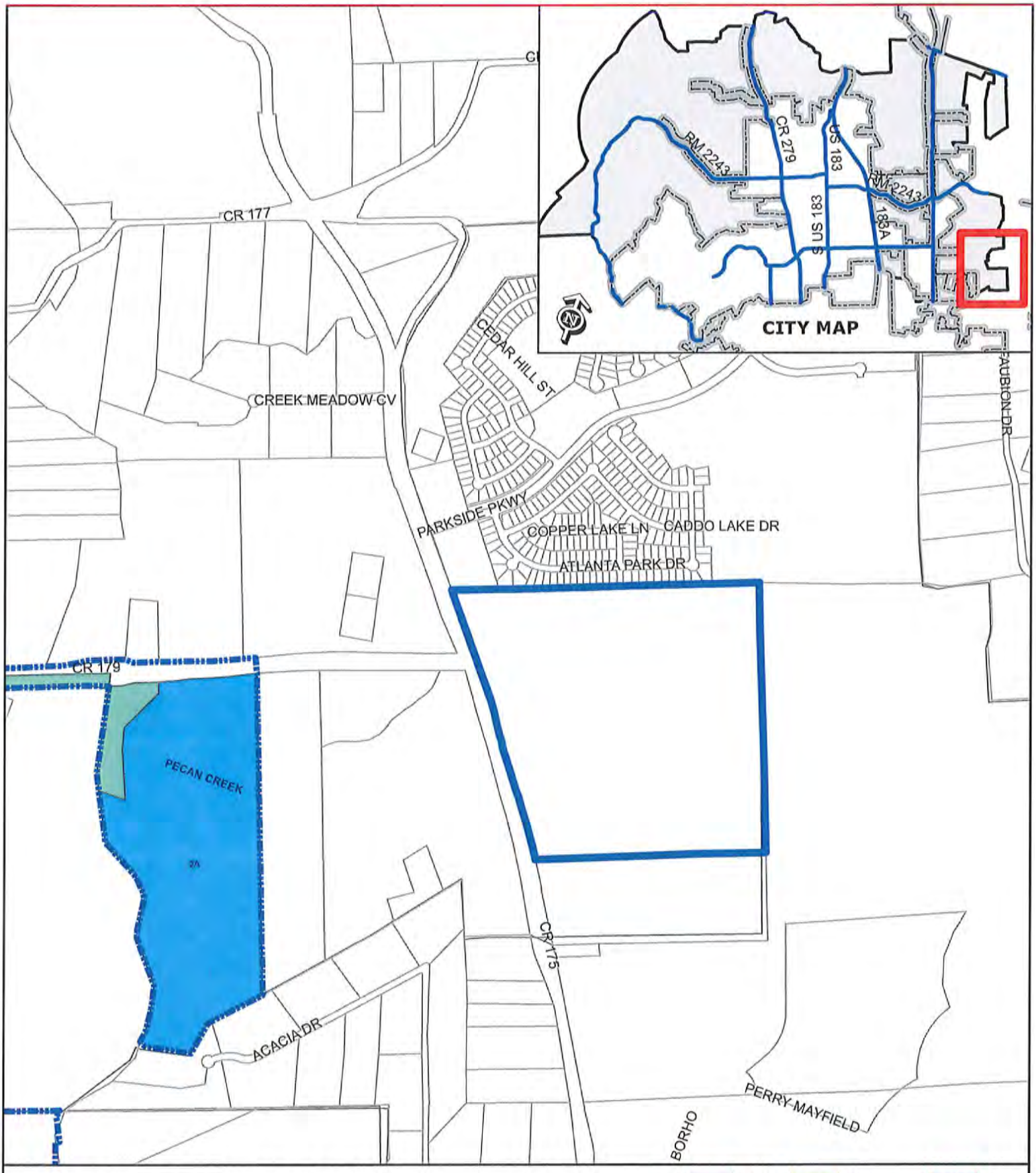
The City Council approved a development agreement for this property that limits the number of single-family lots to 380. The approved concept plan includes three park lots and one of the parks preserves a fifty inch oak tree. In addition, a hike and bike trail head was approved connecting to the Williamson County Regional Park as part of the agreement.

These use components includes following lot size minimums:

| Use | Interior Lots | | | Corner Lots | | |
|---|---|---|---|---|---|---|
| Component | Area | Width | Depth | Area | Width | Depth |
| SFS | 9,000 sq. ft. | 70' | 115' | 10,000 sq. ft. | 80' | 115' |
| SFU | 7,200 sq. ft. | 60' | 110' | 8,000 sq. ft. | 70' | 110' |

The Comprehensive Plan Update establishes development nodes throughout the City of Leander. This property is located within a Community Center node. This node is approximately one half mile in radius and encourages garden homes, condominiums, commercial/retail and employment. These nodes would reflect the character of the surrounding neighborhoods and might have a more suburban feel.

The proposed zoning request follows the intent statements of the Composite Zoning Ordinance.




# ZONING CASE 12-Z-028

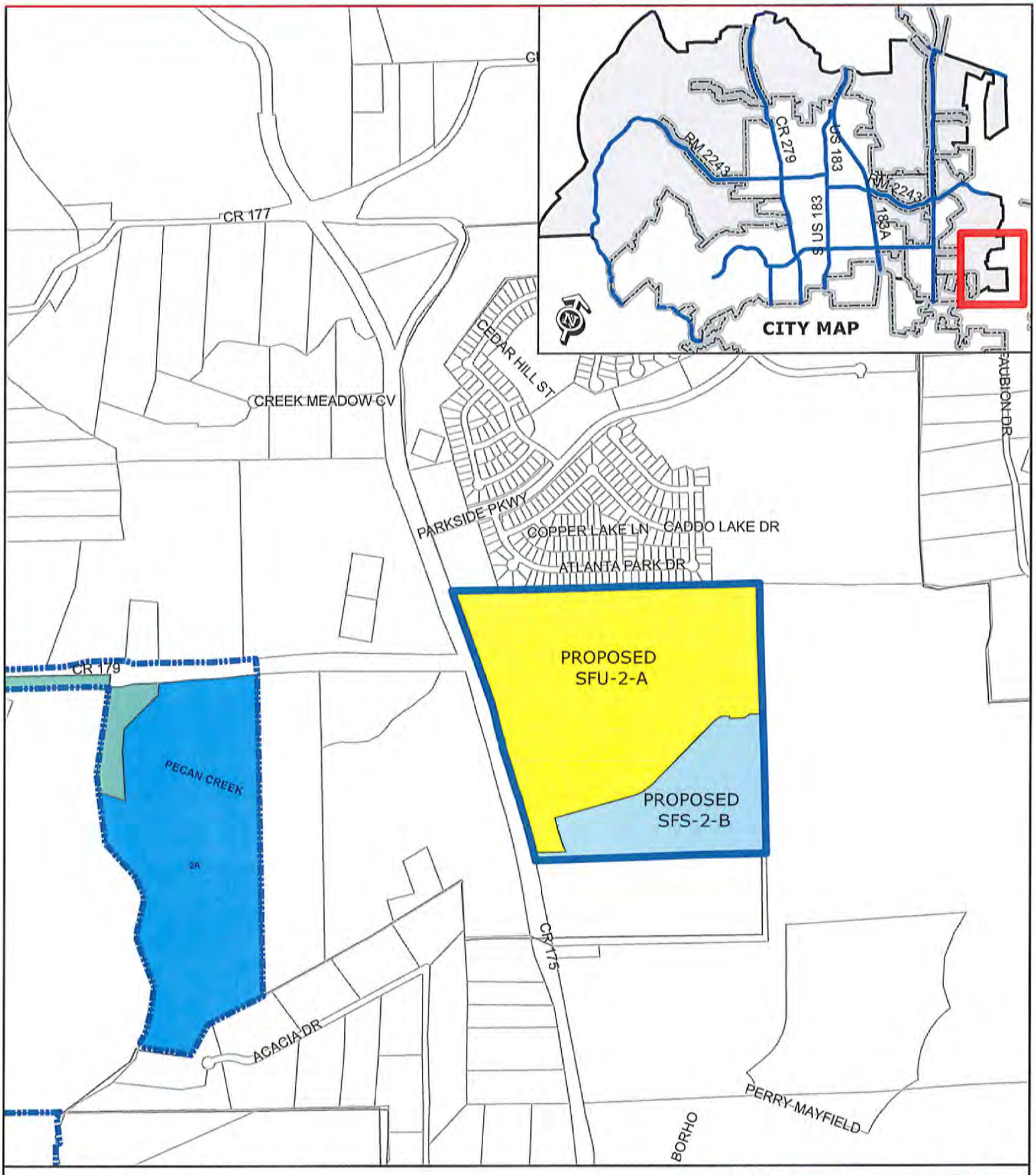
## Attachment #2

Current Zoning Map
Borho Property

0 200400
Feet

Subject Property
City Limits

| | | |
|---|---|---|
| SFR | SFT | GC |
| SFE | SFU/MH | LI |
| SFS | TF | HI |
| SFU | MF | PUD |
| SFC | LO | |
| SFL | LC | |




## ZONING CASE 12-Z-028

## Attachment #3

Proposed Zoning Map
Borho Property

0 200400
Feet

Subject Property
City Limits

| | | |
|---|---|---|
| SFR | SFT | GC |
| SFE | SFU/MH | LI |
| SFS | TF | HI |
| SFU | MF | PUD |
| SFC | LO | |
| SFL | LC | |

**ZONING CASE 12-Z-028, Attachment #4**

Aerial Exhibit - Approximate Boundaries
Borho Property

0 200 400
Feet

Subject Property
City Limits

ATTACHMENT #5

PAPE-DAWSON ENGINEERS

LAND DEVELOPMENT ENVIRONMENTAL TRANSPORTATION WATER RESOURCES SURVEYING

October 18, 2012

Robin Griffin
City of Leander
104 North Brushy Rd.
Leander, Texas 78641

Re: Request for Zoning
Project: Borho Tract

Dear Ms. Griffin:

As the authorized agent approved by the Borho's on the Application for Zoning, please accept this letter as a formal request for zoning of the 106 acre tract recorded in Volume 2542 Page 838 deed records of Williamson County, Texas.

The desired zoning is SFS-2-B and SFU-2-A as shown on the attached exhibit for this land which has also requested voluntary annexation.

The Owners are voluntarily starting the process and have given Meritage Homes permission to carry it out.

Please contact me if you have any questions or need additional information concerning this request.

Sincerely,
Pape-Dawson Engineers, Inc.
Texas Board of Professional Engineers, Firm Registration # 470

James A. Huffcut, Jr., P.E.
Acting as Authorized Agent for the Borho's

H:\507\51\00\915 Zoning - Development Agreement\Documents\Plan Processing\City\121018 Rqst for Zoning.docx


7800 Shoal Creek Blvd., Suite 220 West Austin, Texas 78757
P 512.454.8711 F 512.459.8867 www.pape-dawson.com

# MINUTES

## PLANNING & ZONING COMMISSION MEETING
## CITY OF LEANDER, TEXAS
## Pat Bryson Municipal Hall ~ 201 North Brushy Street
## Leander, Texas

## Thursday ~ January 10, 2013 at 7:00 pm

| | |
|---|---|
| **Place 1 Michelle Stephenson** | **Place 4 Sid Sokol** |
| **Place 2 Chris Tovar – Chairman** | **Place 5 Richard Allen** |
| **Place 3 Ronald Abruzzese – Vice Chairmen** | **Place 6 Betty Saenz** |
| | **Place 7 Jeff Seiler** |

1. Call to Order
   **Chairman Tovar called the meeting to order at 7:03 p.m.**

2. Roll Call
   **All Commissioners were present except Commissioner Allen.**

3. Approval of Minutes:
   Regular Planning & Zoning Meeting: December 27, 2012
   **Motion made by Commissioner Sokol to approve the minutes, seconded by Commissioner Saenz. Motion passed unanimously.**

4. Citizen Communications - Three (3) minutes of time is allowed, per speaker
   **No citizens wished to speak.**

## Public Hearing

5. Subdivision Case 12-SFP-007: Public hearing and consider action on the Fairways at Crystal Falls II, Phase 1-A Replat Short Form Final Plat; for approximately 1.1190 acres more or less; Parcel #782974 located at Lot 31, Block K, Fairways Phase 1-A at Crystal Falls II, Leander, Travis County, Texas. Applicant: Regina Cox on behalf of Wayne and Jeanne Follis.

**Commissioner Sokol recused himself from the meeting.**

a) Staff Presentation

**Robin Griffin, Planner, stated that staff reviewed the request and it has staff approval.**

b) Applicant Presentation

**Wayne and Jeanne Follis were present for questions**

c) Open Public Hearing

**Chairman Tovar opened the public hearing**
**No Citizens wished to speak.**

d) Close Public Hearing

**Chairman Tovar closed the public hearing.**

e) Discussion

**No discussion took place.**

f) Consider Action

**Commissioner Stephenson motion to approve with staff recommendation, Commissioner Seiler seconded the motion. Motion passed unanimously.**

**Commissioner Sokol came back into the room.**

6. Subdivision Case 12-FP-011: Hold a public hearing and consider action on the Fairways at Crystal Falls, Section 2, Phase 2 Final Plat for 12.046 acres more or less; TCAD Parcel #807548 generally located to the northwest of the intersection of Long Bow Drive and Champions Corner Drive; Travis County, Texas. Applicant/Agent: Samuel D. Kiger, P.E. on behalf of Taylor Morrison at Crystal Falls, LLC.

a) Staff Presentation

**Robin Griffin, Planner, stated that staff reviewed the request and it has staff approval with conditions.**

b) Applicant Presentation

**Applicant was not present.**

c) Open Public Hearing

**Chairman Tovar opened the public hearing**
**No Citizens wished to speak.**

d) Close Public Hearing

**Chairman Tovar closed the public hearing.**

e) Discussion

**No discussion took place.**

f) Consider Action

**Vice Chairman Abruzzese motion to approve with staff recommendation, Commissioner Stephenson seconded the motion. Motion passed unanimously.**

7. Zoning Case 12-Z-028: Hold a public hearing and consider action on the rezoning of a parcel located to the east of the intersection of Sam Bass Rd and CR 179; south of Parkside at Mayfield Ranch; northwest of Williamson County Regional Park, 105.998 acres more or less; Parcel #R031532. Currently, the property is not zoned and upon annexation it will be zoned interim SFR-1-B (Single-Family Rural). The property is proposed to be zoned SFS-2-B (Single-Family Suburban) and SFU-2-A (Single-Family Urban), Leander, Williamson County, Texas. Applicant: James A. Huffcut on behalf of Curtis and Julie Borho.

a) Staff Presentation

**Robin Griffin, Planner, discussed request & surrounding land uses.**

b) Applicant Presentation

**James A. Huffcut explained the purpose for his zoning.**

c) Open Public Hearing

**Chairman Tovar opened the public hearing**
**Patricia Eckart spoke about her concerns.**

d) Close Public Hearing

**Chairman Tovar closed the public hearing.**

e) Discussion

**Discussion took place.**

f) Consider Action

**Commissioner Sokol motion to approve the SFS-2-B (Single-Family Suburban) and SFU-2-A (Single-Family Urban), Vice Chairman Abruzzese seconded the motion. Motion passed unanimously.**

8. Work session to discuss amendment to SFL (Single Family Limited) use component and addition of SFA (Single Family Alley).

   **The Planning and Zoning Commissioners and staff discussed amending the SFL (Single Family Limited) component and the addition of SFA (Single Family Alley). No action was taken.**

9. Meeting adjourn

_____
Chairman Tovar

ATTEST:_____
Ellen Pizalate

**AGENDA ITEM # 14**

**Executive Summary**

**February 21, 2013**

**Agenda Subject**: Submission of Racial (Biased Based) Profiling Report for calendar year 2012

**Background:** The Texas Code of Criminal Procedure requires electronic submission of a "racial profiling report form" to the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE), along with the reporting agency's governing body. A print out of the information submitted to the state is attached as an appendix A to the report. We are submitting to the Council information to provide a more comprehensive report. The department has adopted policies and standards to expand our reporting to include any "bias based profiling." No complaint for racial or bias based profiling was received by the department for the calendar year 2012.

**Origination:** Chief Greg Minton

**Financial Consideration:** $ 0

**Recommendation:** Not applicable

**Attachments:** Biased Based Profiling Report for 2012

**Prepared by:** Sergeant L. Wilcox

# Biased Based Profiling Report for 2012

# Leander Police Department

# February 12, 2013

In compliance with the requirements of the *Texas Code of Criminal Procedure* 2.132(b), the Leander Police Department has a detailed written policy on racial profiling. In compliance with our accreditation status with the Commission of Accreditation for Law Enforcement, Inc. (CALEA) we have expanded this to encompass bias based profiling. Our General Manual 3.8 and Department Standard Operational Procedure Chapter 1 contain the detailed written policy. Portions of that policy are reproduced in this report. Currently all vehicles regularly assigned to patrol activities are equipped with video/audio recording equipment.

*Policy Statement from General Manual 3.8*

It shall be the policy of this department to comply with Articles 2.131 through 2.135 of the *Code of Criminal Procedure* (CCrP) and subsequent amendments, commonly referred to as the "Racial Profiling Law." Further, biased based profiling is defined as the selection of an individual(s) for enforcement based solely on a trait common to a group. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. In short, "Biased Based Profiling," as defined herein, is prohibited by employees of this department in traffic contacts, field contacts and in asset seizure and forfeiture efforts.

*Definitions from General Manual 3.8*

***Biased Based Profiling:*** means a law enforcement-initiated action based solely on a trait common to a group. This includes but is not limited to, race, ethnicity (ethnic background) or national origin, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

***Race or Ethnicity:*** means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

***Acts Constituting Biased Based Profiling*:** are actions taken by law enforcement, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest, initiated solely on the basis of an individual's race, ethnicity, trait common to a group, or national origin or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for initiating the enforcement action.

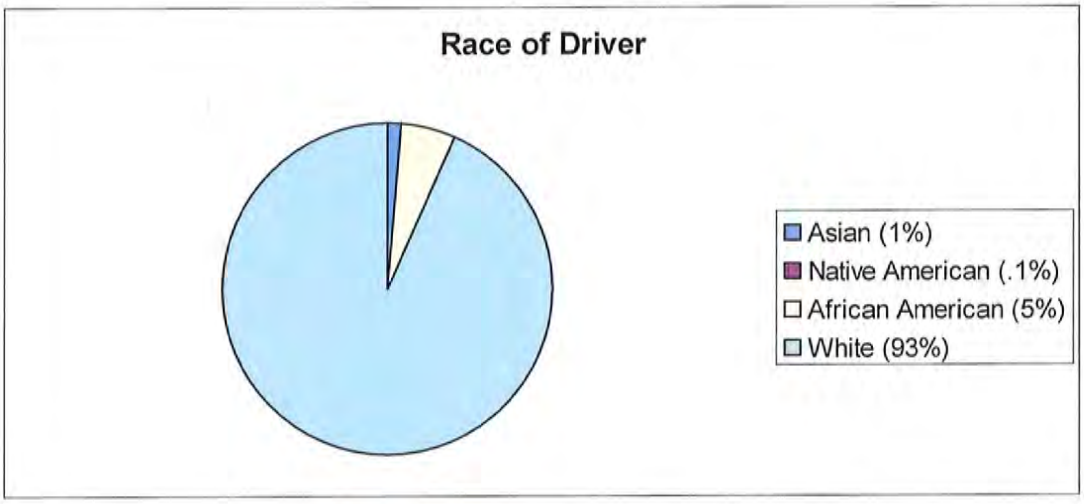
***Pedestrian Stop:*** means an interaction between a peace officer and an individual who is being detained for the purposes of a criminal investigation in which the individual is not under arrest.

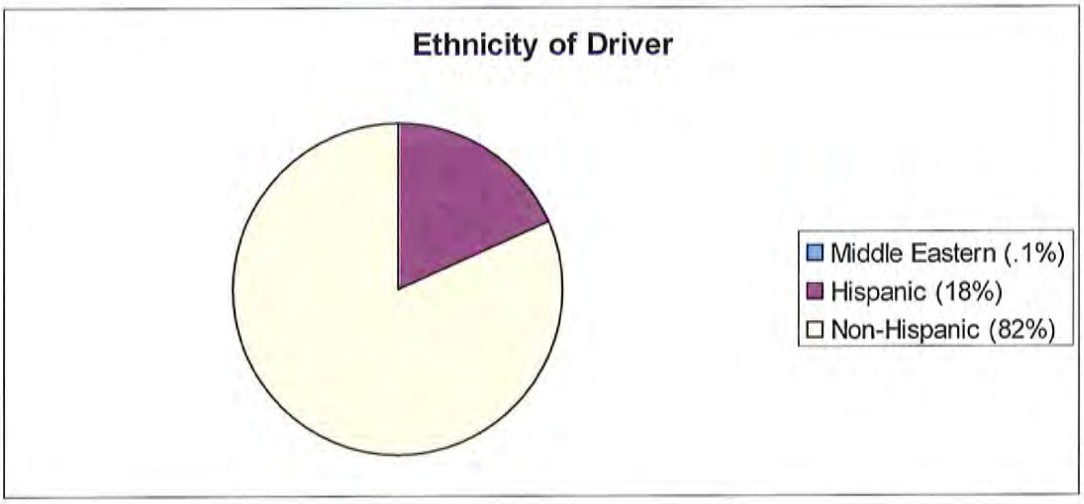
***Motor Vehicle Stop:*** means the stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic.

Data has been collected from all traffic stops. In all traffic stops, either a citation or a written warning is issued to document the race/ethnicity of the driver, whether the officer knew the race/ethnicity prior to the stop, and if a search was conducted, and if that search was a consent search. This data has been reported to the state via electronic submission. The data reported in this method is shown in Appendix A. In addition, the data is illustrated graphically.

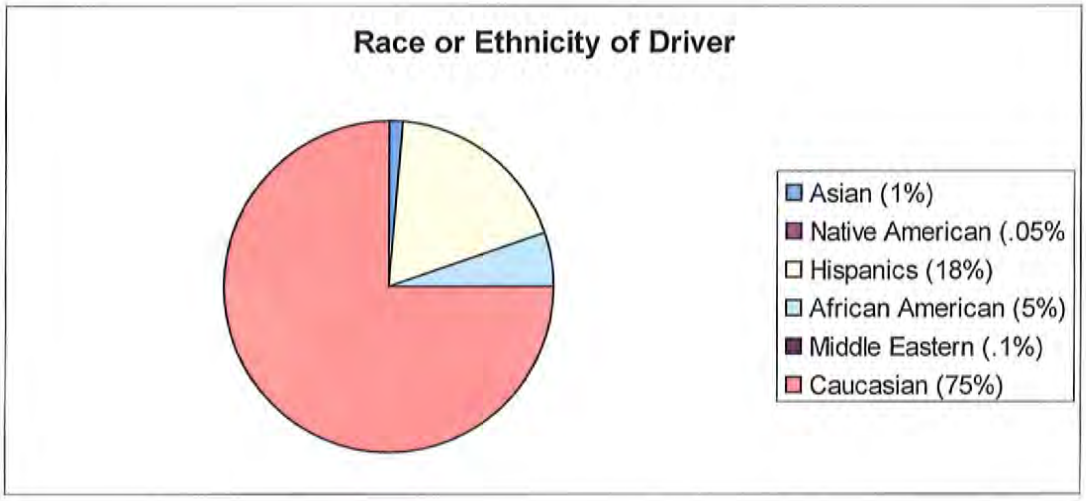
All traffic stops result in either a written warning or a citation. If a traffic stop results in an arrest, the case number is documented on the citation or warning. A total of 8,832 traffic stops resulted in 8,549 citations or warnings only, 97%, and 283 of those stops resulting in both a citation/warning and an arrest, 3%. As stated earlier, or policy requires either a written citation or warning for all stops.

Race and ethnicity may overlap in that someone may be reported on their driver license as Caucasian but have an ethnicity of Hispanic. Graphs first will illustrate race of the driver and a separate graph illustrates the ethnicity of the driver. The races are Asian, Native American, African American or Caucasian. The ethnicities are Middle Eastern, Hispanic and Non-Hispanic.

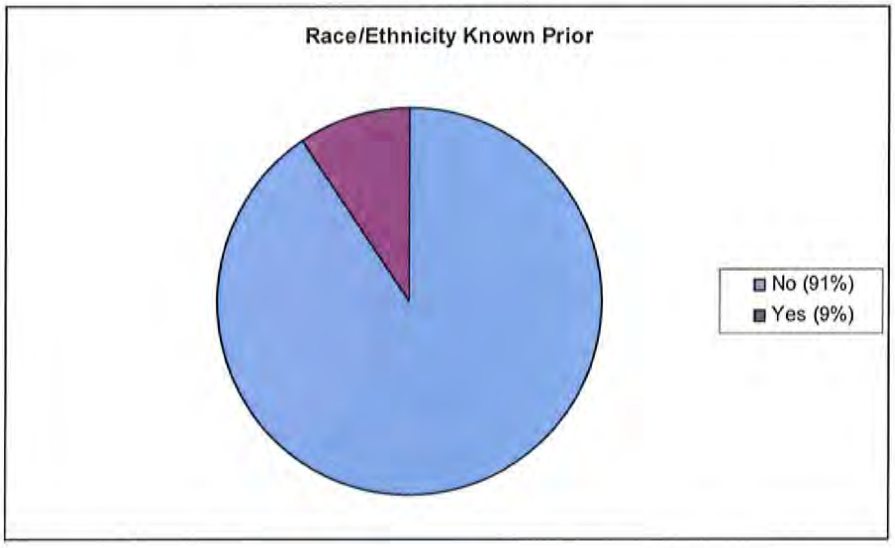

Race of Driver
Asian (1%)
Native American (.1%)
African American (5%)
White (93%)


Ethnicity of Driver
Middle Eastern (.1%)
Hispanic (18%)
Non-Hispanic (82%)

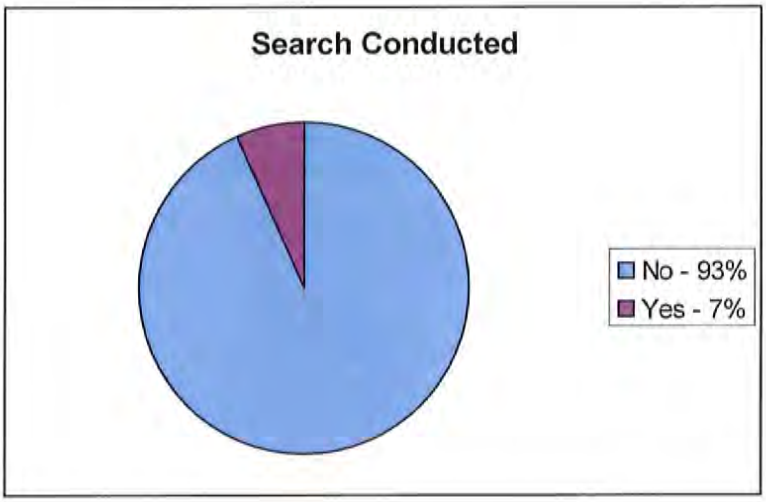
In compliance with the required state reporting categories, all drivers identified as African, Asian, or Native American were reported as such. All drivers with an ethnicity of Hispanic or Middle Eastern were reported as such. The remaining drivers were reported as Caucasian.



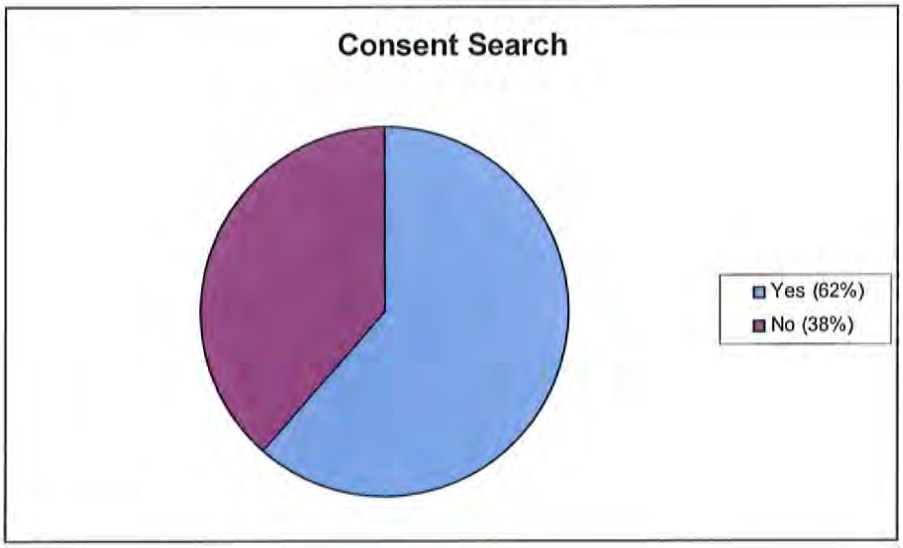

Officers reported in only 839 of the traffic stops, or 9%, that they knew the race or ethnicity of the driver prior to the stop. This is illustrated in the graph as the "yes" category.



Officers reported that in 517 of the traffic stops, or 7%, searches were conducted. This is represented in the graph as the "yes" category.




Of those 517 searches, officers reported that 318, or 62%, were consent searches. The consent search is illustrated in the graph by the "yes" category. Part of this number of "total" searches was the category of Vehicle Inventory, which is not legally considered a search. Of 517 searches, officers reported that 61, or 12% of the total, were inventories to protect the owner's property. Another way to represent this data is that 31% of the non-consent searches were done to protect the owner's property.



# Appendix A
# Data Reported Electronically to the state

# TIER 1 - PARTIAL EXEMPTION RACIAL PROFILING REPORT

| | |
|---|---|
| **Agency Name:** | LEANDER POLICE DEPT. |
| **Reporting Date:** | 02/12/2013 |
| **TCLEOSE Agency Number:** | 491210 |
| **Chief Administrator:** | GREG MINTON |
| **Agency Contact Information:** | Phone: (512)528-2800<br>Email: lwilcox@leandertx.gov<br>Mailing Address:<br>LEANDER POLICE DEPT.<br>705 Leander Dr<br>Leander, TX 78641 |

This Agency claims partial racial profiling report exemption because:

Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90 days.

Certification to This Report 2.132 (Tier 1) – Partial Exemption

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

LEANDER POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

(1) clearly defines acts constituting racial profiling;

(2) strictly prohibits peace officers employed by the LEANDER POLICE DEPT. from engaging in racial profiling;

(3) implements a process by which an individual may file a complaint with the LEANDER POLICE DEPT. if the individual believes that a peace officer employed by the LEANDER POLICE DEPT. has engaged in racial profiling with respect to the individual;

(4) provides public education relating to the agency's complaint process;

(5) requires appropriate corrective action to be taken against a peace officer employed by the LEANDER POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the LEANDER POLICE DEPT.'s policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

**I certify these policies are in effect.**

Executed by: ***GREG MINTON***
Chief Administrator

LEANDER POLICE DEPT.

Date: 02/12/2013

**LEANDER POLICE DEPT.Motor Vehicle Racial Profiling Information**

**Number of motor vehicle stops:**

1. **8549** citation only
2. **0** arrest only
3. **283** both

4. **8832 Total** (4, 11, 14 and 17 must be equal)

**Race or Ethnicity:**

5 **452** African
6. **127** Asian
7. **6624** Caucasian
8. **1618** Hispanic
9. **7** Middle Eastern
10. **4** Native American

11. **8832 Total** (lines 4, 11, 14 and 17 must be equal)

**Race or Ethnicity known prior to stop?**

12. **839** Yes
13. **7993** No

14. **8832 Total** (lines 4, 11, 14 and 17 must be equal)

**Search conducted?**

15. **517** Yes
16. **8315** No

17. **8832 Total** (lines 4, 11, 14 and 17 must be equal)

**Was search consented?**

18. **318** Yes
19. **199** No

20. **517 Total** (must equal line 15)

**AGENDA ITEM # 15**

**Executive Summary**

**February 21, 2013**

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| | |
|---|---|
| **Agenda Subject:** | Zoning Case 13-Z-001: Hold a public hearing and consider action on the rezoning of two parcels located at 950 CR 179, for 20.29 acres more or less; Parcels #R031543 and R031544. Currently, the property is zoned interim SFR-1-B (Single-Family Rural). The property is proposed to be zoned SFC-2-B (Single-Family Compact), Leander, Williamson County, Texas. |
| **Background:** | This request is the second step in the rezoning process. |
| **Origination:** | Applicant: Jerel Choate on behalf of Emory P. Montgomery. |
| **Financial Consideration:** | None |
| **Recommendation:** | See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval of the SFC-2-A (Single-Family Compact) zoning district at the February 14, 2013 meeting. |
| **Attachments:** | 1. Planning Analysis<br>2. Current Zoning Map<br>3. Aerial Map<br>4. Letter of Intent<br>5. Ordinance |
| **Prepared By:** | Robin M. Griffin, AICP<br>Planner<br><br>02/14/2013 |

# PLANNING ANALYSIS

ZONING CASE 13-Z-001

## GENERAL INFORMATION

**Owner:** Emory P. Montgomery

**Current Zoning:** Interim SFR-1-B (Single-Family Rural)

**Proposed Zoning:** SFC-2-B (Single-Family Compact)

**Size and Location:** The property is located at 950 CR 179 and is approximately 20.29 acres in size.

**Staff Contact:** Robin M. Griffin, AICP
Planner

## ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

| | ZONING | LAND USE |
|---|---|---|
| NORTH | OCL | Established Single-Family Homes located outside the City Limits |
| EAST | Interim SFR-1-B | Established Single-Family Home |
| SOUTH | SFR-1-B | LISD Property – Stiles Middle School & proposed elementary school |
| WEST | Interim SFR-1-B | Undeveloped Property |

## COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

### USE COMPONENTS:

**SFC – SINGLE FAMILY COMPACT:**

*Features*: 5,500 sq. ft. lot min.; 1,100 sq. ft. living area min.

*Intent*: Development of single-family detached dwellings on small lots and for other compatible and complimentary uses. The purpose of this component is to provide regulations to maintain and protect the City's single-family residences and neighborhoods in areas with small lot sizes. Such components are generally intended to offer variety in housing opportunities and in the fabric of the neighborhoods, and to be developed on a moderate scale with a maximum district size of seventy-five (75) acres.

### SITE COMPONENTS:

**TYPE 2:**

*Features*: Accessory buildings greater of 10% of primary building or 120 sq. ft.; accessory dwellings for SFR, SFE and SFS; drive-thru service lanes; uses not to exceed 40,000 sq. ft.; multi-family provides at least 35% of units with an enclosed garage parking space.

*Intent*:

(1) The Type 2 site component may be utilized with non-residential developments that are adjacent to a residential district or other more restrictive district to help reduce potential negative impacts to the more restrictive district and to provide for an orderly transition of development intensity.

(2) The Type 2 site component is intended to be utilized for residential development not meeting the intent of a Type 1 site component and not requiring the additional accessory structure or accessory dwelling privileges of the Type 3 site component.

(3) This component is intended to be utilized with the majority of LO and LC use components except those that meet the intent of the Type 1 or Type 3 site component or with any use requiring drive-through service lanes.

(4) This component is generally not intended to be utilized with LI and HI use components except where such component is adjacent to, and not adequately buffered from, residential districts or other more restricted districts, and except as requested by the land owner.

### ARCHITECTURAL COMPONENTS:

**TYPE B:**

*Features*: 85% masonry 1st floor, 50% overall; 4 or more architectural features.

*Intent*:

(1) The Type B architectural component is intended to be utilized for the majority of residential development except that which is intended as a Type A architectural component.

(2) Combined with appropriate use and site components, this component is intended to help provide for harmonious land use transitions.

(3) This component may be utilized to raise the building standards and help ensure compatibility for non-residential uses adjacent to property that is more restricted.

(4) This component is intended for the majority of the LO and LC use components except those meeting the intent of the Type A or C architectural components.

## COMPREHENSIVE PLAN STATEMENTS:

The following Comprehensive Plan statements may be relevant to this case:

- Plan for continued growth and development that improves the community's overall quality of life and economic viability.
- Establish high standards for development.

## ANALYSIS:

The applicant is requesting the SFC-2-B (Single-Family Compact) district in order to develop a residential community. This property was part of a large involuntary annexation that was completed on January 17, 2013. The property is surrounded by low density residential development, undeveloped properties, and LISD property.

The intent of this use component is to provide for the development of single-family detached dwellings on small lots. In addition, this use component is generally intended to offer a variety of housing opportunities and to be developed on a moderate scale with a maximum district size of seventy-five (75) acres.

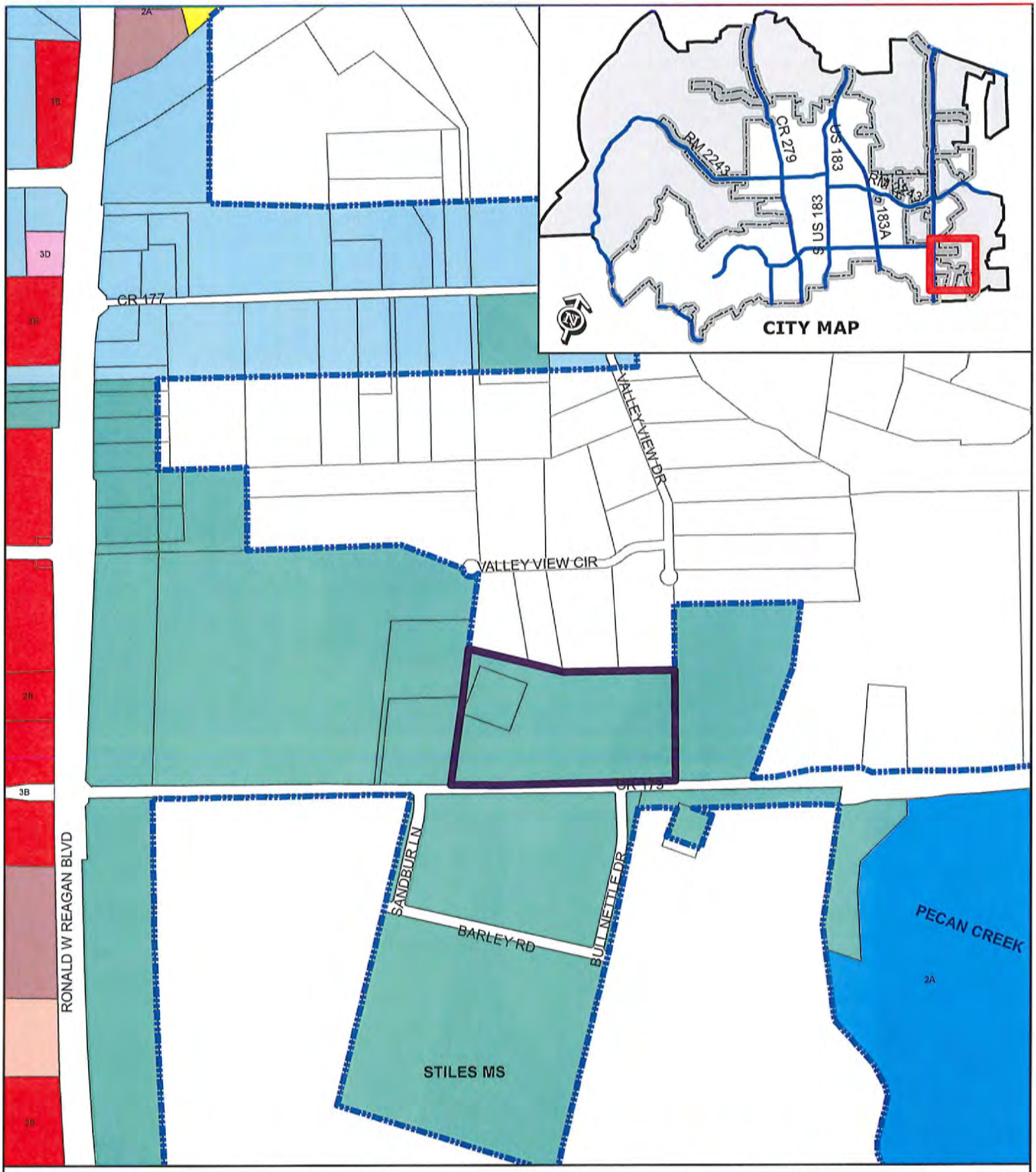
This use component includes following lot size minimums:

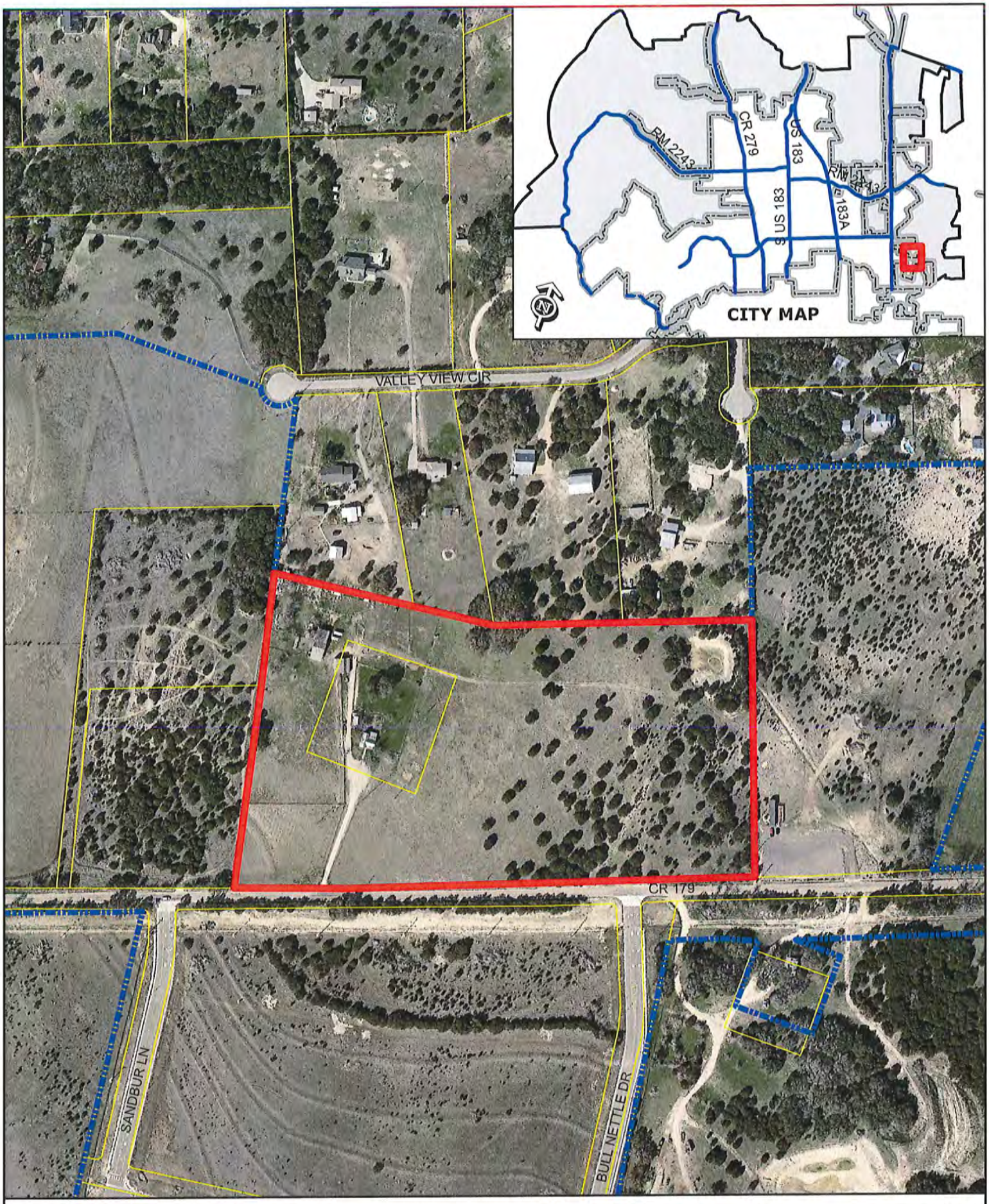
| Use Component | Interior Lots | | | Corner Lots | | |
|---|---|---|---|---|---|---|
| | Area | Width | Depth | Area | Width | Depth |
| SFC | 5,500 sq. ft. | 50' | 105' | 6,500 sq. ft. | 60' | 105' |

The Comprehensive Plan Update establishes development nodes throughout the City of Leander. This property is not located within a node, it is situated between two Community Center nodes.

A zoning application requesting SFC-2-B has been submitted for the property located to the west. The ultimate goal is to develop these properties as one project.

The proposed zoning request follows the intent statements of the Composite Zoning Ordinance.


CITY MAP
RM 2243
CR 279
US 183
US 183
183A
CR 177
VALLEY VIEW DR
VALLEY VIEW CIR
CR 179
RONALD W REAGAN BLVD
SANDBUR LN
BULL NETTLE DR
BARLEY RD
STILES MS
PECAN CREEK
2A
3B
3D
2B
ZONING CASE 13-Z-001
Attachment #2
Current Zoning Map
Montgomery Property
0 200 400
Feet
Subject Property
City Limits
SFR
SFE
SFS
SFU
SFC
SFL
SFT
SFU/MH
TF
MF
LO
LC
GC
LI
HI
PUD




# ZONING CASE 13-Z-001 Attachment #3

Aerial Exhibit - Approximate Boundaries
Montgomery Property

0 200 400
Feet

Subject Property
City Limits

ATTACHMENT #4

**Letter of Intent to City of Leander, Texas**

**This Letter of Intent is in regards to the 20.39 acre Montgomery Tract located at 950 County Road 179, Leander, Texas, 78641. The owner of the tract, Mr. Emory Montgomery wishes to change the current zoning, SFR-1-B, to a zoning of Single Family Compact (S. F. C.) This will allow Mr. Montgomery to have the land developed into a professionally laid out and built subdivision of single family homes.**

**The Montgomery Tract is a fairly rectangular piece of land with just over 1300 feet of frontage along County Road 179. This property lies directly across County Road 179 from the new Leander Middle School. There is a single home located on the property, which sits on a slight rise of land, overlooking the rest of the property. Most of the property is sparse of trees, with mostly Cedar Trees along the East side. The property is fairly flat with a gentle slope toward County Road 179 and to the Eastern edge of the property. Thank you for your consideration, and hope you will approve this change.**

**Sincerely,**

**Jerel Choate**
**Assigned Representative for Mr. Montgomery**

**Date: 01 / 14 / 2013**

**ORDINANCE NO #**

**ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING TWO PARCELS OF LAND FROM INTERIM SFR-1-B (SINGLE-FAMILY RURAL) TO SFC-2-B (SINGLE-FAMILY COMPACT); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the owner of the property described herein after (the "Property") has requested that the Property be rezoned;

**Whereas**, after giving at least ten days written notice to the owners of land within two hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

**Whereas**, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Zoning Ordinance.** Ordinance No. 05-018, as amended, the City of Leander Composite Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Rezoned property.** The Zoning Ordinance is hereby amended by changing the zoning district for two parcels located at 950 CR 179. The property is approximately 20.29 acre more or less in size and includes parcel #R031543 and R031544. This parcel is hereby zoned SFC-2-B (Single-Family Compact); Leander, Williamson County, Texas. (See Exhibit A).

**Section 4. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 5. Open Meetings**. That it is hereby officially found and determined that the meeting at which this ordinance 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, Loc. Gov't. Code.

**PASSED AND APPROVED** on First Reading this the 21st day of February, 2013.
**FINALLY PASSED AND APPROVED** on this the 7th day of March, 2013.

**THE CITY OF LEANDER, TEXAS**

Christopher Fielder, Mayor

**ATTEST:**

Debbie Haile, City Secretary

**AGENDA ITEM # 16**

**Executive Summary**

**February 21, 2013**

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| | |
|---|---|
| **Agenda Subject:** | Zoning Case 13-Z-002: Hold a public hearing and consider action on the rezoning of a parcel located on the northwest corner of the intersection of 183A and CR 271, for 1.191 acres more or less; Parcel #R499347. Currently, the property is zoned GC-3-A (General Commercial). The property is proposed to be zoned GC-4-C (General Commercial), Leander, Williamson County, Texas. |
| **Background:** | This request is the second step in the rezoning process. |
| **Origination:** | Applicant: Javier Barajas, P.E. on behalf of Douglas L. Harbison |
| **Financial Consideration:** | None |
| **Recommendation:** | See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval of the GC-4-B (General Commercial) zoning district at the February 14, 2013 meeting. |
| **Attachments:** | 1. Planning Analysis<br>2. Current Zoning Map<br>3. Aerial Map<br>4. Letter of Intent<br>5. Ordinance |
| **Prepared By:** | Robin M. Griffin, AICP<br>Planner<br><br>02/14/2013 |

# PLANNING ANALYSIS

ZONING CASE 13-Z-002

## GENERAL INFORMATION

**Owner:** Douglas L. Harbison

**Current Zoning:** GC-3-A (General Commercial)

**Proposed Zoning:** GC-4-C (General Commercial)

**Size and Location:** The property is located on the northwest corner of the intersection of 183A and CR 271. The property is approximately 1.191 acres in size.

**Staff Contact:** Robin M. Griffin, AICP
Planner

## ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

| | ZONING | LAND USE |
|---|---|---|
| NORTH | GC-3-A | Undeveloped Commercial Property |
| EAST | Interim SFR-1-B<br>Interim SFS-2-B | Established Single-Family Home |
| SOUTH | SFS-2-B | Grandfathered Commercial Development |
| WEST | GC-3-A<br>SFS-2-B | Undeveloped Commercial Property<br>Established Single-Family Home |

## COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

**USE COMPONENTS:**

**GC – GENERAL COMMERCIAL:**

*Features*: Any use in LC plus bar, nightclub, entertainment venues, hospital, hotel, liquor store, office/warehouse, vehicle and equipment sales, leasing and repair, furniture sales, pet shop, wholesale activities less than 3,500 sq. ft.

*Intent*: Development of small to large scale commercial, retail, and commercial service uses located in high traffic areas. Access to this component should be provided by an arterial street. The heaviest concentration of this component should be located at intersections of arterial streets.

**SITE COMPONENTS:**

**TYPE 4 (non-residential only):**

*Features*: Accessory buildings up to 60% of primary building; drive-thru service; outdoor fueling and washing of vehicles; overhead service doors; maximum outdoor display; substantial outdoor storage; outdoor entertainment venues and animal boarding.

*Intent*:

(1) The Type 4 site component is intended to be utilized in combination with GC, LI or HI components where appropriate for moderately intense outdoor site requirements and a need to utilize the outdoor site area for significant outdoor display, storage and accessory buildings and similar permitted uses.

(2) This site component is intended only for industrial or heavy commercial uses and may be utilized only with GC, LI or HI use components.

(3) This site component is not intended for retail or office development not requiring the available limits of outdoor storage and accessory buildings or adjacent to residential neighborhoods where not adequately buffered from residential uses.

**ARCHITECTURAL COMPONENTS:**

**TYPE C (non-residential only):**

*Features*: 35% masonry (60% street facing); 3 or more architectural features.

*Intent*:

(1) The Type C architectural component is intended to be utilized only in the LO, LC, GC, LI and HI use components for intermediate quality development.

(2) Combined with appropriate use and site components, this component can help to provide for harmonious land use transitions from districts that are less restricted to districts that are more restricted.

(3) This component is not intended for the majority of the LO and LC use components except those that may be adjacent to less restricted districts.

## COMPREHENSIVE PLAN STATEMENTS:

The following Comprehensive Plan statements may be relevant to this case:

- Plan for continued growth and development that improves the community's overall quality of life and economic viability.
- Establish high standards for development.

## ANALYSIS:

The applicant is requesting the GC-4-C (General Commercial) district in order to develop an auto sales lot. This property was rezoned on November 20, 2008 from interim SFS-2-B (Single-Family Suburban) to the current GC-3-A. The original request included the adjacent properties to the north (approximately 3 acres). This property is surrounded by undeveloped commercially zoned property to the north and west, low density residential development to the south, and 183 A Toll Road and grandfathered commercial property to the east.

The GC use component allows for the development of small to large scale commercial, retail, and commercial services uses located in high traffic areas. Access to these sites should be provided by an arterial street. This property has access to CR 271 and proposed access to 183A via a joint use driveway easement with the property to the north.

In order to operate an auto sales lot, the applicant will need a Type 4 site component. The current site component limits the amount of outdoor display to 30% of the gross floor area of the primary structure. The existing metal building is approximately 6,200 square feet. This would allow for approximately 1,860 square feet of outdoor display as long as the entire building is used for auto sales.

The Type 4 site component will permit the following:

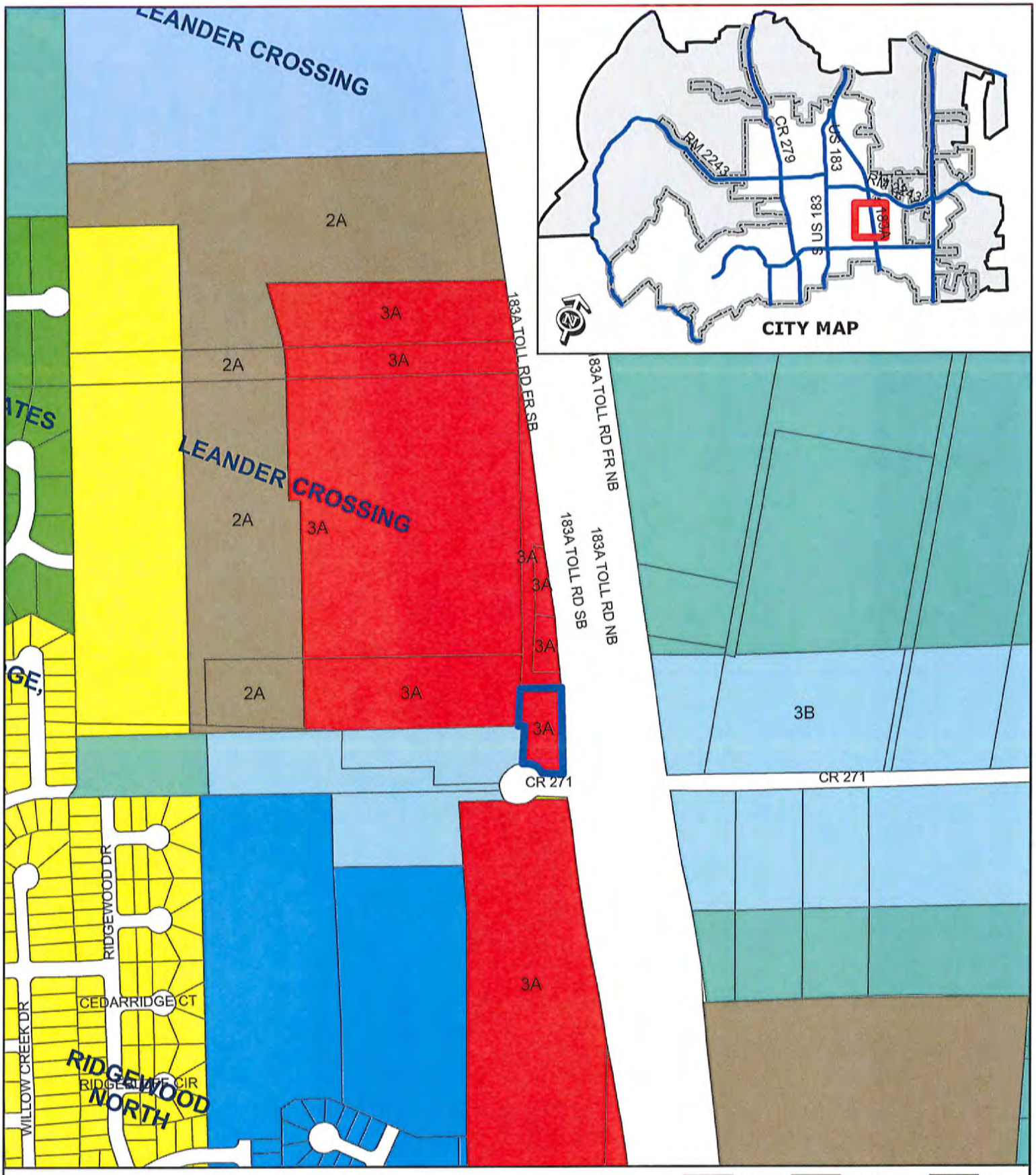
- All Type 3 Standards (including outdoor fuel sales, carwash, overhead commercial doors)
- Unlimited outdoor display of merchandise
- Outdoor storage and container storage (60% of the gross floor area of the primary building)
- Accessory buildings / structures (60% of the gross floor area of the primary building)
- The combination of outdoor storage and accessory buildings / structures shall not exceed eighty percent (80%) of the gross floor area of the primary building / structure utilizing such.
- Outdoor animal boarding is permitted if combined with a GC or LI use component (required to be at least two hundred feet from any residential district unless such district is utilized for non-residential uses).
- Outdoor entertainment venues involving substantial outdoor facilities, unshielded stadium lighting, noise generation, outdoor amplified sound systems or similar conditions such as golf practice ranges open at night, sports stadiums, amusement parks, rodeo arenas, and similar

facilities are permitted as well as minor outdoor facilities such as tennis and basketball courts, track facilities, recreational equipment, play fields, and other similar facilities.

- Accessory dwellings are permitted. Accessory dwellings shall contain a minimum of 400 square feet of living area and a maximum of 900 square feet of living area or 40% of the gross living area of the primary dwelling, whichever is greater. However, for lots greater than three acres in size, there is no limit to the size of the accessory dwelling.

The Type 4 site component is a departure from the current zoning along 183A. The existing zoning of the GC properties along the corridor include the Type 2 and Type 3 site components, but no Type 4. Approval of the Type 4 site component will allow for heavy outdoor display and storage which could diminish the aesthetic of the corridor.

The current metal building is grandfathered from the architectural standards. Any new buildings will have to follow the approved standards. Reducing the architectural component from a Type A to a Type C would allow for reduced masonry requirements, the use of EIFS and tilt wall. The Type A architectural component is more appropriate along a major arterial and has been approved for the recent zoning changes in the area.




## ZONING CASE 13-Z-002

**Attachment #2**

Current Zoning Map
Harbison Auto Sales

# ZONING CASE 13-Z-002 Attachment #3

Aerial Exhibit - Approximate Boundaries
Harbison Auto Sales

Subject Property

0 200 400
Feet

**ATTACHMENT #4**

January 16, 2013

Ms. Robin Griffin
City of Leander Planning Department
104 North Brushy Street
Leander, Texas 78646

**RE: Zoning Change Letter of Intent**

Dear Ms. Griffin:

On behalf of our client, S. D. Kallman Engineering, LP is submitting this Letter of Intent for the site located at the intersection of County Road 271 and the east bound Service Road of the 183A Toll Road. The current Composite Zoning is GC3A and does not support the intended use; auto sales. The proposed Composite Zoning being requested is as follows:

Use Component to remain the same- GC
Site Component – Type 4
Architecture Component – C

The proposed zoning change request will allow our client to move forward with the remodel of the existing unused metal building. The unused building, as indicated by our client and his neighbors, is drawing a criminal element to the area. The proposed re-model will greatly improve the building and the use of the site will aid to eliminate the criminal activity that has been occurring there.

Should you have any comments or concerns please feel free to contact me. I may be reached at (512) 913-5080 or by email at jbarajas@landmarkces.com.

Sincerely,

Javier Barajas, P.E.

**ORDINANCE NO #**

**ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING ONE PARCEL OF LAND FROM GC-3-A (GENERAL COMMERCIAL) TO GC-4-C (GENERAL COMMERCIAL); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the owner of the property described herein after (the "Property") has requested that the Property be rezoned;

**Whereas**, after giving at least ten days written notice to the owners of land within two hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

**Whereas**, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Zoning Ordinance.** Ordinance No. 05-018, as amended, the City of Leander Composite Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Rezoned property.** The Zoning Ordinance is hereby amended by changing the zoning district for one parcels generally located on the northwest corner of the intersection of 183A and CR 271. The property is approximately 1.191 acres more or less in size and includes parcel #R499347. This parcel is hereby zoned GC-4-C (General Commercial); Leander, Williamson County, Texas. (See Exhibit A).

**Section 4. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 5. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance 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,

Loc. Gov't. Code.

**PASSED AND APPROVED** on First Reading this the 21st day of February, 2013.
**FINALLY PASSED AND APPROVED** on this the 7th day of March, 2013.

**THE CITY OF LEANDER, TEXAS**

Christopher Fielder, Mayor

**ATTEST:**

Debbie Haile, City Secretary

**AGENDA ITEM # 17**

**Executive Summary**

**February 21, 2013**

**Council Agenda Subject**: Receive Annual Financial Report for Year Ending September 30, 2012.

**Background:** The City's auditor, Davis Kinard & Co., has completed the annual audit for fiscal year ending September 30, 2012 and will be present to review the report with City Council.

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

**Financial Consideration:** N.A.

**Recommendation:** Motion to Accept Annual Financial Report for Year Ending September 30, 2012.

**Attachments:** Annual Financial Report

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

**AGENDA ITEM # 18**

**Executive Summary**

**February 21, 2013**

**Council Agenda Subject**: Consider an Ordinance of the City of Leander, Texas, Amending Ordinance No. 12-044-00 Adopting the Annual Budget of the City of Leander, Texas for Fiscal Year 2012-2013.

**Background:** This budget amendment provides for necessary mid-year adjustments to appropriate funds for a number of projects previously approved by City Council action as well as for certain unanticipated expenses. The General Fund includes appropriations for the Leander High School Pedestrian Crossing; two grants received by the Fire Department for three new firefighters and a hazard mitigation plan; additional funding for two roadway projects currently underway - County Glen/Hernandos Loop and CR 179; funding for 183/183 right-of-way acquisition for the intersection improvements ($15,000); and creation of a new Parks Special Revenue Fund for self-supporting recreation programs. The additional General Fund costs are covered by associated grants, interlocal contracts and current revenue estimates that are above budgeted amounts. The Utility Fund includes appropriations for the Hero Way waterline project (partially funded by an initial cash commitment from the TIRZ fund); the raw water intake contingency project underway with the City of Cedar Park; and the wastewater treatment plant bar screen improvements. Additional funding is provided for the Crystal Falls Elevated Storage Tank from water impact fees as well as two carryover items from FY12 in the wastewater impact fee fund; The 2010 bond funds are realigned to move $300,000 previously earmarked for potential preliminary engineering along Old FM 2243 to the County Glen/Hernandos Loop roadway project.

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

**Financial Consideration:** Appropriates additional funds from either reserves or current revenue.

**Recommendation:** Staff recommends approval

**Attachments:** Ordinance

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

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING ORDINANCE NO. 12-044-00 ADOPTING THE ANNUAL BUDGET OF THE CITY OF LEANDER, TEXAS FOR FISCAL YEAR 2012-2013.

WHEREAS, a proposed budget for the fiscal year beginning October 1, 2012 and ending September 30, 2013 for the City of Leander, Texas was duly filed with the City Secretary and was duly presented to the City Council by the Mayor; and

WHEREAS, the City Council approved and adopted the FY2012-2013 budget; and

WHEREAS, the City Council appropriated funds according to the prospective perceived needs and revenues which have changed during the fiscal year.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Budget Amendment. The FY 2012-2013 Budget is hereby amended as follows:

| FUND | ADOPTED FY2012-2013 BUDGET | AMENDMENT I FY2012-2013 BUDGET | AMENDED FY2012-2013 BUDGET |
|---|---|---|---|
| 01 - GENERAL FUND | | | |
| REVENUES | 16,298,840 | 778,100 | 17,076,940 |
| EXPENDITURES | 16,298,840 | 778,100 | 17,076,940 |
| | | | |
| 03 - BRYSON FARMSTEAD FUND | | | |
| REVENUES | 0 | 0 | 0 |
| EXPENDITURES | 300,000 | 0 | 300,000 |
| | | | |
| 04 - LEANDER CLEAN UP FUND | | | |
| REVENUES | 9,500 | 0 | 9,500 |
| EXPENDITURES | 9,500 | 0 | 9,500 |
| | | | |
| 05 - GOLF FUND | | | |
| REVENUES | 1,316,000 | 0 | 1,316,000 |
| EXPENDITURES | 1,316,000 | 0 | 1,316,000 |
| | | | |
| 10 - PUBLIC ARTS FUND | | | |
| REVENUES | 0 | 0 | 0 |
| EXPENDITURES | 4,900 | 0 | 4,900 |
| | | | |
| 11 - HOTEL TAX FUND | | | |
| REVENUES | 0 | 0 | 0 |
| EXPENDITURES | 416 | 0 | 416 |
| | | | |

| FUND | ADOPTED FY2012-2013 BUDGET | AMENDMENT I FY2012-2013 BUDGET | AMENDED FY2012-2013 BUDGET |
|---|---|---|---|
| 12 - TIA FUND | | | |
| REVENUES | 2,300,000 | 570,059 | 2,870,059 |
| EXPENDITURES | 3,429,260 | 680,000 | 4,109,260 |
| | | | |
| 13 - EQUIPMENT FUND | | | |
| REVENUES | 0 | 0 | 0 |
| EXPENDITURES | 30,000 | 0 | 30,000 |
| | | | |
| 14 - VEHICLE FUND | | | |
| REVENUES | 98,417 | 0 | 98,417 |
| EXPENDITURES | 145,750 | 0 | 145,750 |
| | | | |
| 20 - UTILITY FUND | | | |
| REVENUES | 15,777,500 | 290,000 | 16,067,500 |
| EXPENDITURES | 17,927,500 | 1,875,000 | 19,802,500 |
| | | | |
| 21 - UTILITY VEHICLE FUND | | | |
| REVENUES | 12,140 | 0 | 12,140 |
| EXPENDITURES | 25,000 | 0 | 25,000 |
| | | | |
| 25 - WATER IMPACT | | | |
| REVENUES | 1,250,000 | 0 | 1,250,000 |
| EXPENDITURES | 857,760 | 405,000 | 1,262,760 |
| | | | |
| 26 - WASTEWATER IMPACT | | | |
| REVENUES | 440,750 | 0 | 440,750 |
| EXPENDITURES | 0 | 80,000 | 80,000 |
| | | | |
| 27 - WATER CIP FUND | | | |
| REVENUES | 0 | 0 | 0 |
| EXPENDITURES | 2,800,000 | 0 | 2,800,000 |
| | | | |
| 28 - SERIES 2007 9.2M CO'S | | | |
| REVENUES | 0 | 0 | 0 |
| EXPENDITURES | 390,000 | 0 | 390,000 |
| | | | |
| 40 - GF CAPITAL PJTS | | | |
| REVENUES | 5,330,000 | (350,000) | 4,980,000 |
| EXPENDITURES | 5,881,980 | 0 | 5,881,980 |
| | | | |
| 41 - GF CIP PARK GRANTS | | | |
| REVENUES | 0 | 0 | 0 |
| EXPENDITURES | 0 | 0 | 0 |
| | | | |
| 52 - GF 21M BOND 2007 | | | |
| REVENUES | 0 | 0 | 0 |
| EXPENDITURES | 0 | 0 | 0 |

| FUND | ADOPTED FY2012-2013 BUDGET | AMENDMENT I FY2012-2013 BUDGET | AMENDED FY2012-2013 BUDGET |
|---|---|---|---|
| 53 - $6.3M BOND 2010 | | | |
| REVENUES | 0 | 0 | 0 |
| EXPENDITURES | 3,831,980 | 0 | 3,831,980 |
| | | | |
| 70 - POLICE DEPT. GRANTS | | | |
| REVENUES | 0 | 0 | 0 |
| EXPENDITURES | 0 | 0 | 0 |
| | | | |
| 71 - COURT SECURITY FUND | | | |
| REVENUES | 8,500 | 0 | 8,500 |
| EXPENDITURES | 10,000 | 0 | 10,000 |
| | | | |
| 72 - COURT TECHNOLOGY FUND | | | |
| REVENUES | 11,500 | 0 | 11,500 |
| EXPENDITURES | 11,500 | 0 | 11,500 |
| | | | |
| 73 - PARKS SPECIAL REVENUE FUND | | | |
| REVENUES | 0 | 9,300 | 9,300 |
| EXPENDITURES | 0 | 9,300 | 9,300 |
| | | | |
| 74 - FIRE RESCUE REVENUE FUND | | | |
| REVENUES | 21,000 | 0 | 21,000 |
| EXPENDITURES | 21,000 | 0 | 21,000 |
| | | | |
| 75 - PARK DEDICATION ORD. | | | |
| REVENUES | 311,500 | 0 | 311,500 |
| EXPENDITURES | 356,500 | 0 | 356,500 |
| | | | |
| 76 - STEP FUND | | | |
| REVENUES | 50,000 | 0 | 50,000 |
| EXPENDITURES | 50,000 | 0 | 50,000 |
| | | | |
| 77 - POLICE FORFEITURE FUND | | | |
| REVENUES | 0 | 0 | 0 |
| EXPENDITURES | 3,500 | 0 | 3,500 |
| | | | |
| 78 - POLICE SPECIAL REVENUE | | | |
| REVENUES | 12,000 | 0 | 12,000 |
| EXPENDITURES | 12,000 | 0 | 12,000 |
| | | | |
| 79 - TIRZ #1 FUND | | | |
| REVENUES | 195,000 | 0 | 195,000 |
| EXPENDITURES | 141,000 | 290,000 | 431,000 |
| | | | |
| 80 - GF DEBT SERVICE | | | |
| REVENUES | 4,249,535 | 0 | 4,249,535 |
| EXPENDITURES | 4,249,535 | 0 | 4,249,535 |

| FUND | ADOPTED FY2012-2013 BUDGET | AMENDMENT I FY2012-2013 BUDGET | AMENDED FY2012-2013 BUDGET |
|---|---|---|---|
| 85 - UF DEBT SERVICE | | | |
| REVENUES | 3,284,945 | 0 | 3,284,945 |
| EXPENDITURES | 3,284,945 | 0 | 3,284,945 |
| | | | |
| 96 - LEANDER DEVELOPMENT AUTHORITY | | | |
| REVENUES | 11,000 | 0 | 11,000 |
| EXPENDITURES | 11,000 | 0 | 11,000 |

Section 3. Exhibit A. The individual line items affected by the budget amendment are hereby attached as Exhibit A.

Section 4 Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance 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.*

PASSED AND APPROVED on this 21st day of February, 2013.

ATTEST:

CITY OF LEANDER, TEXAS

_____
Debbie Haile, City Secretary

_____
Christopher Fielder, Mayor

**EXHIBIT A**

| FUND | DEPARTMENT | DESCRIPTION | ADOPTED FY2012-2013 BUDGET | AMENDMENT I FY2012-2013 BUDGET | AMENDED FY2012-2013 BUDGET |
|---|---|---|---|---|---|
| 01 - GENERAL FUND | | | | | |
| REVENUES | | | 16,298,840 | 778,100 | 17,076,940 |
| 01-00-4420 | | Subdvision Construction Fees | 585,500 | | |
| 01-00-4446 | | Fire FEMA Grant | 37,500 | | |
| 01-00-4447 | | Fire SAFER Grant | 120,100 | | |
| 01-00-4625 | | LISD Cost Sharing - LHS Ped Xing | 44,000 | | |
| 01-00-4720 | Concessions | Move to Special Revenue Fund 73 | (1,800) | | |
| 01-00-4772 | Recreation Programs | Move to Special Revenue Fund 73 | (7,500) | | |
| | | | | | |
| EXPENDITURES | | | 16,298,840 | 778,100 | 17,076,940 |
| 01-07-5219 | Urban Design | US 183 / 183A right-of-way | 15,000 | | |
| 01-21-8338 | Public Works | FY12 carryover - LHS Ped Xing | 88,000 | | |
| 01-49-5219 | Emergency Management | Hazard Mitigation Grant | 50,000 | | |
| 01-50-5107 | Fire | SAFER Grant | 120,100 | | |
| 01-53-6200 | Non-Departmental | County Glen Roadway | 135,000 | | |
| 01-53-6200 | Non-Departmental | CR 179 Roadway | 370,000 | | |
| | | | | | |
| 03 - BRYSON FARMSTEAD FUND | | | | | |
| REVENUES | | | 0 | | 0 |
| EXPENDITURES | | | 300,000 | | 300,000 |
| | | | | | |
| 04 - LEANDER CLEAN UP FUND | | | | | |
| REVENUES | | | 9,500 | | 9,500 |
| EXPENDITURES | | | 9,500 | | 9,500 |
| | | | | | |
| 05 - GOLF FUND | | | | | |
| REVENUES | | | 1,316,000 | | 1,316,000 |
| EXPENDITURES | | | 1,316,000 | | 1,316,000 |
| | | | | | |
| 10 - PUBLIC ARTS FUND | | | | | |
| REVENUES | | | 0 | | 0 |
| EXPENDITURES | | | 4,900 | | 4,900 |
| | | | | | |
| 11 - HOTEL TAX FUND | | | | | |
| REVENUES | | | 0 | | 0 |
| EXPENDITURES | | | 416 | | 416 |
| | | | | | |
| 12 - TIA FUND | | | | | |
| REVENUES | | | 2,300,000 | 570,059 | 2,870,059 |
| 12-00-4900 | Transfer In | CR 179 Cost Sharing - City | 370,000 | | |
| 12-00-4625 | LISD - Interlocal Agreement | CR 179 Cost Sharing - LISD | 200,059 | | |

| | | | | | |
|---|---|---|---|---|---|
| EXPENDITURES | | | 3,429,260 | 680,000 | 4,109,260 |
| 12-01-8335 | CR 179 Roadway | Construction | 680,000 | | |
| | | | | | |
| 13 - EQUIPMENT FUND | | | | | |
| REVENUES | | | 0 | | 0 |
| EXPENDITURES | | | 30,000 | | 30,000 |
| | | | | | |
| 14 - VEHICLE FUND | | | | | |
| REVENUES | | | 98,417 | | 98,417 |
| EXPENDITURES | | | 145,750 | | 145,750 |
| | | | | | |
| 20 - UTILITY FUND | | | | | |
| REVENUES | | | 15,777,500 | 290,000 | 16,067,500 |
| 20-00-4900 | Transfer In | Hero Way Waterline TIRZ Cost Share | 290,000 | | |
| | | | | | |
| EXPENDITURES | | | 17,927,500 | 1,875,000 | 19,802,500 |
| 20-02-8xxx | Water Maintenance | Hero Way Waterline | 795,000 | | |
| 20-02-8385 | Water Maintenance | Raw Water Intake Contingency | 1,000,000 | | |
| 20-03-5520 | Wastewater Maintenance | WWTP Bar Screen Improvements | 80,000 | | |
| | | | | | |
| 21 - UTILITY VEHICLE FUND | | | | | |
| REVENUES | | | 12,140 | | 12,140 |
| EXPENDITURES | | | 25,000 | | 25,000 |
| | | | | | |
| 25 - WATER IMPACT | | | | | |
| REVENUES | | | 1,250,000 | | 1,250,000 |
| | | | | | |
| EXPENDITURES | | | 857,760 | 405,000 | 1,262,760 |
| 25-31-8328 | Water Impact Fees | Crystal Falls EST construction | 325,000 | | |
| 25-31-8328 | Water Impact Fees | Crystal Falls EST materials testing | 80,000 | | |
| | | | | | |
| 26 - WASTEWATER IMPACT | | | | | |
| REVENUES | | | 440,750 | | 440,750 |
| | | | | | |
| EXPENDITURES | | | 0 | 80,000 | 80,000 |
| 26-01-5319 | Wastewater Impact Fees | FY12 carryover - Co. Glen WW | 40,000 | | |
| 26-01-5363 | Wastewater Impact Fees | FY12 carryover - Key Deer WW | 40,000 | | |
| | | | | | |
| 27 - WATER CIP FUND | | | | | |
| REVENUES | | | 0 | | 0 |
| EXPENDITURES | | | 2,800,000 | | 2,800,000 |
| | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| 28 - SERIES 2007 9.2M CO'S | | | | | |
| REVENUES | | | 0 | | 0 |
| EXPENDITURES | | | 390,000 | | 390,000 |
| | | | | | 0 |
| 40 - GF CAPITAL PJTS | | | | | |
| REVENUES | | | 5,330,000 | (350,000) | 4,980,000 |
| 40-00-4436 | Developers Contribution | Received in FY12 | (200,000) | | |
| 40-00-4900 | Transfer In - TIRZ Funds | Received in FY12 | (150,000) | | |
| | | | | | |
| EXPENDITURES | | | 5,881,980 | | 5,881,980 |
| | | | | | |
| 41 - GF CIP PARK GRANTS | | | | | |
| REVENUES | | | 0 | | 0 |
| EXPENDITURES | | | 0 | | 0 |
| | | | | | |
| 52 - GF 21M BOND 2007 | | | | | |
| REVENUES | | | 0 | | 0 |
| EXPENDITURES | | | 0 | | 0 |
| | | | | | |
| 53 - $6.3M BOND 2010 | | | | | |
| REVENUES | | | 0 | | 0 |
| EXPENDITURES | | | 3,831,980 | 0 | 3,831,980 |
| 53-01-8385 | Old 2243 | Preliminary Engineering | (300,000) | | |
| 53-01-8327 | County Glen Roadway | Construction | 300,000 | | |
| | | | | | |
| 70 - POLICE DEPT. GRANTS | | | | | |
| REVENUES | | | 0 | | 0 |
| EXPENDITURES | | | 0 | | 0 |
| | | | | | |
| 71 - COURT SECURITY FUND | | | | | |
| REVENUES | | | 8,500 | | 8,500 |
| EXPENDITURES | | | 10,000 | | 10,000 |
| | | | | | |
| 72 - COURT TECHNOLOGY FUND | | | | | |
| REVENUES | | | 11,500 | | 11,500 |
| EXPENDITURES | | | 11,500 | | 11,500 |
| | | | | | |
| 73 - PARKS SPECIAL REVENUE FUND | | | | | |
| REVENUES | | | 0 | 9,300 | 9,300 |
| 73-00-4720 | Concessions | New Self-supporting Fund | 1,800 | | |
| 73-00-4772 | Recreation Programs | New Self-supporting Fund | 7,500 | | |

| | | | | | |
|---|---|---|---|---|---|
| EXPENDITURES | | | 0 | 9,300 | 9,300 |
| 73-23-5219 | Parks - Recreation Programs | Contract Labor | 9,300 | | |
| | | | | | |
| 74 - FIRE RESCUE REVENUE FUND | | | | | |
| REVENUES | | | 21,000 | | 21,000 |
| EXPENDITURES | | | 21,000 | | 21,000 |
| | | | | | |
| 75 - PARK DEDICATION ORD. | | | | | |
| REVENUES | | | 311,500 | | 311,500 |
| EXPENDITURES | | | 356,500 | | 356,500 |
| | | | | | |
| 76 - STEP FUND | | | | | |
| REVENUES | | | 50,000 | | 50,000 |
| EXPENDITURES | | | 50,000 | | 50,000 |
| | | | | | |
| 77 - POLICE FORFEITURE FUND | | | | | |
| REVENUES | | | 0 | | 0 |
| EXPENDITURES | | | 3,500 | | 3,500 |
| | | | | | |
| 78 - POLICE SPECIAL REVENUE | | | | | |
| REVENUES | | | 12,000 | | 12,000 |
| EXPENDITURES | | | 12,000 | | 12,000 |
| | | | | | |
| 79 - TIRZ #1 FUND | | | | | |
| REVENUES | | | 195,000 | | 195,000 |
| | | | | | |
| EXPENDITURES | | | 141,000 | 290,000 | 431,000 |
| 79-01-6200 | Transfer Out to Utility Fund | Hero Way Cost Sharing Agreement | 290,000 | | |
| | | | | | |
| 80 - GF DEBT SERVICE | | | | | |
| REVENUES | | | 4,249,535 | | 4,249,535 |
| EXPENDITURES | | | 4,249,535 | | 4,249,535 |
| | | | | | |
| 85 - UF DEBT SERVICE | | | | | |
| REVENUES | | | 3,284,945 | | 3,284,945 |
| EXPENDITURES | | | 3,284,945 | | 3,284,945 |
| | | | | | |
| 96 - LEANDER DEVELOPMENT AUTHORITY | | | | | |
| REVENUES | | | 11,000 | | 11,000 |
| EXPENDITURES | | | 11,000 | | 11,000 |

**AGENDA ITEM # 19**

**Executive Summary**

**February 21, 2013**

**Agenda Subject**: Resolution Adopting A Long-Range Financial Management Policy and Financial Targets.

**Background:** In 2008, the City Council approved Financial Targets (attached) that established a combination of certain financial goals to achieve and criteria to maintain. This Long-Range Financial Management Policy includes an update to the Financial Targets (FY13-FY18), but also adds key policy priorities to maintain and improve the City's long-term financial stability. The policies are derived from criteria used by Standard & Poor's to evaluate an issuer's credit-worthiness. At present, the City has an A+ credit rating from S&P. In order to improve the City's credit rating with the bond rating agencies, we believe it is important to implement and adhere to these policies. As a general rule, the higher our credit rating, the lower our borrowing costs will be in the future.

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

**Recommendation:** Staff recommends approval.

**Attachments:** Resolution with Exhibit A; Top 10 Management Characteristics of Highly Rated U.S. Public Finance Issuers, by Standard & Poor's; FY09 Financial Targets

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

RESOLUTION NO.

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LEANDER ADOPTING A LONG-RANGE FINANCIAL MANAGEMENT POLICY AND FINANCIAL TARGETS

WHEREAS, the city of Leander has experienced tremendous growth in the last ten years and all projections indicate that this upward trend will continue, and;

WHEREAS, both the City Council and City management are keenly aware of their respective fiduciary roles and responsibilities to oversee the City's financial resources and plan for the future needs and services of a growing community, and;

WHEREAS, adoption of a Long-Range Financial Management Policy and Financial Targets would serve as an additional tool to help guide the City's growth.

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

SECTION 1: The Long-Range Financial Management Policy and Financial Targets, a copy of which is attached hereto as Exhibit A is hereby adopted.

SECTION 2: The City Manager is hereby authorized to amend this policy and/or supplement with additional policies in the future as circumstances dictate in order to achieve the goal of the City Council to maintain the long-term orderly growth and development of the city.

READ AND APPROVED THIS 21st day of February, 2013.

ATTEST:

CITY OF LEANDER

_____

Debbie Haile, City Secretary

_____

Christopher Fielder, Mayor

# FINANCIAL MANAGEMENT POLICY

No less than annually, City staff will review, report, and update if necessary, the City's Financial Management Policy as follows:

1. Monitor the following Economic Conditions and Trends

   - HH/per capita Effective Buying Income as % of US
   - Market Value Per Capita
   - Top Ten Taxpayers
   - Available Fund Balance
   - Debt Service as % of Expenditures
   - Overall Net Debt per capita
   - Building Permit activity
   - Sales Tax receipts

Definitions:

Household/per capita effective buying income (EBI) % of U.S. level.

Effective buying income measures income after taxes. Household EBI measures income on a household basis, regardless of the number of family members and compares it on a ratio basis to the national average. Per Capita EBI measures the same on a per capita basis. Source: Claritas, Inc.

Market value per capita.

Total market value of all taxable property within the jurisdiction divided by population.

To 10 taxpayers.

This measures total assessed valuation of the 10 largest taxpayers as a percentage of the total taxable assessed valuation of the jurisdiction.

Available fund balance.

The annual dollar amount of available reserves a municipality has in its operating and reserve funds at fiscal year-end.

Debt service as a percentage of expenditures.

The portion of operating expenditures consumed by debt service costs.

Overall net debt per capita

This ratio measures net debt to population.

Overall net debt as a percentage of market value.

A ratio of net debt to the taxable market value of the tax base.

Sources: Standard & Poor's "Key General Obligation Ratio Credit Ranges – Analysis vs. Reality," April 2, 2008; Standard & Poor's "GO Debt," October 12, 2006

2. Evaluate Compliance with Established Financial Management Assessment Criteria

a. Revenue and Expenditure Assumptions. Formal historic trend analysis (using previous five years) is performed and updated in conjunction with the annual budget process for both revenue and spending; regular effort is made to determine whether revenues or expenditures will deviate from their long-term trends over the next three years; evidence of independent revenue forecasting exists when possible.

b. Budget Assumptions and Updates. At least quarterly, budget surveillance is maintained to identify problem areas and enable timely budget adjustments;

management exhibits ability and willingness to address necessary intra-year revenue and expenditure changes to meet fiscal targets. Any planned drawdown of reserves shall only be applied for significant one-time expenditures on capital outlay or projects.

c. Long-Term Financial Planning. A multi-year financial plan should be maintained so that future issues and possible solutions are identified; if not implemented; revenue and expenditure decisions should be made primarily from a long-term perspective. Structural balance is a clear goal.

d. Long-Term Capital Planning. A five-year rolling CIP with funding identified for all years should be maintained and linked to the operating budget as well as long-term revenue and financing strategies. CIP examples include: Parks Master Plan; Public Safety Master Plans; Transportation Master Plan; and Water & Wastewater Master Plan

e. Investment Management Policies. Investment Policies shall be annually reviewed and approved by the governing body and should be well defined with strong reporting and monitoring mechanisms in existence and functioning.

f. Debt Management Policies. Debt policies shall be maintained and be well defined; strong reporting and monitoring mechanisms should exist and be functioning.

g. Reserve and Liquidity Policies. A formal operating reserve policy shall be maintained and well defined. Reserve levels should be clearly linked to the City's cash flow needs and the historic volatility of revenues and expenditures throughout economic cycles.

Source: Standard & Poor's "Financial Management Assessment," June 27, 2006

CITY OF LEANDER
FINANCIAL MANAGEMENT TARGETS
FY 2012-13 TO FY 2017-18

1. TAX RATE. The interest & sinking (debt) tax rate target should be between 33% and 40% of the total tax rate. Debt service payments should not exceed 20% of the combined operating and debt service fund expenditures.

2. TAX BASE. The commercial and industrial tax base should be equal to or exceed 20% of the total tax base.

3. BUDGET. The Annual Budget should be presented as balanced between projected current revenues and expenditures. Revenue and expenditure estimates for budget purposes should be conservative. Actual revenues for the year should exceed the budget estimate by at least 2% and actual expenditures for the year should be less than the budget by at least 1% each year. Any planned drawdown of reserves shall only be applied for significant one-time expenditures on capital outlay or projects.

4. GENERAL FUND REVENUES. Combined property taxes and sales taxes should be equal to or greater than 60% of the General Fund Operating Budget, excluding grant funded expenditures or activities fully funded by user fees, e.g., garbage collection. Unreasonable reliance on development-related fees or transfers should be carefully avoided.

5. UTILITY FUND TRANSFERS. The Utility Fund transfer to the General Fund shall not exceed 15% of Utility Fund operating revenues.

6. SALES TAX ESTIMATES. For budget purposes, sales tax projections should be conservative and based on current year estimates without growth. An exception to including a growth factor would be allowed in instances where new major sales taxpayers have been in existence at least two months.

7. INVESTMENT INCOME. It shall be a priority to diversify the City's investment portfolio and maximize returns consistent with the City's Investment Policy.

8. FUND BALANCE. Operating Funds should maintain a minimum fund balance equal to 25% of annual operating expenses. The Debt Service fund balance should be a minimum of 16%.

9. FEES. Local fees and charges for service set by the City Council shall be reviewed at least every three years and compared to full-cost recovery.

10. DEBT PROCEEDS. Bond proceeds, including certificates of obligation, should be 50% spent within eighteen (18) months of receipt and 100% spent within thirty-six (36) months of receipt.

11. DEBT ISSUANCE. New debt issues should be spaced at least eighteen (18) months apart.

12. GENERAL OBLIGATION INDEBTEDNESS. The total amount of outstanding general obligation indebtedness shall not exceed ten percent (10%) of the total appraised value of property within the city (c.f. Home Rule Charter, Sec. 8.11(d)) The average maturity schedule for capital projects should be such that 25% of the debt rolls off in five years and 50% is retired in 10 years.

13. VEHICLE REPLACEMENT FUND. A vehicle replacement internal service fund shall be maintained in order to eliminate any need for short-term financing.

14. ANNUAL INDEPENDENT FINANCIAL AUDIT. The Independent Financial Auditor services will be rotated every 3 in accordance with the City's Home Rule Charter.

CITY OF LEANDER
CITY COUNCIL
5-YEAR FINANCIAL TARGETS
FY 2008-09 TO FY 2012-13

1. TAX RATE. The interest & sinking tax rate (debt) should not exceed 33% of the total tax rate.
2. TAX BASE. The commercial and industrial tax base should be equal to or exceed 35% of the total tax base.
3. BUDGET. The Annual Budget should be presented as balanced between projected current revenues and expenditures. Revenue and Expenditure estimates for budget purposes should be conservative. Actual revenues for the year should exceed the budget estimate by at least 3% and actual expenditures for the year should be less than the budget by at least 1% each year.
4. GENERAL FUND REVENUES. Combined property taxes and sales taxes should be equal to or greater than 60% of the General Fund Operating Budget, excluding grant funded expenditures or activities fully funded by user fees, e.g., garbage collection.
5. SALES TAX ESTIMATES. For budget purposes, sales tax projections should be conservative and based on current year estimates without growth. An exception would be allowed in instances where new major sales tax payors have been in existence at least two months, but not more than six months of the current fiscal year.
6. INVESTMENT INCOME. It shall be a priority of the City Manager to diversify the City's investment portfolio and maximize returns consistent with the City's Investment Policy.
7. FUND BALANCE. Operating Funds should maintain a minimum fund balance of 25% of operating expenses.
8. FEES. Local fees and charges for service set by the City Council shall be reviewed at least every three years and compared to full-cost recovery.
9. DEBT PROCEEDS. Bond proceeds, including certificates of obligation, should be 50% spent within 18 months of receipt and 100% spent within 36 months of receipt.
10. DEBT ISSUANCE. New debt issues should be spaced at least 18 months apart.
11. VEHICLE REPLACEMENT FUND. A vehicle replacement internal service fund should be established and funded within the next three years (FY 2011).
12. ANNUAL INDEPENDENT FINANCIAL AUDIT. The Independent Financial Auditor services will be rotated every 3 to 5 years to insure an objective review of the financial records and procedures of the city.

# Long-Range Financial Management Policy

## The Top 10 Management Characteristics of Highly Rated U.S. Public Finance Issuers

*Standard & Poor's Financial Services, LLC

# 1. Focus on Structural Balance

"For S&P, a budget is balanced if recurring revenues match recurring expenditures...A government's ability to maintain or quickly return to a structural balance during a period of economic weakness can lead [S&P] to affirm or raise an issuer credit rating."

# 2. Strong Liquidity Management

"An additional credit quality factor is management's ability to manage its cash flow and identify potential issues, internal or external, that could lead to a liquidity crunch...The absence of clear accountability as to where the cash is coming from or when it will be paid back could create uncertainty about the sustainability of the cash flow and the potential implications of reallocating the cash from one use to the other."

# 3. Regular Economic Revenue Updates to Identify Shortfalls Early

"A formal mechanism to monitor economic trends and revenue performance at regular intervals is a key feature of stable financial performance...Each government will have different leading or lagging economic indicators that signal potential revenue variance issues based on its economic structure."

# 4. An Established Rainy Day/Budget Stabilization Reserve

"A formalized financial reserve policy is a consistent feature of most of Standard & Poor's highly rated credits...No one level or type of reserve is considered optimal...We believe that a balanced approach to using reserves is important."

# 5. Prioritized Spending Plans and Established Contingency Plans for Operating Budgets

"Contingency planning is an ongoing exercise for most highly rated governments...We consider whether a government has contingency plans and options to address changing economic conditions, intergovernmental fund shifts, and budget imbalance when it occurs."

# 6. Strong Long-Term and Contingent Liability Management

"Recognition and management of long-term and contingent liabilities are characteristics of highly rated credits...The size of unfunded liabilities and the annual costs associated with funding them are important factors in our review of state and local governments."

# 7. A Multi-year Financial Plan in Place that Considers the Affordability of Actions or Plans Before They Are Part of the Annual Budget

"Having detailed information on costs associated with various policy decisions can provide greater transparency to the budget process. We consider multi-year planning as an important part of this process."

# 8. A Formal Debt Management Policy in Place to Evaluate Future Debt Profile

"Affordability analysis generally includes a systematic review of existing and proposed debt, and how they will affect a government's future financial profile...We believe the process enhances the capital budgeting and related policy decisions regarding debt issuance and amortization."

# 9. A Pay-as-You-Go Financing Strategy as Part of the Operating and Capital Budget

"Pay-as-you-go financing can be a sound financing policy. Not only does it lower debt service costs, but it also provides operating budget flexibility when the economy or revenue growth slows."

# 10. A Well-Defined and Coordinated Economic Development Strategy

"Effective economic development programs typically take a long time to implement. If economic development programs and strategies create employment, enhance diversification, and generate solid income growth, they could have a positive effect on a government credit rating over the long term.

**AGENDA ITEM # 20**

**Executive Summary**

**February 21, 2013**

**Agenda Subject**: Consider Amendments to Ordinance #01-009-00, Ethics Ordinance

**Background:** The Ethics Commission has been working for the past couple of months to review and make suggested changes to the Ethics Ordinance. The suggested changes are outlined in red on the Ordinance attachment. Also included in the revisions are Exhibit A, Lobby Registration Form, Exhibit B, Financial Disclosure Form and Exhibit C, Ethics Complaint Form which will become part of the ordinance.

**Origination:** City Council directive to Ethics Commission

**Recommendation:** Staff recommends Council approval of the Revised Ordinance with Exhibits

**Attachments:** Ordinance
Exhibit A – Lobby Registration Form
Exhibit B – Financial Disclosure Form
Exhibit C – Ethics Complaint Form

**Prepared by:** Debbie Haile TRMC, City Secretary

ORDINANCE NO. 01-009-00

**AN ORDINANCE ESTABLISHING AN ETHICS POLICY FOR THE CITY OF LEANDER; PROVIDING STATEMENTS OF POLICY AND PURPOSE; PROVIDING DEFINITIONS AND FOR CONFLICTS OF INTEREST; PROVIDING MINIMUM STANDARDS OF CONDUCT WITH RESPECT TO CERTAIN GIFTS, FINANCIAL INTERESTS, POLITICAL ACTIVITY AND CITY BUSINESS; REQUIRING REGISTRATION BY LOBBYISTS; REQUIRING FINANCIAL DISCLOSURE; PROVIDING FOR THE ETHICS COMMISSION AND LEGAL COUNSEL; PROVIDING FOR COMPLAINTS AND BASELESS COMPLAINTS; PROVIDING FOR HEARINGS, FINDINGS, RECOMMENDATIONS AND SANCTIONS; PROVIDING A PENALTY CLAUSE; PROVIDING OPEN MEETING AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**Whereas,** Article 12 of the City Charter requires an Ethics Commission be established and that the City Council shall adopt an ordinance providing an ethics policy and code of conduct applicable to the officers, employees, board and commission members of the City; and

**Whereas,** the City Council appointed an Ethics Commission and requested the Ethics Commission to draft and propose an ordinance providing an ethics policy and code of conduct for the officers, employees and certain persons doing business with the City;

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

**Article 1. Declaration of Policy.**

**Section 1.1.** It is essential in a democratic system that the public have confidence in the integrity, independence, and impartiality of those who act on their behalf in government. To promote confidence in the government of the City of Leander ("the City"), and thereby enhance the City's ability to function effectively, this code of ethics is adopted. Although codes of ethics can provide instruction on what to do in various situations, the situations will always be more varied than the rules can anticipate. Recognizing this, the Ethics Commission (the "Commission") will apply this ordinance to not only enforce regulations, but also to enhance and promote virtue in public servants who are its officers, city officials or employees, paid or unpaid, elected or appointed, as well as members of any standing committee or board.

**Section 1.2.** Furthermore, it is declared to be the policy of the City that proper operation of democratic government requires that public servants be independent, impartial and responsible to the people of the City; that no public servants shall permit any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity to conflict

with the proper discharge of their duties in the public interest; that public office not be used for illegal or improper personal gain; and that the Ceity Ceouncil at all times shall be maintained as a nonpartisan body. To implement such a policy, the Ceity Ceouncil deems it advisable to enact a standard of conduct for all public servants to serve not only as a guide for official conduct, but also as a basis for discipline for those who refuse to abide by its terms. The overriding interest being that public servants of the City of Leander shall at all times strive to avoid even the appearance of impropriety.

**Section 1.3.** The City further recognizes that public servants are also members of society and, therefore, cannot and should not be without any personal and economic interest in the decisions and policies of government; that public servants retain their rights as citizens to interests of a personal or economic nature, and their rights to publicly express their views on matters of general public interest. By prohibiting conduct incompatible with the City's best interests and minimizing the risk of any appearance of impropriety, this Code of Ethics will further legitimize the interests of democracy.

## Article 2: Purpose.

**Section 2.1.** This Code of Ethics has four purposes;

(a) to encourage high ethical standards in official conduct by public servants;

(b) to establish minimum guidelines for ethical standards of conduct for all such public servants by setting forth those acts or actions that are incompatible with the best interests of the City;

(c) to require disclosure by public servants and candidates of private financial or property interests in matters affecting the City; and

(d) to provide minimum standards of ethical conduct for the City's public servants; provide procedures regarding complaints for violations of such standards, and provide a mechanism for disciplining violators of such standards.

## Article 3: Present Public Servants.

**Section 3.1.** Standards of Conduct.

(a) To avoid the appearance and risk of impropriety and self-enrichment, public servants shall not solicit or accept any gift, personal favor or benefit from any person doing business with, seeking to do business with, or being regulated by the City; and shall not take any action on behalf of any person or business entity from which he or she has received a prohibited gift, or in which he or she has a substantial interest. Except in the sole interest of the public and the performance

of the duties of their position, public servants shall not take any action that he or she knows might reasonably tend to influence any other public servant to not properly perform their official duty, nor shall any public servant grant any improper favor, service or thing of value to any person.

(b) As used in this Ordinance the word "Gift" means a favor, hospitality, economic benefit, product or item having a value of $250.00, or more within a 12 month period. A "Gift" does not include campaign contributions reported as required by state law, money, items, or benefits received from a relative if given on account of kinship, or any value received by will, intestate succession, or as a distribution from an inter vivos or testamentary trust established by a spouse or ancestor.

(c) The following factors are considered in evaluating whether a gift is prohibited:

(i) The value of the gift, or gifts, does not exceed $250.00, during any twelve (12) consecutive calendar months;

(ii) Any pre-existing relationship between the donor and donee;

(iii) Whether the person or entity giving the gift, or on whose behalf the gift is made, has done business with or has been regulated by the City within the immediate proceeding twenty-four (24) calendar months, or is seeking to do business with the City, *or does business with or is regulated by the City during the subsequent twelve (12) months.*

(d) Those items or services that do not constitute prohibited gifts include, but are not limited to, the following:

(i) Political contributions made and reported in accordance with all applicable state laws.

(ii) Awards publicly presented in recognition of public service.

(iii) Entertainment, meals or refreshments furnished in conjunction with public events, appearances, or ceremonies related to official City business, if furnished by the sponsor of such public event, and meals and refreshments having a value of less than $50.00 when furnished or provided to the public servant during the conduct of public business.

(iv) Any item received by a public servant and donated to a charitable organization or presented to the City within one (1) business day from the date of receipt; any item(s) other than money the value of which does not exceed $25.00 or $200.00 during any twelve (12) consecutive calendar months.

(v) Meals, lodging, or transportation in connection with services rendered by the public servant at a conference, seminar or similar event that is more than merely perfunctory.

~~(iv)~~ Attendance by a public servant at hospitality functions at local, regional, state or national association meetings and/or conferences.

(vi)

(vii) Pens, pencils, calendars, T-Shirts, caps and similar items containing logos, slogans, company names or other marketing material and commonly given out for advertising purposes.

(e) In determining whether or not acceptance if prohibited, the intent of the ordinance is to avoid the appearance of self-enrichment by the public servant versus reasonable expenses necessary to conduct City business.

**Section 3.2.** Personal Financial Interest.

(a) Public servants of the City shall not participate in a vote or decision in which they have a direct substantial financial interest. Ownership in an amount in excess of one percent (1%) of an entity or property shall constitute substantial interest. Where members of the Ceity Ceouncil have a substantial interest in business or in real property which is affected by a proposed city council action and where any conflict of interest may arise they shall file an affidavit of disclosure provided by the city secretary prior to the vote and abstain from voting on such matters.

(b) No officer or employee of the City shall have a financial interest direct or indirect, or by reason of ownership of stock in a corporation, in a contract with the City, or be financially interested directly or indirectly in the sale to the City of land, materials, supplies or services except on behalf of the City as an officer or employee; provided, however, that the provision of this section shall only be applicable when the stock owned by the officer or employee exceeds one (1 %) percent of the total capital stock of the corporation. Any violation of this shall render the contract voidable.

**Section 3.3.** Confidential Information. Public servants shall not disclose confidential or proprietary information, or any information they have acquired or obtained in the course of any fiduciary capacity or relationship, that could adversely influence the property, government, or affairs of the City, nor directly or indirectly use his or her position to secure official information about any person or entity, for the financial benefit or gain of such public servant or any third party. Public servants shall not release confidential, proprietary or privileged information for any purpose other than the performance of official responsibilities. It shall be a defense to any complaint under this section that the release of information serves a legitimate public purpose, as opposed to the private financial or political interest of the public servant or any third party or group.

**Section 3.4** Use of City Property. Public servants shall not use, request or permit the use of city facilities, personnel, equipment, or supplies for any purpose other than to conduct city business unless otherwise provided by law, ordinance or written city policy; or as specifically authorized by the city manager as a convenience to the Ceity, or by terms of employment, e.g. assigned use of a city vehicle.

**Section 3.5**. Conflict of Interest.

(a) Public servants shall not for pay, profit, compensation, financial gain or benefit represent or appear on behalf of themselves or on behalf of the private interests of others before the Ceity Ceouncil or other city board, commission, or committee, or represent the private interest of others in any action or proceeding involving the Ceity.

(b) No current members of the Ceity Ceouncil shall personally appear on their own behalf before the Ceity Ceouncil or any board, commission or committee but may designate and be represented by a person of their choice in any such personal business matter. This prohibition does not apply where council members appear before the Ethics Commission on their own behalf. A member of any appointed committee or board shall remove himself/herself from deliberation regarding his/her interest.

(c) No current board or commission member shall personally appear on their own behalf before the board or commission upon which they serve, but may designate and be represented by a person of their choice in any such business matter. Board or commission members are prohibited from engaging in private discussions with any applicant or owner regarding issues to be considered by their board or commission or from seeking to influence the outcome of any decision outside of a public meeting.

**Section 3.6.** Additional Standards of Conduct.

(a) Conflicting Outside Employment

(i) The purpose of this provision is to prevent conflicts of interest, conflicts of loyalty, and loss of efficiency at work

(ii) This provision does not prevent employees or officials from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of their public duties, provided that the employees comply with all applicable City requirements.

(iii) A city official or paid city employee shall not solicit, accept or engage in concurrent outside employment or enter into any contract which could impair independence of judgment in, or the faithful performance of,

their official duties, or that results in a conflict of interest with their duties as an official or employee of the City.

(iv) City employees must inform their supervisor before engaging in off-duty employment. City employees must consider the policy of purpose and must be aware of the policy and general rule as stated above.

(b) Political Activity

(i) Limitations on the political activities of city officials and employees are imposed by State law, the City Charter, and City personnel rules. In addition, the following ethical restrictions apply,

(ii) No employee shall solicit or receive contributions to the campaign funds of any candidate for city office or take part in the management, affairs, or political campaign of any city candidate. Current members of the Ceity Ceouncil who are seeking re-election may engage in any activity on behalf of their own campaign efforts. The following is a list of activities that are, except as specifically provided otherwise, permissible within the sole discretion of the individual employees.

A. The placement of campaign signs on premises owned by the city employee

B. The placement of bumper stickers on personal vehicles, except those vehicles supported in whole or in part by a car allowance provided by the City.

C. Off-duty or assigned duty attendance at a political rally or function for a city council candidate, so long as there is no active participation by the city employee; provided that an employee that is off-duty shall not wear any city uniform, item or clothing that identifies the employee as an employee of the City.

D. The donation of a political contribution that does not exceed the statutory limit for non-reportable contributions; provided that a candidate for, and the occupant of, an elective city office is prohibited from soliciting contributions from city employees.

This Section 3.6(b)(ii) shall be narrowly construed and in no event shall this Section be construed or interpreted to prevent any officer, employee, councilmember, mayor or public servant from expressing his or her personal opinion regarding any candidate for office, or any other matter of public interest; provided that city employees shall not, while in uniform or on duty, make public comments or statements concerning any candidate for elective city office. Private statements or comments made by any officer or employee of the Ceity to any other officer or

employee of the eCity concerning any candidate for elective city office are not subject to this Section 3.6.

(iii) Other Interests

A. Non-profit board membership: While membership is encouraged a council member who serves on the board of a public or private non-profit organization shall have a voice but no vote on any funding request or contract with the City by that organization, unless the organization has a board of directors or trustees appointed in whole or in part by the Ceity eCouncil, commission or board members.

## Article 4: Former City Officials and Employees.

**Section 4.1**. Continuing Confidentiality.

(a) A former public servant shall not use or disclose confidential government information acquired during service as a public servant, as provided in Section 3.3. This does not prohibit:

(i) Any disclosure that is no longer confidential by law; or

(ii) The confidential reporting of illegal or unethical conduct to authorities designated by law; or

(iii) As required by court order or appropriate agency.

**Section 4.2**. Subsequent Representation.

(a) Representation by a Former Member of aA City Body. For the purpose of this section, "City Body" is intended to be the Ceity Ceouncil or any commission or board created by the Ceity C-eouncil. A person who was a member of any City Body shall not represent for pay, profit, compensation, financial gain or benefit, any person, group or entity, other than himself or herself, his or her immediate family members, or the City, for a period of ~~two~~ one (12) years after the termination of his or her official duties, except by permission of the Ceity Ceouncil:

(i) Before that body;

(ii) Before city staff having responsibility for making recommendations to, or taking any action on behalf of, that body, unless the body in question

is only advisory in nature; or

(iii) Before any other City Body, or any state or federal agency, court or entity that has appellate jurisdiction over the body of which the former member served, if any issue relates to his or her former duties.

(b) Representation Before a City Body.

(i) A former paid city employee shall not represent for compensation any person, group or entity, other than himself or herself, or his or her immediate family members, before any City Body for a period of one (1) year after termination of his or her official duties, except by permission of the Ceity Ceouncil.

(ii) In connection with the representation of private interests before any City Body, a former public servant shall not state or imply that he or she is able to influence city action on any basis other than the merits.

(c) Representation in Litigation Adverse to the City.

(i) A former city public servant shall not, absent consent from the City, represent any person, group, or entity, other than himself or herself, or his or her spouse or minor children, in any litigation to which the City is a party for a period of ten (10) years following the termination of his or her official duties, if the interests of that person, group or entity are adverse to the interests of the City and the matter is one in which the former public servant personally and substantially participated prior to termination of his or her official duties.

## Article 5. Contracts.

**Section 5.1.** No officer or employee of the City shall have a financial interest direct or indirect, or by reason of ownership of stock in any corporation, in a contract with the City, or be financially interested directly or indirectly in the sale to the City of land, materials, supplies or services except on behalf of the City as an officer or employee; provided, however, that if the direct or indirect interest results from the ownership of stock the provision of this section shall only be applicable when the stock owned by the officer or employee exceeds one (1) percent of the total capital stock of the corporation. Any violation of this section shall render the contract voidable. This section shall not apply or be applicable to employment agreements approved by the city manager and/or the Ceity Ceouncil.

**Section 5.2.** Except on behalf of the City, a former city council member, official, or employee may not, within ~~two~~ one (1~~2~~) year~~s~~ of the termination of official duties, perform work for any person or entity other than the City on a compensated basis relating to a discretionary contract, if he or she personally and substantially participated in the negotiation of awarding of the contract. A former city official or employee, within ~~two~~ one (1~~2~~) year~~s~~ of termination of official duties must disclose

to the city secretary immediately upon knowing that he or she will perform work on a compensated basis relating to a discretionary contract.

## Article 6. Persons Doing Business With the City

**Section 6.1.** Persons Seeking Discretionary Contracts.

(a) For the purpose of assisting the City in the enforcement of provisions contained in this Code of Ethics, an individual or business entity seeking a discretionary contract from the City is required to disclose in connection with a proposal for a discretionary contract any conflict of interest. This is set forth in Articles 3 and 4 of this Code of Ethics. Further, the individual or business entity agree to abide by the same ethical standards as set forth for public servants in this Code of Ethics.

(b) Section 6.1 of this Code of Ethics will become a permanent footnote on documents contained in City bid packets for discretionary contracts.

**Section 6.2.** Disclosure of Conflicts of Interest by Persons Appearing Before a Board or City Body. A person appearing before any city board or other city body for the purpose of doing business with the City shall disclose to that board or body any facts known to such person which may show or establish that:

(a) An employee or officer of the Ceity that advises or makes presentations to the board or city body; or

(b) Any member of the board of city body;

has or may have a conflict of interest pursuant to Chapter 171, Tex. Loc. Gov't. Code, or an interest which would violate the ethical standards set forth in this Ordinance, if he or she were to participate in the processing or consideration of the subject matter.

## Article 7. Lobbyist.

**Section 7.1.** Purpose. For the purpose of minimizing the risk of improper lobbying, while at the same time recognizing that not all forms of lobbying are improper, the following rules are adopted.

**Section 7.2.** Registration Requirements.

(a) Lobbying, except as provided below, means any oral or written communication (including an electronic communication) to a city official, made directly or indirectly by any person working for pay or profit for any third party in an effort to influence or persuade an official to favor or oppose, recommend or not recommend, vote for or against, or take or refrain from taking any action on any municipal question. A lobbyist is an individual or group of individuals who, for compensation, work to influence the opinions of any city body or its members in support of the interests of another individual, group, business, group of businesses, political or

apolitical organization.

(b) The term lobbying does not include a communication:

(i) Merely requesting information or inquiring about facts or status of any municipal question, matter or procedure, and not attempting to influence a city official;

(ii) Made by a public official or employee (including, but not limited to, any employee of the City) acting in his or her official capacity;

(iii) Made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iv) Made in a speech, article, publication, or other material that is distributed and made available to the public, or through radio, television, cable television, or any other medium of mass communication;

(v) Made at a meeting open to the public under the Open Meetings Act;

(vi) Made in the form of a written comment filed in the course of a public proceeding or any other communication that is made on the record pursuant to established city procedures;

(vii) Made in writing as a request or petition for official action and required to be a public record pursuant to established city procedures;

(viii) Made in writing to provide information in response to an oral or written request by a city official for specific information;

(ix) The content of which is compelled by law;

(x) Made in response to a public notice soliciting communications from the public and directed to the official specifically designated in the notice to receive such communications;

(xi) made on behalf of an individual with regard to that individual's employment or benefits;

(xii) made by a fact witness or expert witness at an official proceeding; or

(xiii) made by a person solely on behalf of himself or herself, his or her spouse, of his or her immediate family;

(xiv) made by an employee or representative of an economic development prospect and potential future employer within the City, which prospect is not at the time of the contact located within the City; or

(xv) a licensed attorney or engineer to assist of aid any person with respect to a matter in which the City is exercising its regulatory authority, and which representation is a matter of public record.

(c) No person shall engage in lobbying without registering as a lobbyist with the City. A person engaged to lobby, including any employee of a third party that is assigned the duty of lobbying, within the City shall register as a lobbyist no later than three (3) days after first contacting any public servant or employee regarding the subject matter for which such person is engaged or assigned to lobby the City.

(d) The lobbyist must file a separate registration form (Exhibit A) for each client for whom they are lobbying; provided that a lobbyist that has a current registration on file with the City may add additional clients to such registration by filing an updated list of such clients to be added to the registration.

## Article 8. Financial Disclosure

**Section 8.1.** Disclosure Deadlines for City Officials and Candidates.

(a) Existing City Officials. "City official" means the mayor, every member of the city council, the city manager, the city attorney, the city secretary, the director of planning and community development (if any), the director of public works (if any), the director of finance (if any), the city engineer, and persons acting in the capacity of the aforementioned officers or employees. No later than April 30th of each year, or thirty (30) calendar days after notice of such requirement is mailed by the ~~C~~city s~~S~~ecretary, whichever date is later, each city official shall file a sworn financial disclosure statement (See Exhibit B) with the city secretary in a form prepared by the city secretary reflecting the financial situation of the city official as of December 31~~st~~ of the previous year.

(b) New City Officials. A newly employed, elected, or appointed city official shall file a sworn financial disclosure statement (Exhibit B) with the city secretary in a form prepared by the city secretary within thirty (30) days from the date the position with the City is assumed. Said statement shall reflect the financial situation as of the date of employment, election, or appointment and for the previous twelve months, provided, however, such city official shall not be required to include in such

statement the requirements of paragraphs 8.2(a)(vii) of this section.

(c) Candidates. Each candidate shall file a sworn financial disclosure statement with the city secretary within fifteen (15) days of filing for office, reflecting the financial situation of the candidate as of December 31 of the year previous to the election date.

**Section 8.2.** Use of Financial Disclosure Reporting Form.

~~(a)~~ Each person required to file a financial disclosure statement shall do so on a form (Exhibit B)
~~(b)~~(a) supplied by the City which shall include the following information:

(i) The person's name, residence address, business address (if any), telephone number, name of all immediate family members, i.e., husband or wife, children, father, mother, brothers or sisters, and all names or titles under which the person or family member does business.

(ii) Identification by street address and legal description of all real property located within the City or its extraterritorial jurisdiction in which the person has a substantial interest.

(iii) Identification of each business entity owning property or doing business within the City or its extraterritorial jurisdiction in which the person has a substantial interest.

(iv) Identification of each person or business entity to whom the person or family member owed a debt of ten thousand dollars ($10,000) or more during the reporting period, but not including debts owed to persons related within the second degree of consanguinity or affinity and excluding loans to a political campaign which were reported as required by law; if repaid during the reporting period, the date of repayment shall be stated.

(v) Identification of each source of income amounting to ten (10) percent or more of the person's or family member's gross annual income as defined by the United States Internal Revenue Code.

(vi) Identification of the donor of each gift of more than two hundred dollars ($200.00) in value received by the person or family member, including the value of the gift, where such donor has appeared before and requested action of the Ceity Ceouncil during the reporting period.

(vii) Identification of all individuals or business entities that:

A. He or she, or a business entity in which he or she has substantial interest has had business dealings involving one or more transactions of five hundred dollars ($500.00) or more each quarter, or for a total of twenty-five hundred dollars ($2,500.00) or more within the immediately preceding 12-month period; and

B. Have appeared before and requested action of the City Council during the reporting period.

(viii) Identification shall also be required of all individuals who have an ownership interest of twenty-five percent (25%) or more in a business entity as described in 8.2(a)(vii)(A) above and who appears before and requests some action on the part of the Ceity Ceouncil, even though the action does not concern such business entity.

**Section 8.3.** Retention of Financial Disclosure Statements. The city secretary shall log and maintain all financial disclosure statements required to be filed herein as public records and retain them for a period of three (3) years after which statements shall either be returned to the person filing them or be destroyed.

**Section 8.4.** Immediate Public Identification by Public Servants.

(a) All public servants of the City shall immediately publicly identify, either verbally at an open meeting or in writing, all individuals or business entities that:

(i) he or she, or a business entity in which he or she has a substantial interest which has had business dealings involving one or more transactions of five hundred dollars ($500.00) or more each quarter, or for a total of twenty-five hundred dollars ($2,500.00) or more within the immediately preceding twelve (12) month period; and

(ii) Have appeared before and requested action of the Ceity Ceouncil during the reporting period.

(b) Such immediate identification shall also be required of all individuals who have an ownership interest of twenty-five percent (25%) or more in a business entity as described in 8.4(a)(i) above and who appear and request action by the Ceity Ceouncil, even though the action does not concern such business entity. Such identification shall be made prior to any decision or determination of the matter or immediately upon discovery of such business dealings.

**Section 8.5.** Planning and Zoning Commission Members. Within thirty (30) days of being appointed to the Planning and Zoning Commission and on each anniversary of that date, each member of such commission shall file with the city secretary a sworn statement identifying by

street address and legal description all real property located within the City or its extraterritorial jurisdiction in which the member has a substantial interest.

**Section 8.6.** Disclosure by Persons Appearing Before a City Body. Any person who appears before any city body who has had business dealings within the preceding twelve (12) month period involving one or more transactions of five hundred dollars ($500.00) or more each quarter, or for a total of twenty-five hundred dollars ($2,500.00) or more, within the preceding 12-month period with a council member, commissioner, or business entity in which a council member or commissioner has a substantial interest, shall disclose such business dealings at the time of the appearance. Any person who shall intentionally or knowingly fail to make the aforesaid disclosure shall be guilty of a misdemeanor and shall be fined in accordance with this Ordinance.

## Article 9. Ethics Commission

**Section 9.1.** Establishment of an Ethics Commission. The Ethics Commission established by Section 12.01 of the City Charter shall be composed of seven (7) members, all of whom shall reside in the City.

**Section 9.2.** Enumeration. Each Commission member shall be appointed by the Ceity Ceouncil and shall occupy a position on the Commission, such positions being numbered 1 through 7. Commission members serve at the will of City Council and may be removed by a majority vote by the City Council with cause.

**Section 9.3.** Terms of Office. The Commission members shall be appointed to ~~two~~ three (~~3~~2) year staggered terms, such terms corresponding in duration with the terms of the members of the City Council by place, with the Commission member for position 7 serving for a term corresponding in duration to that of the Mayor. ~~except the Commission member appointed by the Mayor to position 7 shall be appointed to a three (3) year term. Positions 1, 3, and 5 shall be appointed in odd numbered years consistent with Section 5.02 of the City Charter provision for two (2) year terms, and positions 2, 4, and 6 shall be appointed in even numbered years consistent with Section 5.02 of the City Charter for two (2) year terms. Position 7, the position on the Commission nominated by the Mayor, shall be appointed consistent with City Charter provision Section 5.02 for three (3) year terms.~~ The City Council may appoint an advisory committee to review and recommend to the City potential candidates for vacant Commission positions.

**Section 9.4.** Vacancies. All vacancies shall be filled by the City Council for the unexpired term. A member shall hold office until his successor has been appointed by the Ceity Ceouncil.

**Section 9.5.** Election of Chairperson and Vice-chairperson. The Commission shall elect a chairperson and a vice-chairperson to one (1) year terms. The vice-chairperson shall act as chairperson in the absence of the chairperson. In the event the chairperson or vice-chairperson vacates their position then an election to fill the vacancy shall occur at the next meeting when the full board is seated.

**Section 9.6.** Quorum. Four (4) or more members of the Commission shall constitute a quorum, but no action of the Commission shall be of any force or effect unless it is adopted by the favorable vote of four (4) or more members.

**Section 9.7.** Annual Review of Ethics Ordinance. The Commission shall meet at least once a year to review this Ethics Ordinance and may make recommendations to the Ceity Ceouncil for amendments thereto.

**Section 9.8.** Advisory Opinions and Recommendations. The Commission shall render advisory opinions and make recommendations to the Ceity Ceouncil on potential conflicts of interest or violations of this Ethics Ordinance at the request of a public servant. Such advisory opinions and recommendations shall be rendered thirty (30) days after a request or complaint is received by the Commission, unless the Commission requests, and is granted one thirty (30) day extension by the Ceity Ceouncil. This Section 9.8 shall not be applicable to complaints filed with the Commission.

**Section 9.9.** Defense to Alleged Violations. It shall be a defense to an alleged violation of this Ethics Ordinance that the person accused previously requested, and received, an advisory opinion and recommendation from the Commission, and acted on such opinion or recommendation in good faith, unless material facts were omitted or misstated by the person requesting the opinion. Such advisory opinion and recommendation shall also be binding on the Commission in any subsequent charges concerning the person who requested the opinion and recommendation.

**Section 9.10.** Disposition of Alleged Ethics Violations.

(a) A sworn complaint (Exhibit C) based on personal knowledge alleging a violation(s) of this ordinance or of City Charter shall specify the provision(s) ~~of this ordinance~~ alleged to have been violated, and shall name the public servant being charged.

(b) Upon the aforesaid sworn complaint of any person being filed with the city secretary's office, or on its own initiative, the Commission shall consider possible violations of this ordinance or City Charter by any public servant. A complaint shall not be deemed to be filed on the initiative of the Commission, save and except the complaint be signed and sworn by two (2) members of the Commission, one of which is the chairperson of the Commission, after consultation with the legal counsel of the Commission. A complaint filed by an individual member of the Commission shall be deemed to have been filed in the Commission member's capacity as a private citizen and, in such event, the member of the Commission filing the complaint shall not thereafter participate in a Commission meeting at which such complaint is considered save and except the Commissioner filing the complaint may participate as a complainant at such meeting.

(c) A complaint alleging a violation ~~of this ordinance~~ must be filed with the city secretary within two (2) years from the date of the action alleged as a violation, and not afterward.

(d) Not later than three (3) working days after the city secretary receives a sworn

complaint, the city secretary shall acknowledge the receipt of the complaint to the complainant, and provide a copy of the complaint to the city attorney, the independent counsel, the Commission Chair, and the person against whom the complaint was alleged. The Commission Chair with advice of the City Attorney shall review the complaint to ensure compliance with Section 9.10(a) within five (5) days of receipt of the complaint. If the complaint does not comply with the requirements of Section 9.10(a) it shall be returned to the complainant with a written explanation of non-compliance. If the complainant does comply it shall be accepted by the Commission. Not later than ten (10) working days after receipt of a complaint, the Commission shall notify in writing the person who made the complaint and the person against whom the complaint was alleged, of a date for a preliminary hearing. If the Commission does not hold a preliminary hearing within twenty (20) days of receipt of the complaint, it shall notify the person who made the complaint of the reasons for the delay and shall subsequently give ~~him~~ the complainant the appropriate notification.

(e) The Commission may consider possible violations ~~of this ordinance~~ on its own initiative. Within seven (7) working days of the Commission's decision to consider a possible violation of this ~~ordinance,~~ the Commission shall draft a written complaint specifying the provision(s) of this ordinance alleged to have been violated and shall file a copy with the city secretary, and provide a copy to the city attorney, the independent counsel, and the person against whom the complaint was alleged. Not later than fifteen (15) days after the drafting of the complaint, the Commission shall notify in writing the person against whom the complaint was alleged of the date for the preliminary hearing.

(f) After a complaint has been filed, and during the pending hearing of a complaint before the Commission, a member of the Commission may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the Commission; provided that the Chairperson may consult and coordinate with ~~the~~ independent ~~legal~~ counsel ~~of the Commission~~or the City Attorney.

(g) As soon as reasonably possible, but in no event more than sixty (60) days after receiving a complaint, the Commission shall conduct a preliminary hearing.

(i) The issue at a preliminary hearing shall be the existence of reasonable grounds to believe that a violation of this ordinance or City Charter has occurred. The person filing a complaint, or the independent counsel in cases considered upon the Commission's own initiative, shall state the alleged violation and shall describe in narrative form the testimony and other evidence which would be presented to prove the alleged violations stated in the written complaint. Statements at a preliminary hearing shall be under oath, but there shall be no cross-examination or requests for persons or evidence issued for the hearing. Members of the Commission may question the complainant, the public servant named in the

complaint, or consult with the independent counsel for the Commission in executive session., ~~or the public servant named in the complaint.~~

(ii) The public servant named in the complaint shall have the opportunity to respond, but is not required to attend or make any statement. The public servant may describe in narrative form the testimony and other evidence that would be presented to disprove the alleged violation. If the public servant agrees that a violation has occurred, he or she may so state and the Commission may consider the appropriate sanction.

(iii) The complainant and the public servant named in the complaint shall have the right to representation by counsel.

(iv) At the conclusion of the preliminary hearing, the Commission shall decide whether a final hearing should be held. If the Commission determines that there are reasonable grounds to believe that a violation ~~of this ordinance~~ has occurred, it shall schedule a final hearing. If the Commission does not determine that there are reasonable grounds to believe that a violation ~~of this ordinance~~ has occurred, the complaint shall be automatically dismissed. A decision to conduct a final hearing is not a finding that a violation has occurred.

(v) The Commission, at any time during the preliminary hearing, may also dismiss a complaint if the complaint does not allege conduct which would be a violation of this ordinance ~~or the City Charter~~. Before a complaint is dismissed for failure to allege a violation, the complainant shall be permitted one opportunity, within ten (10) working days of such a preliminary hearing, to revise and resubmit the complaint.

(vi) The complainant, the independent counsel, and public servant named in the complaint may ask the Commission at a preliminary hearing to request certain persons and evidence for a final hearing, if one is scheduled.

(h) Final Hearing.

(i) The final hearing shall be held as expeditiously as possible following the determination by the Commission that there are reasonable grounds to believe that a violation of this ordinance has occurred. In no event shall the hearing be held more than thirty (30) days after said determination. The Commission may grant two (2) postponements, not to exceed fifteen (15) days each, upon the request of the public servant named in the complaint.

(ii) The issue at a final hearing shall be whether a violation of this ordinance

has occurred. The Commission shall make its determination based on clear and convincing evidence in the record. All witnesses shall make their statements under oath.

(iii) If the Commission determines that a violation has occurred, it shall state its findings in writing, shall violated, the particular provision(s) of this ordinance which have been violated, and within five (5) working days shall deliver a copy of the findings to the complainant, if any, the public servant named in the complaint, and the city secretary.

(iv) If a complaint proceeds to a final hearing, the Commission may request witnesses to attend and testify, administer oaths and affirmations, take evidence and request the production of books, papers records, or other evidence needed for the performance of the Commission's duties or exercise of its powers, including its duties and powers of investigation.

(i) Sanctions.

(i) If the Commission determines that a violation of this ordinance has occurred, it shall proceed directly to determination of the appropriate sanction(s), if any. Save and except for a violation of Section 3. 6(b)(ii)(D), Section 7.2 or Section 8.6 of this Ordinance, a violation of this ordinance shall not be subject to criminal penalties. The Commission may receive additional testimony or statements before considering sanctions, but is not required to do so. If the public servant named in the complaint acted in reliance upon a written opinion of the city attorney, the Commission shall consider that fact.

(ii) If the Commission determines that a violation of this ordinance has occurred, it may recommend that the Ceity Ceouncil impose one of the following sanctions:

A. A letter of notification shall be the appropriate sanction when the violation is clearly unintentional, or when the public servant's violation was made in reliance on a written opinion of the city attorney. A letter of notification shall advise the public servant to whom it is directed of any steps to be taken to avoid future violations.

B. A letter of admonition shall be the appropriate sanction in those cases in which the Commission finds that the violation is minor and/or may have been unintentional, but calls for a more substantial response than a letter of notification.

C. A reprimand shall be the appropriate sanction when the Commission finds that a violation has been committed intentionally or through

disregard of this ordinance. A reprimand directed to a city official, council member, Commission member shall be sent to the Ceity Ceouncil. A reprimand directed to an employee of the City shall be sent to the city manager and included in said employee's personnel file. A letter of reprimand directed to an elected city official shall be transmitted to the city secretary and shall be sent to the eCity Ceouncil, and thereafter published in the official newspaper of the City.

D. A recommendation of removal from employment or a recommendation of suspension from employment, as well as a recommendation for length of suspension, shall be the appropriate sanction when the Commission finds that a serious or repeated violation(s) of this ordinance has been committed intentionally or through culpable disregard of this ordinance by city employees. A recommendation of suspension of city employees shall be directed from the Commission to the city manager. In most cases, the final authority to carry out such recommendations to suspend from employment and the length of suspension shall be with the city manager.

E. A letter of censure shall be the appropriate sanction when the Commission finds that a serious or repeated violation(s) of this ordinance has been committed intentionally or through culpable disregard of this ordinance by an elected city official. A letter of censure directed to an elected city official shall be transmitted to the city secretary, and shall be sent to the Ceity Ceouncil, and thereafter published in the official newspaper of the City.

## Article 10. Independent Legal Counsel.

**Section 10.1.** Independent legal counsel shall be utilized to advise the Commission and participate in hearings. The Ceity Ceouncil shall annually designate and retain independent counsel who shall be a duly licensed attorney in the State of Texas.

## Article 11. Baseless Complaints

**Section 11.1**. In the event a complaint is received by the Commission that is subsequently found to be baseless, and the Commission deems that the complaint was filed with the intent to:

(a) Harass the person named in the complaint; or

(b) Damage the respondent's reputation; or

(c) Benefit the person filing the complaint either personally, professionally, or politically; or

(d) Damage a related third party.

**Section 11.2.** The Commission may recommend to the City Council to take disciplinary action(s) against the individual who filed the complaint including but not limited to referral to law enforcement for investigation and filing of legal charges as outlined in Section(s) 11.3, 11.4 or 11.5 of this Article. The Commission may also make recommendations for what other action(s) should be taken up to and including barring from the filing of further ethics complaints on the same or similar subject matter or event.

**Section 11.3.** A person commits an offense if he knowingly initiates, communicates or circulates a report of an ethics ordinance or City Charter violation against a public servant that he knows is false or baseless and that would ordinarily cause an official proceeding be held by the Ethics Commission in response to the complaint. An offense under this section is punishable by fine not to exceed the sum of five hundred dollars ($500.00).

**Section 11.4.** Any person who knowingly files a false sworn statement under this chapter is subject to criminal prosecution for perjury under the laws of the State of Texas. Penal Code Sec. 37.02.

**Section 11.5.** Any person who knowingly testifies under oath before the Commission and knowingly makes a false statement material to the proceedings is subject to criminal prosecution for aggravated perjury under the laws of the State of Texas. Penal Code Sec. 37.03.

## Article 12. General Provisions.

**Section 12.1.** Definitions. The words "public servant" when used in this Ordinance, shall mean the elected officers of the City, all persons appointed by or by vote of the City Council, all department heads of the City, all City employees that have any supervisory authority over other employees, and all employees that have discretionary authority to make recommendations to boards or commissions of the City. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this Ordinance. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy.

**Section 12.2.** Penalties. Any person who shall violate Section 7.2 or Section 8.6 of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of five hundred dollars ($500.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

**Section 12.3.** Reservations and Exceptions. Notwithstanding any other term or provision of this Ordinance, this Ordinance: (a) is not applicable to the performance and behavior of officers, employees and public servants that does not violate a standard or provision set forth in this

Ordinance; (b) does not waive the authority and discretion of the City Council to enforce higher standards for, or to supervise, provide oversight, appoint and remove, any officer, employee or public servant that is appointed by the City Council; and (c) does not transfer or limit the authority of the city manager to act in his or her discretion to enforce higher standards for, or to supervise, provide oversight, appoint and remove, all officers, employees and public servants of the City that are not appointed and removed by the Council.

**Section 12.4.** Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below.

**Section 12.5.** Open Meetings. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

ADOPTED on and final reading this the 21st day of June, 2001.

DRAFT

**EXHIBIT A**

# CITY OF LEANDER LOBBY REGISTRATION FORM
## (City of Leander Ethics Ordinance – Article 7)

1. Registrant name _____

2. If the Registrant is an entity, the name and title of the person filing this form on behalf of the entity:
_____

3. Registrant's business address _____

4. Registrant's mailing address (if different) _____

5. Registrant's e-mail address: (NOTE: by submitting your e-mail address on this form, you consent to the City making that e-mail address public. If you do not wish to make your e-mail address public information, please submit the e-mail address separately to the City Secretary on a business card.) _____

6. Registrant's business phone _____

7. Is the Registrant an entity? Yes _____ No _____

8. Is the Registrant a lobby firm employee? Yes _____ No _____

If yes, list the Lobby Firm Name, Address and Phone No.
_____

9. Type of registration: Original _____ Update/Amendment_____

10. Is the Registrant a member of any City board or commission? Yes _____ No _____

If yes, which board(s) or commissions(s)?_____

11. Signature. To the best of my knowledge the accompanying document is true and correct and includes all information required to be reported under City of Leander Ethics Ordinance – Article 7.

_____
Signature

STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

Sworn to and subscribed before me, by _____, this _____ day of _____, 20___.

[seal]

_____
Notary Public

FOR CITY USE:

Date received _____

Reviewed and approved_____

**SCHEDULE A**
**LOBBY REGISTRATION FORM**

Fill out a separate Schedule A for each person from whom the registrant receives compensation or reimbursement (lobby employer)

*Part 1 - General Information*

1. Registrant name: _____

2. Lobby Employer :_____

3. Lobby Employer mailing address :_____
Address Apt. Suite City, State Zip

*Part 2 – Organizational Information*

1. Is the lobby employer an entity or an individual?
___ entity ___ individual

2. The nature of the business of the lobby employer

_____

_____

_____

*Part 3—Compensation*

_____ Will receive direct payment or reimbursement from the lobby employer

_____ Will receive a salary from the lobby employer

_____ Contingent fee arrangement with the lobby employer

_____ Other _____

*Part 4 - Lobbying Subject Matter*

Statement of all municipal questions which the registrant has lobbied or will foreseeably lobby for this lobby employer.

___ aeronautics/aviation
___ alcoholic beverage regulation
___ amusements, games, sports
___ annexation
___ animals
___ arts & cultural affairs
___ bonds/bond issuance
___ business & commerce
___ capital improvement program
___ charitable & nonprofit organizations
___ city government/finances
___ city legislative package/proposals
___ code enforcement issues
___ community and human development
___ construction
___ consumer protection
___ corporations & associations
___ daycare
___ disabled persons
___ disaster preparedness & relief
___ downtown redevelopment
___ economic & industrial development
___ education/workforce development
___ elections
___ engineering
___ ethics
___ family/women's issues
___ fees & other non-tax revenue
___ financial institutions
___ firefighters & police issues
___ franchises
___ health & healthcare
___ historic preservation
___ hotel/motel tax
___ housing
___ insurance
___ labor/wages
___ law enforcement/public safety issues
___ lawyers/litigation matters
___ libraries
___ mass transit
___ mental health & mental retardation
___ military & veterans
___ minors
___ motorcarriers
___ municipal courts
___ museums
___ occupational regulation
___ open records & open meetings
___ parks and recreation
___ political subdivisions
___ public service board
___ public lands/land use
___ purchasing
___ real estate development
___ recycling

___ redistricting
___ solid & liquid waste/landfills
___ special districts & authorities
___ streets & drainage issues
___ taxation
___ tourism
___ transportation
___ use of streets and rights-of-ways
___ utilities
___ vehicles for hire
___ vehicles & traffic
___ water/sewage
___ weapons
___ zoning/land use
___ zoo
___ other _____

_____

_____

**Exhibit B**

## 2013 CITY OF LEANDER FINANCIAL DISCLOSURE FORM

## AFFIDAVIT

I, _____ understand the requirements listed in the City of Leander's Ethics Ordinance No. 01-009-00, and I have completed this form in accordance with these provisions. I swear that the disclosure information listed above or as attached on separate pages is true and correct.

_____ _____
Signature Date

Sworn to and subscribed before me this the _____ day of _____, 20__.

_____
Notary Public – State of Texas

(seal)

_____
Title

Office/Position held: _____

Total number of pages to this disclosure form: _____ *(Including this Affidavit and any additional pages added to this form)*

***See Section 8.3 (below) Would you like your records:***

_____ Returned to you _____ Destroyed

In accordance with City of Leander's Ethics Ordinance, No. 01-009-00, adopted and approved by the City Council on the 21st day of June, 2001:

**Article 8. Financial Disclosure**

**Section 8.1:** Disclosure Deadlines for City Officials and Candidates

(a) Existing City Officials. "City official" means the mayor, every member of the city council, the city manager, the city attorney, the city secretary, the director of planning and community development (if any), the director of public works (if any), the director of finance (if any), the city engineer, and persons acting in the capacity of the aforementioned officers or employees.

> No later than April 30, of each year, or thirty (30) calendar days after notice of such requirement is mailed by the City Secretary, whichever date is later, each city official shall file a sworn financial disclosure statement with the city secretary in the form prepared by the city secretary reflecting the financial situation of the city official as of December 31st of the previous year.

(b) New City Officials. A newly employed, elected, or appointed city official shall file a sworn financial disclosure statement with the city secretary in a form prepared by the city secretary within thirty (30) days from the date the position with the City is assumed. Said statement shall reflect the financial situation as of the date of employment, election, or appointment for the previous twelve months, provided, however, such city official shall not be required to include in such statement the requirements of paragraphs 8.2(a)(vii) of this section.

(c) Candidates. Each candidate shall file a sworn financial disclosure statement with the city secretary within fifteen (15) days of filing for office, reflecting the financial situation of the candidate as of December 31st of the year previous to the election date.

**Section 8.2 Use of Financial Disclosure Reporting Form**

(a) Each person required to file a financial disclosure statement shall do so on a form supplied by the City which shall include the following information:

(i) NAME: _____

PERMANENT RESIDENCE ADDRESS:

_____

_____

_____

BUSINESS ADDRESS (if any):

_____

_____

_____

PHONE NUMBER: _____

(other) _____

Please state names of all immediate family members, i.e., husband and wife, children, father, mother, brothers or sisters, and all names or titles under which you or family member does business.

(ii) Identify by street address and legal description, all real property located within the City or its extraterritorial jurisdiction in which the person has a substantial interest.

(iii) Identify each business entity owning property or doing business within the City or its extraterritorial jurisdiction in which you have a substantial interest.

(iv) Identify each person or business entity or family member to whom you owe a debt of ten thousand dollars ($10,000.00) or more during the reporting period, but not including debts owed to persons related within the second degree of consanguinity (blood) or affinity (marriage) and excluding loans to a political campaign which were reported as required by law; if repaid during the reporting period, the date of repayment shall be stated.

(v) Identify each source of income amounting to ten (10) percent or more of your, your spouse, and your dependent children's gross annual income as defined by the United States Internal Revenue Code.

(vi) Identify the donor of each gift of more than two hundred dollars ($200.00) in value received by you or family member, including the value of the gift, where such donor has appeared before and requested action of the city council during the reporting period.

(vii) Identify all individuals or business entities that:

(A) you, or a business entity which you have a substantial interest, or has had business dealings involving one or more transactions of five hundred ($500.00) dollars or more each quarter, or for a total of twenty-five hundred dollars ($2500.00) or more within the immediately preceding 12-month period; and

(B) have appeared before and requested action of the city council during a 12 month period.

(viii) Identify any ownership interest of twenty-five percent (25%) or more in a business entity as described in 8.2(a)(vii)(A) above, and who appears before and requests some action on the part of the city council, even though the action does not concern such business entity.

**Section 8.3:** Retention of Financial Disclosure Statements. The city secretary shall log and maintain all financial disclosure statements required to be filed herein as public records and retain them for a period of three (3) years after which statements shall either be returned to the person filing them or be destroyed.

**Section 8.5:** Planning and Zoning Commission Members. Within thirty (30) days of being appointed to the Planning and Zoning Commission and on each anniversary of that date, each member of such commission shall file with the city secretary a sworn statement identifying by street address and legal description all real property located within the City or its extraterritorial jurisdiction in which the member has a substantial interest.

*Please contact the City Secretary if you have questions.*

* * Former City Officials and Employees, Persons Doing Business with the City, Lobbyists (Refer to Ordinance) Articles 4, 5, 6, 7

**Exhibit C**

**THE STATE OF TEXAS** §
§
**COUNTY OF WILLIAMSON** §

**TO: THE ETHICS COMMISSION OF THE CITY OF LEANDER, TEXAS:**

COMES NOW _____, and makes this complaint,
[Insert Name of Complainant]

UPON HIS/HER PERSONAL KNOWLEDGE AND UNDER OATH, against _____, and would show the Commission that: On or about the
[Insert Name of Person complained against]

_____ day of _____, 20__, _____
[Insert the date the act or omission occurred] [Insert name of person complained against]

a/an _____ of the City of Leander, Texas,
[Insert appropriate designation, e.g. Appointed Officer, Employee, Board Member, Councilmember, Candidate, etc.]

violated the following provisions(s) of the City Charter, or of the Ethics Ordinance, of the City of Leander, to wit: _____
[Specify by Section, Subsection and Paragraph the part(s) alleged to be violated.]
by committing the following act, or omission, to-wit:

_____
_____
_____
_____
_____
_____
_____
[Describe above, the action, or omission, alleged to violate each provision cited. You may attach additional pages if more space is required.]

SIGNED this the _____ day of _____, 20__.

_____ _____
[Printed name of Complainant] [Signature of Complainant]

SWORN TO AND SUBSCRIBED BEFORE ME, by _____ on this the day of _____, 20__.

_____
Notary Public - State of Texas

**AGENDA ITEM # 21**

**Executive Summary**

**February 21, 2013**

**Agenda Subject**: Consider an Ordinance ordering and establishing procedures for the May 11, 2013 General Election

**Background:** On May 11, 2013 a General Election will be held for City Council Place 1, Place 3, and Place 5 to serve a term of three (3) years each. The City will be contracting with Williamson County to serve as the Elections Administrator for both Williamson and Travis County. This Ordinance will establish the procedures and provide for notice of the election.

**Origination:** Debbie Haile TRMC, City Secretary

**Recommendation:** Staff recommends Council approval of this Ordinance.

**Attachments:** Ordinance

**Prepared by:** Debbie Haile TRMC, City Secretary

**ORDINANCE NO**

**AN ORDINANCE ORDERING AND ESTABLISHING PROCEDURES FOR THE 2013 GENERAL ELECTION IN THE CITY OF LEANDER TO ELECT COUNCILMEMBERS FOR PLACE 1, PLACE 3, AND PLACE 5; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING ELECTION PRECINCT AND POLLING PLACES; PROVIDING FOR EARLY VOTING; PROVIDING AN EFFECTIVE DATE AND OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, on May 11, 2013 there shall be elected the following officials for this City: Councilmember Place 1; Councilmember Place 3; and Councilmember Place 5.

**WHEREAS**, the Texas Election Code is applicable to said election and this ordinance establishes procedures consistent with the Code, and designates the voting place for the election;

**WHEREAS,** the City of Leander lies within the boundaries of Williamson and Travis Counties;

**WHEREAS**, the City of Leander, Texas (hereinafter the "City") approves and agrees to conducting the City General Election jointly with other political subdivisions in Williamson and Travis Counties in accordance with *Tex. Elec. Code, Chapter 271*; and

**WHEREAS**, the City and other political subdivisions in the area have made and are making provision to contract with the Williamson County Elections Administrator to conduct the City's election for both Williamson and Travis County voters, pursuant to *Chapter 31, Tex. Elec. Code, and Chapter 791, Tex. Gov't Code* (the "Election Services Contracts");

**NOW, THEREFORE, BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS:**

**Section 1. General Election.** The General Election of the City shall be held on Saturday, May 11, 2013 to elect Councilmembers from the city at large for Place 1, Place 3, and Place 5 to serve a term of three (3) years each. Candidates for the above offices shall file their application with the City Secretary of the City, at City Hall, 200 W. Willis, Leander, Texas, between 8:00 a.m. on January 30, 2013 and 5:00 p.m. on March 1, 2013 excluding weekends and holidays. All applications for candidacy shall be on a form as prescribed by the *Tex. Elec. Code*. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by a drawing conducted by the City Secretary. The drawing will be held at 9:00 am on March 6, 2013 in the City Secretary's Office, at City Hall, 200 West Willis, Leander, Texas.

**Section 2. Ballots.** The ballots used for the general election shall comply with the *Texas Election Code* and be in the form provided by the City to the Williamson County Elections Administrator for use on the respective voting devices used by each such jurisdiction.

**Section 3. Printed Materials.** The official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, as amended, shall be printed in both the English and Spanish languages and shall contain such provisions, markings and language as required by law.

**Section 4. Notice of Election.** Notice of the election shall be given in the manner as provided in the *Tex. Elec. Code* and the *City Charter*. A notice containing a substantial copy of this ordinance shall be posted on the bulletin board used for posting notice of meetings of the governing body at City Hall and at the aforesaid polling place not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in an English and Spanish newspaper in general circulation in the City. The Williamson County Elections Administrator is authorized and shall give all notices required for the election.

**Section 5. Conduct of Election.** The Williamson County Elections Administrator and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in that part of the City that is in Williamson County and Travis County pursuant to the contract for election services between the City and Williamson County. The election shall be held and conducted by the Williamson County Elections Administrator in compliance with state law and the respective Election Services Contracts.

**Section 6. Joint Election.** The City agrees to conduct a joint election with other political subdivisions within Williamson County and Travis County, provided that such political subdivisions hold an election on May 11, 2013 in all or part of the same territory as the City (the "Political Subdivisions"). The joint election for Political Subdivisions in Williamson County and Travis County will be conducted in accordance with state law, this ordinance, and the contract for election services with Williamson County.

**Section 7. Election Precincts and Election Day Polling Places.** The election precincts for the election shall be the election precincts established by Williamson County for City residents residing in Williamson County, and the election precincts established for Travis County for the City residents residing in Travis County, provided that each shall contain and include geographic area that is within the City. The polling place for each election precinct shall be the polling place established by Williamson County Elections Administrator for such election precincts in Williamson and Travis County and voting by residents of the City. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for precincts in Williamson and Travis County will be provided by precinct and the Williamson County Elections Administrator shall tabulate and provide the election returns for the election.

**Section 8. Early Voting.** Early voting, both by personal appearance and by mail, will be conducted by the Williamson County Elections Administrator, who is hereby designated and appointed as the Early Voting Clerk for the general election for Williamson County and Travis County, for City residents residing in Williamson and Travis County in accordance with the *Texas Election Code.*

Early voting shall commence on Monday, April 29, 2013, and continue through Tuesday, May 7, 2013 and early voting polls shall remain open for the time specified by the *Texas Election Code*.. Early voting for City residents residing in Williamson County and Travis County shall also be held at any time and location authorized by the Williamson County Elections Administrator. Early voting by City residents residing in Williamson County and Travis County may be conducted at any early voting location and any location exclusively designated by the Williamson County Elections Administrator for City residents residing in Williamson County and Travis County.

**Section 9. Election Judges and Clerks.** The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Williamson County in compliance with the requirements of state law, and are hereby designated and appointed election officers for the holding of said election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law.

**Section 10. City Secretary Assistance.** The City Secretary is hereby authorized and instructed to aide the Williamson County Elections Administrators in the acquisition and furnishing of all election supplies and materials necessary to conduct the election. The City Secretary is further authorized to assist with the giving of notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Texas Election Code*; provided that, pursuant to the Election Services Contracts between the City and Williamson County Elections Administrators, the Williamson County Elections Administrators shall have the duty and be responsible for organizing and conducting the election in compliance with the *Texas Election Code*; and for providing all services specified to be provided in the Election Services Contracts.

**Section 11. General.** The general election shall be held and conducted by the Williamson County Elections Administrators in compliance with the *Tex. Elec. Code* and, to the extent not inconsistent therewith, the *City Charter*, and only resident qualified voters of the City shall be eligible to vote at the election. The Elections Administrators are hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election. Returns of the election shall be made known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the City Council not earlier than May 14, 2013 nor later than May 22, 2013.

**Section 12. Effective Date; Election Code.** This ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this Ordinance conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the Williamson County Elections Administrator shall comply with the Texas Elections Code.

**Section 13.** **Open Meetings.** It is officially found and determined that the meeting at which this Ordinance 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 *Chapt. 551, Tex. Gov't. Code.*

**PASSED, ADOPTED AND APPROVED** on this the 21st day of February, 2013.

**CITY OF LEANDER, TEXAS**

_____
Christopher Fielder, Mayor

Attest:

_____
Debbie Haile, TRMC, City Secretary

**AGENDA ITEM # 22**

**Executive Summary**

**February 21, 2013**

**Agenda Subject**: Consider an Ordinance ordering and establishing procedures for the May 11, 2013 Special Election for possible amendments to the City Charter

**Background:** The City Council voted unanimously at the February 7, 2013 meeting to place eight (8) items from the City Charter on the ballot for revisions. The attached ordinance calling for a Special Election outlines all of the proposed changes as well as the language as it will appear on the ballot. This ordinance will establish the procedures and provide for notice of the Special Election.

**Origination:** Debbie Haile TRMC, City Secretary

**Recommendation:** Staff recommends Council approval of this Ordinance.

**Attachments:** Ordinance

**Prepared by:** Debbie Haile TRMC, City Secretary

## ORDINANCE

**AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON THE QUESTION OF THE ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF LEANDER; DESIGNATING MAY 11, 2013 AS THE DATE OF THE SPECIAL ELECTION; PRESCRIBING THE FORM OF THE BALLOT; DESIGNATING THE POLLING PLACE; PROVIDING FOR THE METHOD OF VOTING; PROVIDING FOR ABSENTEE VOTING; PROVIDING FOR NOTICE OF THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.**

**Whereas**, the Charter Review Commission has studied and reviewed the City Charter of the City and made recommendations for the amendment of the City Charter; and

**Whereas**, the City Council desires to submit to the voters the charter amendments recommended by the Charter Review Commission that are set forth in this Ordinance;

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

**SECTION 1:** A special election is ordered to be held in the city on Saturday, May 11, 2013, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting to the qualified voters of the city propositions on whether the Charter of the City of Leander should be amended. The proposed amendments shall take effect upon their adoption and the entering of an order by the City Council declaring the amendments adopted. The proposed amendments affect only the Articles and sections listed below which are submitted for amendment to read as follows:

### ARTICLE IV.
### THE AUTHORITY AND LIMITATIONS OF THE CITY COUNCIL

**Section 4.03. The City Council.** The city council shall be the legislative and governing body of the city and shall have control of all the city finances, property, functions, services, affairs and programs subject only to the terms and provisions of this charter. The council shall have the power to ordain, alter, amend or repeal and enforce ordinances, resolutions, rules, orders, and regulations, for any public purpose, that are not in conflict with this charter, or the federal or state constitutions and laws. The council shall have the power and authority to provide for any public purpose, including but not limited to recreation, the regulation and control of public property, municipal finances, the preservation of the public peace and good order, the security and protection of the public health, safety and welfare, the promotion of trade, commerce and economic development, the beautification and quality of life within the city, and any other service or program provided by any city within the State of Texas. The city, by and through its city council, shall have full and complete power of local self government to the fullest extent not in conflict with this charter and state law, including all such authorities and privileges that

are now or hereafter provided to cities by state law, that are provided to any other Texas home rule city by its charter, and such power and authority both express and implied as necessary to accomplish and enforce any such duty, program or public purpose.

The council shall have all the powers necessary and incident to the proper discharge of the duties imposed upon it and is hereby vested with all powers necessary to carry out the terms and provisions of this charter; except where such powers are, by this charter, specifically reserved or conferred on some other officer.

The following powers and duties of the council are not exclusive but are enumerated for greater clarity:

(a) Appoint, supervise and remove the city manager by majority vote of the entire council;

(b) Ensure enforcement of the provisions of this charter and the ordinances of the city;

(c) Adopt and amend the budget of the city;

(d) Call bond elections, and authorize the issuance and sale of bonds, certificates of obligations, certificates of participation, warrants, notes and other evidences of indebtedness or obligation of the city pursuant to this charter and state law;

(e) Provide for and control of all city finances;

(f) Provide for boards and commissions required in this charter and as deemed necessary by the council, and appoint all such boards and commissions after receiving a recommendation from the board selection committee;

(g) Adopt, modify and carry out the plans proposed by the planning commission and other boards and commissions;

(h) Adopt, modify and cause the enforcement of building codes, fire codes, and health codes, public safety codes, and all other codes and regulations deemed reasonably necessary;

(i) Provide for all public utilities and serve as the primary regulatory agency for the rates thereof whether city owned or furnished by private utility companies;

(j) Pass ordinances and resolutions as necessary in its judgment for any public purpose not inconsistent with this charter;

(k) Exercise police powers for the safety of all citizens, and to protect their health, life and property, prevent and summarily abate and remove all nuisances, preserve and to enforce good government, order and security of the city;

(l) Control and regulate the use and occupancy of the public streets, rights-of-way and all property of the city;

(m) Make investigations into municipal affairs and subpoena persons, documents and records, and compel the attendance of witnesses and the production of records for such purpose;

(n) Require a fidelity bond to be provided at city expense for any officer or employee position; and

(o) To govern the affairs of the city in conformance with this charter and the state and federal constitutions and laws, and to determine by majority vote the best and most appropriate method and manner of efficiently performing the functions and providing the services of the city, consistent with the council-manager form of government; and, except as specifically provided in this charter with respect to certain departments that must be maintained in effect, the council may create, change, merge, or abolish offices, departments or agencies of the city, and may contract for services by interlocal agreement or otherwise as it deems advisable to improve the services or the efficiency of government.

## ARTICLE V. ELECTIONS

**Section 5.05. Filing for Office.** Candidates for office shall make application for a place on the ballot within the times prescribed by the Texas Election Code. In the absence of a filing deadline established by state law, applications for a place on the ballot shall be filed no later than 5 p.m. of the 45th day before election day. All applications shall designate the position sought and applications for councilmember shall include the Place number. The application shall be accompanied by a filing fee, or a petition in lieu of the filing fee, as required by ordinance and not inconsistent with state law. It shall be the duty of the city secretary to place the name of all qualified candidates, making timely application, on the official ballot. Each candidate for the council or any other elective office shall meet the following qualifications:

(a) Have all the qualifications for a councilmember as described in Section 3.02 of this charter.

(b) No candidate may file for more than one (1) office or place in an election, or elections, held on the same date.

(c) No candidate may withdraw from an election and file for another office or place at the same election.

(d) Each candidate shall file such application as required by ordinance.

**Section 5.07. Official Ballots.**

(a) Names on Ballot. The name of each candidate for office, except those who have withdrawn, died or become ineligible two business days or more prior to the start of early voting, shall be printed on the official ballots without party designation or symbol, and in the form designated by the candidate. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.

(b) Order of Listing. The order on the ballot of the names of the candidates shall be determined by lot in a drawing to be held under the supervision of the city secretary.

(c) Early Voting Ballots. Procedures and ballots for early voting shall be consistent with the Texas Election Code. [Amended Nov. 2005]

(d) Ballots On Measures. Ballots for ordinances, bond issues, and charter amendments shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title but shall be a clear, concise statement, approved by majority of the council, describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (bond issue) (amendment) be adopted?" Immediately below or to the left of such question shall appear, in the following order, the words "Yes" and "No" each with a square in which the voter may cast his vote in the manner required by the ballot or voting system.

(e) Write-In Votes. Procedures for write-in votes shall be consistent with the Texas Election Code.

## ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL

**Section 6.07. Examination and Sufficiency.** The city secretary shall examine each signature separately and disqualify any signature not having all of the information required, or not found to be that of a qualified voter of the city, determine whether the petition contains the requisite number of valid signatures, complete a certification as to the sufficiency of the petition signatures, and notify the petitioner by certified mail of the sufficiency of, or any insufficiencies in, the petition, within fourteen (14) days following the date the circulated petition is filed with the city secretary. The petitioner shall be notified by certified mail of the sufficiency of, or any insufficiencies in, the petition.

If the petition is certified as sufficient, the city secretary shall present a certificate to the city manager who shall cause the same to be placed on the agenda for the first council meeting that is three or more days after the date of the certification.

If the petition is certified as insufficient due to the disqualification or invalidity of signatures the petitioner shall have fourteen (14) days, following the date of notification by the city secretary of the insufficiencies in the petition, to file a supplementary petition with additional signatures sufficient in number to equal the required number of signatures. Upon supplementary petitions being timely filed, the city secretary shall have seven (7) days from the date such supplementary petition is filed to certify the petition as sufficient or insufficient and to notify the petitioner by certified mail of the sufficiency of, or any insufficiencies in, the petition.

## ARTICLE VII. ADMINISTRATIVE SERVICES

**Section 7.06. Police Department.** There shall be a police department to preserve order and protect the residents and property. The chief of police shall be responsible for the administration of the police department and shall annually evaluate the department and all its employees. All such evaluations and actions shall be subject to review and modification by the city manager.

## ARTICLE X.
## PLANNING AND DEVELOPMENT.

**Section 10.04. Planning Commission**. There shall be a seven (7) member planning commission. The members must be qualified voters that have resided within the city for one year next preceding their appointment. A minimum of two-thirds of the members shall be citizens not directly or indirectly connected with real estate and land development. The members shall be appointed to staggered terms of office in a manner to result in the terms of office that expire in October of any year being equal to the number of members of the city council scheduled to be elected in that year. All nominees shall be subject to council approval by majority vote, and the term of the commissioners shall be the same number of years as that of the members of the council. The planning commission shall elect a chairperson from among its membership and shall meet not less than once each month. Vacancies in an unexpired term shall be filled by the council for the remainder of the term.

## ARTICLE XII. ETHICS AND CONFLICTS

**Section 12.01. Ethics Commission**. The city council shall adopt and from time to time modify and amend an ordinance providing an ethics policy and code of conduct applicable to the officers, employees, board and commission members of the city. An ethics commission composed of seven citizens of the city shall be established to advise the council on the content and requirements of the ethics policies and ordinance, and to hear and decide complaints filed pursuant to such policies and ordinance. The members of such commission shall be appointed, supervised and removed by the city council and shall meet upon a complaint or grievance being filed and at the request of the council or the city manager. The commission shall have authority

and power to investigate complaints, gather and hear evidence, issue and enforce subpoenas to compel the attendance of witnesses and any evidence or documents, to decide ethics complaints based on the information and facts submitted, to issue written opinions, verbal or written reprimands and to admonish, and, in appropriate circumstances, to recommend to the city council and/or the city manager as appropriate more severe disciplinary action, including recall, termination, civil litigation or criminal charges. The ethics commission shall be advised by independent legal counsel nominated by the city attorney and appointed by the council.

**Section 2. Charter Amendment Notice and Propositions.** Notice of the election shall be given and the election shall be held in compliance with *Chapt. 9, Tex. Loc. Gov't. Code,* and Section 4 of this Ordinance. The ballots for the special election shall comply with the *Texas Election Code* and be in the form provided by the City to the Williamson County Elections Administrator, pursuant to the Contract for Election Services, for use on the voting devices and ballots used by the City; provided that the official ballot shall be prepared in such a manner as will permit the voters to vote "Yes" or "No" on the propositions submitted, with the propositions to be expressed on the official ballot in a form substantially as follows:

**PROPOSITION NO. 1**
Appointments to Boards and Commissions

Shall Article IV, Section 4.03(f), of the City Charter be amended to provide that council will appoint members to boards and commissions after receiving a recommendation from the board selection committee?

_____ YES _____ NO

**PROPOSITION NO. 2**
Filing Fee and Petition Requirements

Shall Article V, Section 5.05, of the City Charter be amended to provide that candidates for city council shall pay a filing fee, or file a petition in lieu thereof, as required by an ordinance that is not inconsistent with state law?

_____ YES _____ NO

**PROPOSITION NO. 3**
Candidate for More than One Office in Elections Held on Same Date

Shall Article V, Section 5.05(b), of the City Charter be amended to provide that no candidate for office may be a candidate for more than one office or place in an election, or elections, that will be held on the same date?

_____ YES _____ NO

**PROPOSITION NO. 4**
Ballot on Measures

Shall Article V, Section 5.07(d), of the City Charter be amended to provide that voters shall cast their ballot on measures in the manner prescribed by the ballot or voting system used in the election?

_____ YES _____ NO

**PROPOSITION NO. 5**
Notice to Persons Filing Petitions

Shall Article VI, Section 6.07, of the City Charter be amended to clarify and restate the duty of the City Secretary to give timely notice of the sufficiency or insufficiency of initiative, referendum and recall petitions?

_____ YES _____ NO

**PROPOSITION NO. 6**
Police Department

Shall Article VII, Section 7.06, of the City Charter be amended to clarify that, the city manager may review the annual employee evaluations of all police officers, and is not required to submit all such evaluations to the city council.

_____ YES _____ NO

**PROPOSITION NO. 7**
Planning Commission

Shall Article X, Section 10.04, of the City Charter be amended to delete the requirement that each member of the City Council shall nominate one member of the Planning Commission?

_____ YES _____ NO

**PROPOSITION NO. 8**
Ethics Commission

Shall Article XII, Section 12.01, of the City Charter be amended to delete the requirement that each member of the City Council shall appoint one member of the Ethics Commission?

_____ YES _____ NO

**Section 3. Election Procedures.** The Williamson County Elections Administrator and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election for city residents in both Williamson County and Travis County in the manner provided by the Joint Election Agreement and the Contract for Election Services, (hereafter jointly called the "Election Agreement") between the City and Williamson County and the law governing the holding of city charter elections by home rule cities of the State of Texas; and the official ballots, together with such other election materials as are required by the *Texas Election Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law. The propositions to be voted on shall be those as set out above in this Ordinance.

**Section 4. Notice of Election.** Notice of the election shall be given and the election shall be held in compliance with the provisions of *Chapt. 9, Tex. Loc. Gov't. Code, and the Tex. Elec. Code*. Notice of the election shall be by publishing the Notice of Election, in both English and Spanish. Notice of the election shall be published in a newspaper of general circulation within the City; and shall be published on the same day in each of two successive weeks, with the first publication occurring before the fourteenth (14th) day before the date of the election; and by posting of the notice on the bulletin board used for posting notices of meetings of City Council at City Hall and at the aforesaid polling places not later than the twenty-first (21st) day before the election. The City Secretary is hereby authorized and directed to provide for and cause any such notice to be made and published if such notice is not given by the Williamson County Elections Administrator.

**Section 5. Early Voting.** Early voting, both by personal appearance and by mail, will be conducted by the Williamson County Election Administrator, who is designated and appointed as the Early Voting Clerk, in accordance with the *Tex. Elec. Code*. Early voting by personal appearance shall be conducted at places and locations in Williamson County and Travis County as authorized by state law and the Williamson County Election Administrator. Early voting shall commence on Monday, April 29, 2013, and continue through Tuesday, May 7, 2013, and early voting polls shall remain open for the time specified by the *Tex. Elec. Code*. Early voting shall also be held at any time and locations authorized by the Williamson County Election Administrator. Early voting by City residents may be conducted at any early voting location designated by the Williamson County Election Administrator in both Williamson County and Travis County.

**Section 6. Election Precincts and Polling Places.** The election precincts for the election shall be the election precincts established by the Williamson County Elections Administrator in both Williamson County and Travis County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by the Williamson County Elections Administrator for such election precincts in Williamson County, and Travis County, for voting by City residents. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for the election for the precincts in Williamson County and in Travis County will be provided by precinct and the Williamson County Elections Administrator shall tabulate and provide the election returns for the election.

**Section 7. Joint Election.** The City agrees to conduct a joint election with other political subdivisions within Williamson County, provided that such political subdivision holds an election on May 11, 2013, as provided in the Joint Election Agreement approved by the City Council on February 7, 2013. The Williamson County Elections Administrator shall conduct the election for residents of the City residing in Travis County in compliance with the Election Agreement, pursuant to an agreement between the Williamson County Elections Administrator and Travis County.

**Section 8. Duties of the City Secretary and the Election Administrator.** The City Secretary, or her designee, is instructed to aid the Williamson County Election Administrator in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Agreement. The City Secretary is further authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Tex. Elec. Code*; provided that, pursuant to the Election Agreement the Williamson County Election Administrator shall have the duty and be responsible for organizing and conducting the election in compliance with the *Tex. Elec. Code*; and for providing all services specified to be provided in the Election Agreement. The Williamson County Election Administrator shall give the notices required by the *Tex. Elec. Code* to be given for the election that not required to be given by the City under the Election Agreement.

**Section 9. Official Newspaper.** It is hereby found and determined that THE LEANDER CEDAR PARK STATESMEN is a newspaper published within the City of Leander, Texas, is a newspaper of general circulation within the City, and is the official newspaper of the City of Leander. The City Secretary is hereby authorized and directed to cause notice to be given as directed above in Section 4 of this Ordinance. Further orders are reserved until the returns of the election are made by the duly authorized election officials and received by this body.

**Section 10. General.** The election shall be held and conducted by the Williamson County Election Administrator in compliance with the *Texas Election Code* and the Election Agreement.

**Section 14. Effective Date.** This Ordinance shall be in full force and effect from and after its adoption and passage on the date shown below.

**Section 15. Open Meetings Act.** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Tex. Gov't. Code.*

**PASSED AND APPROVED** on this the 21st day of February 2013.

City of Leander

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Christopher Fielder, Mayor

ATTEST:

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Debbie Haile, City Secretary