MINUTES
CITY COUNCIL MEETING
CITY OF LEANDER, TEXAS
Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday - March 5, 2020

Mayor – Troy Hill
Place 1 – Kathryn Pantalion-Parker
Place 2 – Michelle Stephenson
Place 3 – Jason Shaw
Place 4 – Christine Sederquist
Place 5 – Chris Czernek, Mayor Pro Tem
Place 6 – Marci Cannon
City Manager – Rick Beverlin

BRIEFING WORKSHOP - CONVENE AT 5:00 PM

1. Opened Meeting at 5:03 p.m.

2. Roll Call reflected a quorum present; Councilmember Stephenson arrived at 5:12 p.m.; and Councilmember Pantalion-Parker arrived at 5:40 p.m.

3. The City Council convened into Executive Session at 5:05 p.m. pursuant to:
   (1) Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding Brushy Creek Water Wastewater Plant and related agreements; and
   (2) Section 551.072, Texas Government Code, to deliberate the granting of a Special Warranty Deed dedication of Right-of-Way, acquisition of Sidewalk Easement and Public Utility Easement from Maneeb Mellem located in the Elijah D. Harman Survey, Abstract 6, the City of Leander, Williamson County, Texas for the Raider Way / E. Woodview Roadway Project; and
   (3) Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding HBA Residential Care Group, LLC v. City of Leander, HUD Case No. 06-19-5454-8; and
   (4) Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding the current state of the law governing regulation of short and long term rental of property.

   • Reconvened into open session at 6:05 p.m.

4. Leander Chamber of Commerce provided their Semi-Annual State of Chamber Report.

5. The City Council may ask questions of Staff about any item that is posted on the agenda for the Regular Meeting.

   Item 16 staff clarified the public utility easements were located in the side lot of two (2) lots.

   Item 21 staff clarified the three (3) recommendations from the Planning & Zoning Commission.

   Item 22 staff confirmed the Ethics Commission Chair and legal counsel would be in attendance to present this item.

   Item 23 discussion included outsourcing the multi-family inspections; no one on staff performs this type
of inspection; use on an as needed basis; vendor performs satisfactory work - meets the scope of the work asked to perform.

Item 26 discussion included how cost is being recoup; properties in ETJ; settlement area larger than Rancho Sienna; service territory; infrastructure paid by impact fees; developers prepaid fees to Georgetown; collecting impact fees from Lively; city's cost recovered through weight payers not property taxes.

Item 27 discussion included bid proposal; deviation from typical proposal form; mobilization fee; mobilization only appeared in summary cost; city allowed to waive irregularities, bid form; change in distribution of cost; did not notice until after meeting; and contractually fee belongs to city.

adjourned 6:48 p.m.

REGULAR MEETING – CONVENE AT 7:00 PM

6. Opened Meeting at 7:00 p.m., Invocation was provided by Councilmember Jason Shaw and Mayor Hill led the Pledges of Allegiance.

7. Roll Call reflected all present.

8. • Public comments on items not listed in the agenda that are of public concern or community interest

Comments during this time are limited to a total of 15 minutes divided equally at no more than 3 minutes (6 minutes if translation is needed), and no less than 1 minute (2 minutes if translation is needed), per individual. Comments are accepted on a first-come, first-served basis.

Esmeralda Esparza, 433 Northern Trail - commented character trait responsibility; not a feel good word like kindness; responsibility and commitment to others; your word is your bond and your bond is only as good as your word; your word goes before you and creates a reputation; keep our word and commitment; trustworthy; people of character; promises and commitments define us; responsibility is a step up, embrace it.

Karen Thompson, 11327 Hero Way West - commented on recent Northline Groundbreaking; Old Town flagship is Davis House; restoration of house; few old homes left; cannot move and get a Texas Historical Marker; and tomorrow is Alamo Hero Day.

• Public comments on items listed in the agenda except for public hearings

Comments during this time are limited to no more than 3 minutes (6 minutes if translation is needed) per individual. Time limit will be reduced to no more than 2 minutes per individual (4 minutes if translation is needed) if there are more than 10 speakers on one item. Comments are accepted on a first-come, first-served basis.

Item 13 - The following names were read into the record in support of the item Cody Coleman, 517 Richardson Lane; Barry Hyde, 813 Richardson Lane; Ryan Landes, 900 Richardson Lane; Sarah Finely, 929 McKavitt Drive; Shaun Ohi, 929 McKavitt Drive; Justin Darden, 1021 Overlook Boulevard; Bryan Sultnik, 933 McKavitt Drive; Greg Brown, 937 McKavitt Drive; and Michelle Brown, 937 McKavitt Drive.

Item 14 - The following names were read into the record in support of the item Cody Coleman, 517 Richardson Lane; Barry Hyde, 813 Richardson Lane; Ryan Landes, 900 Richardson Lane; Sarah Finely, 929 McKavitt Drive; Shaun Ohi, 929 McKavitt Drive; Justin Darden, 1021 Overlook Boulevard; Bryan Sultnik, 933 McKavitt Drive; Greg Brown, 937 McKavitt Drive; and Michelle Brown, 937 McKavitt Drive.
Comments on public hearing agenda items will be heard at the time each item is discussed by Council.

9. Recognitions/Proclamations/Visitors.
   • Rouse High School Cheer Team placing 7th in Nation

10. Staff Reports
    • Engineering

CONSENT AGENDA: ACTION

Motion by Councilmember Christine Sederquist, Seconded by Mayor Pro Tem Chris Czernek to approve Consent Agenda Items 11 through 19.

Vote: 7 - 0

11. Approval of the minutes for meeting held on February 20, 2020 and retreat on February 22, 2020.

12. Approval and Second Reading of an Ordinance regarding Ordinance Case 19-OR-012 to amend the Composite Zoning Ordinance to make the Street Tree requirements optional; Williamson & Travis Counties, Texas.

13. Approval and Second Reading of an Ordinance regarding Zoning Case 19-Z-024 to amend and reconfigure the boundaries of the zoning districts including MF-2-A (Multi-Family) and GC-3-A (General Commercial) on a portion of a parcel of land approximately 7.124 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R315588; and generally located five hundred (500') feet north of the intersection of Merrill Drive and 183A Toll Road on the west side of 183A Toll Road, Leander, Williamson County, Texas.

14. Approval of a Development Agreement Case 20-DA-001 to approve a masonry agreement associated with the Parkside Zoning Case 19-Z-024 located on a portion of a parcel of land approximately 7.124 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R315588; and generally located five hundred (500') feet north of the intersection of Merrill Drive and 183A Toll Road on the west side of 183A Toll Road, Leander, Williamson County, Texas.

15. Approval of the Homestead Development Agreement Case 18-DA-007 regarding the approval of a development agreement regarding the roadway adequacy fees associated with required improvements to Bagdad Road on one (1) parcel of land approximately 59.574 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R383653; and generally located to the northeast of the intersection of Bagdad Road and Collaborative Way, Leander, Williamson County, Texas

16. Approval of vacating public utility easements associated with the San Gabriel Park final plat; generally located to the southeast of the intersection of US 183 and Hero Way; Williamson County, Texas

17. Approval of dedication of Right-of-Way from Austin Community College (ACC) for College Way.

18. Approval of dedication and acceptance of Subdivision Infrastructure Improvements for Crystal Springs Phase 2, Section 1.

19. Approval of dedication and acceptance of Subdivision Infrastructure Improvements for Crystal Springs Phase 2, Section 2.
20. Mayor Hill opened a Public Hearing at 7:27 p.m. regarding Comprehensive Plan Case 19-CPA-003 to amend the Comprehensive Plan land use category from Commercial Corridor and Neighborhood Residential to reconfigure the location of the land use categories including Commercial Corridor and Neighborhood Residential on two (2) parcels of land approximately 201.188 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031235 and R031236; and generally located to the southeast of intersection of US 183 S and W South Street, Leander, Williamson County, Texas. Frank Stiles, 4180 Highway 183 spoke in favor of the request. No one spoke in opposition of the request. Paul Belangia, 605 Scenic Path had his name read into the record as in favor of the request. The Public Hearing was closed at 7:37 p.m.

- Discuss and consider action regarding Comprehensive Plan Case 19-CPA-003 on amending the Comprehensive Plan land use category from Commercial Corridor and Neighborhood Residential to reconfigure the location of the land use categories including Commercial Corridor and Neighborhood Residential on two (2) parcels of land approximately 201.188 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031235 and R031236; and generally located to the southeast of intersection of US 183 S and W South Street, Leander, Williamson County, Texas.

Motion by Councilmember Marci Cannon, Seconded by Councilmember Kathryn Pantalion-Parker to approve an Ordinance regarding Comprehensive Plan Case 19-CPA-003 on amending the Comprehensive Plan land use category from Commercial Corridor and Neighborhood Residential to reconfigure the location of the land use categories including Commercial Corridor and Neighborhood Residential on two (2) parcels of land approximately 201.188 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031235 and R031236; and generally located to the southeast of intersection of US 183 S and W South Street, Leander, Williamson County, Texas.

Vote: 7 - 0

21. Mayor Hill opened a Public Hearing at 7:52 p.m. regarding Zoning Case 19-TOD-Z-015 to amend the current zoning of PUD/TOD (Planned Unit Development/Transit Oriented Development) to adopt the Horizon Lake PUD/TOD (Planned Unit Development/Transit Oriented Development) with the following base zoning districts: SFL-2-A (Single-Family Limited) and LC-2-A (Local Commercial) and adopt the Horizon Lake Concept Plan on two (2) parcels of land approximately 201.188 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031235 and R031236; and generally located to the southeast of intersection of US 183 S and W South Street, Leander, Williamson County, Texas. No one spoke in favor of the request. Tiffany Mateas, 903 Tanglewood Drive; Margo Mateas, 903 Tanglewood Drive, Tom Sandrig, 904 Tanglewood Drive; Kathy Sandrig, 904 Tanglewood Drive spoke in opposition of the request. Paul Balangia, 605 Scenic Path had his name read into the record as supporting the request. Steve Chisholm, 906 Tanglewood Drive had his name read into the record as opposing the request. The Public Hearing was closed at 8:04 p.m.

- Discuss and consider action regarding Zoning Case 19-TOD-Z-015 on amending the current zoning PUD/TOD (Planned Unit Development/Transit Oriented Development) to adopt the Horizon Lake PUD/TOD (Planned Unit Development/Transit Oriented Development) with the following base zoning districts: SFL-2-A (Single-Family Limited) and LC-2-A (Local Commercial) and adopt the Horizon Lake Concept Plan on two (2) parcels of land approximately 201.188 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031235 and R031236; and generally located to the southeast of intersection of US 183 S and W South Street, Leander, Williamson County, Texas.
Motion by Mayor Troy Hill, Seconded by Councilmember Marci Cannon to approve an Ordinance regarding Zoning Case 19-TOD-Z-015 to amend the current zoning of PUD/TOD (Planned Unit Development/Transit Oriented Development) to adopt the Horizon Lake PUD/TOD (Planned Unit Development/Transit Oriented Development) with the following base zoning districts: SFL-2-A (Single-Family Limited) and LC-2-A (Local Commercial) and adopt the Horizon Lake Concept Plan on two (2) parcels of land approximately 201.188 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031235 and R031236; and generally located to the southeast of intersection of US 183 S and W South Street, Leander, Williamson County, Texas to include the three (3) planning & Zoning commission recommendations and TIA study and recommendations first, discussion followed.

**Vote:** 7 - 0

Council recessed at 8:35 p.m.; reconvened at 8:46 p.m.

### REGULAR AGENDA

22. Discuss and consider action on recommendations to the City Council from the Ethics Commission.

Motion by Mayor Troy Hill, Seconded by Councilmember Kathryn Pantalione-Parker to take no action, discussion followed.

**Vote:** 7 - 0

23. Discuss and consider action on one (1) renewal of contract for outsourcing of Building Plan Review, Building Inspection and Fire Plan Review and Inspection Services with IO Inspections on an as-needed basis in the amount not to exceed One Hundred Thousand ($100,000.00) Dollars; and authorize of City Manager to execute necessary renewal documents.

Motion by Councilmember Jason Shaw, Seconded by Councilmember Michelle Stephenson to approve one (1) renewal of contract for outsourcing of Building Plan Review, Building Inspection and Fire Plan Review and Inspection Services with IO Inspections on an as-needed basis in the amount not to exceed One Hundred Thousand ($100,000.00) Dollars; and authorize of City Manager to execute necessary renewal documents, discussion followed.

**Vote:** 7 - 0

24. Discuss and consider action on the Second Reading of an Ordinance regarding Ordinance Case 19-OR-013 to amend the SmartCode Ordinance to make the SmartCode optional; Williamson & Travis Counties, Texas.

Motion by Councilmember Jason Shaw, Seconded by Councilmember Kathryn Pantalione-Parker to approve the Second Reading of an Ordinance regarding Ordinance Case 19-OR-013 to amend the SmartCode Ordinance to make the SmartCode optional; Williamson & Travis Counties, Texas.

**Vote:** 6 - 1

NAY: Councilmember Michelle Stephenson

25. Discuss and consider directing staff on parking requirements for Multi-Family projects.

Motion by Mayor Troy Hill, Seconded by Councilmember Kathryn Pantalione-Parker directing staff to proceed with the process to review the multi-family parking standards to require 75% with a mixed use component, following discussion.
Vote: 6 - 1

NAY: Councilmember Michelle Stephenson

26. Provided update regarding the status of water service delivery to the Rancho Sienna MUD and ongoing negotiations with the City of Georgetown regarding a wholesale water agreement.

[Councilmember Shane left the meeting at 9:30 p.m.]

27. Discuss and consider action on a Cost Distribution Correction in the amount of Two Hundred Thousand ($200,000.00) Dollars between City improvements and developer improvements in the construction contract for Northline Phase 1 awarded to DeNucci Constructors LLC on Feb. 20, 2020; and authorize the City Manager to execute any and all necessary documents.

Motion by Councilmember Michelle Stephenson, Seconded by Mayor Pro Tem Chris Czernek to approve Cost Distribution Correction in the amount of Two Hundred Thousand ($200,000.00) Dollars between City improvements and developer improvements in the construction contract for Northline Phase 1 awarded to DeNucci Constructors LLC on Feb. 20, 2020; and authorize the City Manager to execute any and all necessary documents.

Vote: 6 - 0

28. Discuss and consider action on Change Order No. 2 to construction contract for Metro Drive Extension Project increasing contract amount by Three Hundred Eighty-Eight Thousand Eight Hundred Thirty ($388,830.00) Dollars for water supply connection to Rancho Sienna MUD No 12; and authorize the City Manager to execute any and all necessary documents.

Motion by Councilmember Michelle Stephenson, Seconded by Mayor Pro Tem Chris Czernek to approve Change Order No. 2 to construction contract for Metro Drive Extension Project increasing contract amount by Three Hundred Eighty-Eight Thousand Eight Hundred Thirty ($388,830.00) Dollars for water supply connection to Rancho Sienna MUD No 12; and authorize the City Manager to execute any and all necessary documents.

Vote: 6 - 0

29. Discuss and consider action on additional Services Confirmation Agreements with Halff Associates in the amount of Sixty-Nine Thousand One Hundred Sixty-Seven ($69,167.00) Dollars for additional construction administration to assist with the extended construction timeframe for the Lakewood Park Project; and authorize the City Manager to execute any and all necessary documents.

Motion by Councilmember Marci Cannon, Seconded by Councilmember Kathryn Pantalion-Parker to approve additional Services Confirmation Agreements with Halff Associates in the amount of Sixty-Nine Thousand One Hundred Sixty-Seven ($69,167.00) Dollars for additional construction administration to assist with the extended construction timeframe for the Lakewood Park Project; and authorize the City Manager to execute any and all necessary documents.

Vote: 5 - 1

NAY: Councilmember Christine Sederquist
30. Take any action as deemed appropriate in the City Council’s discretion pursuant to the Executive Session: 
(1) Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of 
Professional Conduct to consult with legal counsel regarding Brushy Creek Water Wastewater Plant and 
related agreements; and 
(2) Section 551.072, Texas Government Code, to deliberate the granting of a Special Warranty Deed 
dedication of Right-of-Way, acquisition of Sidewalk Easement and Public Utility Easement from 
Maneek Mellem located in the Elijah D. Harman Survey, Abstract 6, the City of Leander, Williamson 
County, Texas for the Raider Way / E. Woodview Roadway Project; and 
(3) Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of 
Professional Conduct to consult with legal counsel regarding HBA Residential Care Group, LLC v. City 
of Leander, HUD Case No. 06-19-5454-8; and 
(4) Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of 
Professional Conduct to consult with legal counsel regarding the current state of the law governing 
regulation of short and long term rental of property.

No action taken on (1) Section 551.071, Texas Government Code, and Section 1.05, Texas 
Disciplinary Rules of Professional Conduct to consult with legal counsel regarding Brushy Creek 
Water Wastewater Plant and related agreements.

No action taken on (2) Section 551.072, Texas Government Code, to deliberate the granting of a 
Special Warranty Deed dedication of Right-of-Way, acquisition of Sidewalk Easement and Public 
Utility Easement from Maneek Mellem located in the Elijah D. Harman Survey, Abstract 6, the City 
of Leander, Williamson County, Texas for the Raider Way / E. Woodview Roadway Project.

No action taken on (3) Section 551.071, Texas Government Code, and Section 1.05, Texas 
Disciplinary Rules of Professional Conduct to consult with legal counsel regarding HBA Residential 
Care Group, LLC v. City of Leander, HUD Case No. 06-19-5454-8.

No action taken on (4) Section 551.071, Texas Government Code, and Section 1.05, Texas 
Disciplinary Rules of Professional Conduct to consult with legal counsel regarding the current state of 
the law governing regulation of short and long term rental of property.

31. Council Member Closing Statements.

Kathryn Pantalion-Parker - commented on interesting week; recent election; groundbreaking ceremony 
for Northline; Texas Independence Day; and remember to spring forward this weekend.

Michelle Stephenson - commented on number of Chamber ribbon cutting which means new businesses.

Christine Sederquist - commented on Sunday being LPAC 2nd Sunday Arts Day and will the art will be 
adult coloring.

Chris Czernek - commented on Little League Opening Ceremonies Saturday at 10 a.m. at the baseball 
fields; three (3) kids playing this year; and being able, as a dad, to help coach.

Marci Cannon - commented on dad turned 81; he is a Vietnam Vet; and wished him a happy birthday.

Troy Hill - commented on board and commission applications for mid-year vacancies being accepted; 
Woks It 2 U catered the dinner for council and staff tonight; and Sky Asian Fusion opened this week.

32. Adjourned at 10:17