AGENDA
REGULAR CITY COUNCIL
CITY OF LEANDER, TEXAS

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

Thursday ~ October 17, 2013 at 7:00 PM

Mayor – Christopher Fielder
Place 1 – Andrea Navarrette **Place 4 – Michell Cantwell**
Place 2 – Kirsten Lynch **Place 5 – Jason Dishongh (Mayor Pro Tem)**
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: Greg Minton, Chief of Police, recognition of officer receiving MADD Award

4. Citizen Comments: Three (3) minutes allowed per speaker
   Please turn in speaker request form before the meeting begins.

5. Proclamation in honor of Hill Country Community Ministries 30th Anniversary

6. Proclamation designating October 2013 as "Combat Veterans Motorcycle Association" month in the City of Leander.
   Sponsored by Council Member Cantwell

CONSENT AGENDA: ACTION

7. Approval of the minutes: October 3, 2013

PUBLIC HEARING: NO ACTION

8. Public Hearing on the annexation of an area of land being 32.68 acres, more or less, including the abutting streets, roadways, and rights-of-way; being located in Travis County, Texas and adjacent and contiguous to the city limits; and providing open meetings and other related matters.

PUBLIC HEARING: ACTION

9. **a. Public Hearing** on Subdivision Case #13-CP-003: a Concept Plan for Connelly's Crossing Subdivision, for 56.80 acres, more or less, generally located to the west of the intersection of Bagdad Road and Sonny Drive, Leander, Williamson County, Texas
   Applicant: Keith Parkan on behalf of Oryx Holdings, LLC

   b. Action on Subdivision Case # 13-CP-003: a Concept Plan for Connelly's Crossing Subdivision, Leander, Williamson County, Texas

10. **a. Public Hearing** on Subdivision Case #13-CP-005: a Concept Plan for Crystal Springs Subdivision, for 186.09 acres, more or less, generally located to the south west of the intersection of Grand Lake Parkway and Crystal Falls Parkway, Leander, Williamson County, Texas
Applicant: Steve Crauford, P.E. on behalf of CS Lander 1, LTD, CWHS 272, LTD, David and Mary Brown, BLD Crystal Springs LLC, and Richard and Linda Davis

    b. Action on Subdivision Case # 13-CP-005: a Concept Plan for Crystal Springs Subdivision, Leander, Williamson County, Texas

11. **a. Public Hearing** on Subdivision Case #13-CP-006: a Concept Plan for Catalina Ranch Subdivision, for 30.32 acres, more or less, generally located approximately 1700 feet to the west of the intersection of Ronald W. Reagan Blvd. & CR 179 on the north side of CR 179, Leander, Williamson County, Texas
Applicant: John D. Hines on behalf of Catalina Ranch, LLC c/o Joe Straub

    b. Action on Subdivision Case # 13-CP-006: a Concept Plan for Catalina Ranch Subdivision, Leander, Williamson County, Texas

REGULAR AGENDA

12. Consider a Resolution approving a change in Atmos Energy Corporation, Mid-Tex Division's rates as a result of settlement between Atmos and the Atmos Texas Municipalities (ATM) under the Rate Review Mechanism

13. Discuss and Consider Comprehensive Plan Implementation Priorities

14. Consider action on a Development Agreement between the City of Leander and Shops at Crystal Falls, LLC for a 4.98 acre, more or less, tract, generally located to the southeast of the intersection of N. Lakeline Blvd and Crystal Falls Pkwy, City of Leander, Williamson County, Texas.

15. Consider Award of Construction Contract for the Crystal Falls Parkway Pavement Rehab 2013 Project

16. Consider appointments/reappointments to the Planning & Zoning Commission

17. Consider Appointment of a Director to the Williamson County and Cities Health District

18. Consider appointment of a City Disaster Preparedness Committee

EXECUTIVE SESSION

19. Convene into executive session pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct and pursuant to Section 551.072, Texas Government Code to deliberate and consult with legal counsel regarding the acquisition of real property for the BCRUA deep water intake project.

20. Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding the acquisition of real property for the BCRUA deep water intake project.

21. Council Members Closing Statements

22. 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 11th day of October, 2013 by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.

Debbie Haile

Debbie Haile TRMC, City Secretary

PROCLAMATION

Honoring

Hill Country Community Ministries

30th Anniversary

WHEREAS, Hill Country Community Ministries was chartered as a nonprofit corporation of Texas on October 17, 1983 with a vision to help meet basic human needs in the community in the spirit of neighbor helping neighbor; and

WHEREAS, In the first year of operation Hill Country Community Ministries was serving 50 to 75 clients per month and is now assisting 450 to 500 families monthly; and

WHEREAS, Hill Country Community Ministries is supported by 53 area churches and numerous businesses, civic organizations, schools and caring individuals and serves a 10-zip code area in southwest Williamson and northwest Travis Counties; and

WHEREAS, Hill Country Community Ministries operates a Food Pantry, Clothes Closet and last year filled 4,900 family food orders, and provided clothing for 2,700 individuals, Holiday food boxes for 540 families, new shoes for children, and eye exams and eye glasses; and

WHEREAS, Hill Country Community Ministries is operated by a small paid staff and depends on the service of more than 180 dedicated volunteers to fulfill its mission; and

WHEREAS, All citizens are encouraged to organize a food drive to collect food and funds for Hill Country Community Ministries; and

WHEREAS, Hill Country Community Ministries will be "Celebrating 30 years of Helping Families in Need" throughout the year;

NOW, THEREFORE , the City of Leander does hereby proudly proclaim:

"A YEAR OF CELEBRATION AND COMMUNITY AWARENESS FOR HILL COUNTRY COMMUNITY MINISTRIES"

And encourages all citizens to give Help in Crisis and Hope for the Future for all those in need

Signed this 17th day of October, 2013.

Attest:

Christopher Fielder, Mayor

Debbie Haile, City Secretary

PROCLAMATION

WHEREAS, on September 6, 2012, the Leander City Council voted unanimously to designate every other month to support a Local Charity benefiting the citizens of Leander; and

WHEREAS, the City Council encourages all residents of Leander to support Local Charities with donations of their goods, money and time; and

WHEREAS, the City of Leander benefits from the services provided by a variety of local charities; and

WHEREAS, when residents support local charities it helps build a sense of community;

NOW, THEREFORE; the City of Leander does hereby proclaim October 2013 as:

"COMBAT VETERANS MOTORCYCLE ASSOCIATION" MONTH

WHEREAS, CVMA is a non-profit organization whose mission is to support and defend those who have defended our country and our freedoms and whose motto is "Vets Helping Vets; and

WHEREAS, CVMA has members is all 50 states and abroad and many members continue to served in the Armed Forces, with several serving in combat areas now; and

WHEREAS, CVMA participates in many motorcycle-related charity events each year and donates to various veteran care facilities and veteran charities; and

WHEREAS, CVMA partners with numerous organizations to provide assistance to the over 500 homeless veterans in Austin, which has the largest number of homeless Vets in the U.S.; and

WHEREAS, CVMA will take any task if it is to Help or Honor a Veteran and is in their reach.

Signed this 17th day of October, 2013.

Attest:

Christopher Fielder, Mayor

Debbie Haile, City Secretary

MINUTES
REGULAR CITY COUNCIL
CITY OF LEANDER, TEXAS

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

Thursday ~ October 03, 2013 at 7:00 PM

Mayor – Christopher Fielder
Place 1 – Andrea Navarrette **Place 4 – Michell Cantwell**
Place 2 – Kirsten Lynch **Place 5 – Jason Dishongh (Mayor Pro Tem)**
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
   Mayor Pro Tem Dishongh delivered the invocation

2. Roll Call
   All present

3. Staff Comments:
   No staff comments

4. Citizen Comments: Three (3) minutes allowed per speaker
   Please turn in speaker request form before the meeting begins.
   Stan Holcomb – 1301 Stillmeadow – spoke about the Leander Public Arts Commission Facebook page and asked Council to repost events found on the page

CONSENT AGENDA: ACTION

5. Approval of the minutes: Special Meeting: September 12, 2013
   Regular Meeting: September 19, 2013

6. Authorization of a Special Permit for the 2013 Christmas Parade and Tree Lighting

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

REGULAR AGENDA

7. Consider changes to the Library Foundation By-Laws
   Steve Bosak, Parks & Recreation Director explained
   Gary Anderson, Chairman of Library Foundation Board spoke

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

8. Consider Amendment No. 5 to Interlocal Agreement regarding Final Design Services for Regional Water System
Wayne Watts, City Engineer explained

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

EXECUTIVE SESSION

9. **a**. Convene into executive session pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to Consult with legal counsel regarding the negotiations, options and possible necessity for and to authorize the commencement of eminent domain proceedings concerning two (2) tracts of real property for rights-of-way, being 0.503 acres and 0.219 acres, more or less, and one (1) tract for a drainage easement being 0.046 acres, more or less, located at or near the intersections of U.S. Highway 183, 183A Toll Road and County Road 276, all within Williamson County, for the public use of expansion of a roadway intersection improvement project.

b. Pursuant to Section 551.074, Tex. Gov't Code, to discuss and evaluate performance of City Manager pursuant to employment contract

Council convened into executive session at 7:10 p.m.
Council reconvened into open session at 7:38 p.m.

10. Reconvene from executive session and take action as deemed appropriate regarding:

a. Authorize, by record vote, the commencement of and use of eminent domain proceedings and the actual filing of the Petition for Condemnation concerning two (2) tracts of real property for rights-of-way, being 0.503 acres and 0.219 acres, more or less, and one (1) tract for a drainage easement being 0.046 acres, more or less, located at or near the intersections of U.S. Highway 183, 183A Toll Road and County Road 276, all within Williamson County, for the public use of expansion of a roadway intersection improvement project.

Motion made by Mayor Pro Tem Dishongh to move the City of Leander authorize the use of the power of eminent domain to acquire:

(1) fee simple title to 0.219 acres, more or less, out of the Williamson Mansil Survey, Abstract No. 437, Williamson County, Texas, as more particularly described in Exhibit "A" spread on the minutes of this meeting;

(2) fee simple title to 0.503, acres, more or less, out of the Williamson Mansil Survey, Abstract No. 437, Williamson County, Texas, as more particularly described in Exhibit "A" spread on the minutes of this meeting; and

(3) a drainage easement over and upon 0.046 acres, more or less, out of the Williamson Mansil Survey, Abstract No. 437, Williamson County, Texas, as more particularly described in Exhibit "A" spread on the minutes of this meeting;

for the purpose of obtaining the right-of-way and a drainage easement that are required for the U. S. Highway 183 and 183A Toll Road Intersection and improvements, that are necessary for public safety, the convenience and welfare of the citizens of the city and the traveling public, and the continuing economic prosperity of the city and state.

Second by Council Member Navarrette .

Place	Name	Aye	*Nay*	Abstain
1	Navarrette	X		
2	Lynch	X		
3	Garcia	X		
4	Cantwell	X		
5	Pro Tem Dishongh	X		
6	Siebold	X		
Mayor	Fielder	X		

Motion passes, unanimously.

b. Discussion and possible action concerning performance of City Manager

Motion made by Mayor Pro Tem Dishongh to increase the current City Manager base salary by 3% and to authorize the Mayor to sign the amended contract. Second by Council Member Cantwell. Motion passes, all voting "aye"

11. Council Members Closing Statements
Council Members gave their closing statements

12. Adjournment
With there being no further business, the meeting adjourned at 7:44 p.m.

Attest:

Christopher Fielder, Mayor

Debbie Haile, TRMC, City Secretary

Executive Summary

October 17, 2013

Agenda Subject: First public hearing on annexation of an area of land being 32.68 acres, more or less, beginning at the south end of County Road 290 and including the abutting streets, roadways, and rights-of-way; being located in Travis County, Texas and adjacent and contiguous to the city limits.

Background: The Resolution setting the two public hearings for October 17, 2013 and October 24, 2013 was approved by City Council on September 5, 2013. The first reading of the ordinance is scheduled for November 21, 2013 and the second and final reading is scheduled for December 5, 2013. This is an involuntary annexation to provide necessary transportation connections to existing and planned development in the Grand Mesa at Crystal Falls subdivision.

Origination: City of Leander

Recommendation: Staff recommends that Council conduct the first public hearing on this annexation.

Attachments:

1. Resolution (including map and service plan)
2. Annexation Schedule

Prepared by: Tom Yantis, AICP
Director of Development Services

10/09/2013

RESOLUTION NO. 13-012-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, COMMENCING THE ANNEXATION OF AN AREA OF LAND BEING 32.68 ACRES, MORE OR LESS, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; BEING LOCATED IN TRAVIS COUNTY, TEXAS AND ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; AND PROVIDING OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas, (herein the "City") is a Texas home-rule city authorized to annex the properties more particularly described herein (the "subject properties") that are contiguous and adjacent to the corporate limits of the City;

WHEREAS, the subject properties are contiguous and adjacent to the corporate limits of the City and are within the extraterritorial jurisdiction of the City;

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is authorized to annex the subject properties; and

WHEREAS, after review and consideration of the subject properties, the City Council finds that the subject properties are exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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 annexations of all portions of the following-described subject properties and the abutting streets, roadways and rights-of-way, are hereby commenced:

(1) Area A. All that certain parcel or tract of land containing 32.68 acres, more or less, located in Travis County, Texas, generally described as a 1,001 foot strip of land beginning at the south end of County Road 290 and including all or a portion of the following properties as identified by their Travis Central Appraisal District identification numbers as 770825, 765121, 467239, 819084, 353651, 447964 and being more particularly described and shown in Exhibit "A" attached hereto.

Two public hearings are set for the dates of October 17, 2013 and October 24, 2013. Notice of such hearings shall be published in accordance with Chapter 43, Texas Local Government Code, and the hearings shall be open to the public to accept public comment on the annexation request. Notice of the proposed annexation shall be mailed to service providers and to property owners within the subject properties. The City shall offer to make a development agreement with certain subject property owners in accordance with section 43.035 of the Texas Local Government Code.

The draft service plan proposed to be applicable for the subject properties is attached as Exhibit "B".

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 5th day of September, 2013.

ATTEST:

Debbie Haile

Debbie Haile, City Secretary

CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

CITY OF LEANDER
ESTABLISHED 1853
INCORPORATED 1874
STATE OF TEXAS

EXHIBIT "A"

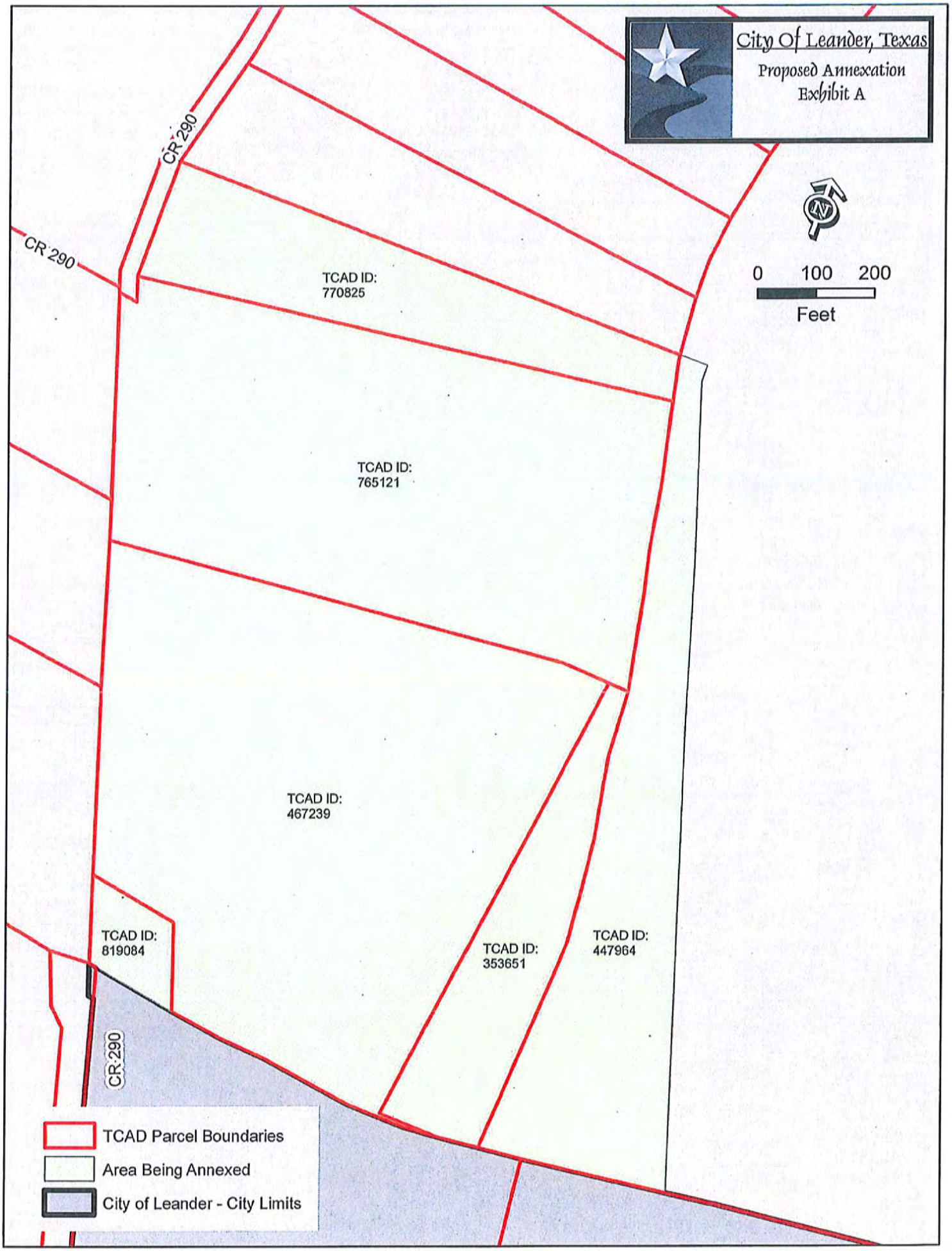

City Of Leander, Texas
Proposed Annexation
Exhibit A
0 100 200
Feet
CR 290
CR 290
CR 290
TCAD ID:
770825
TCAD ID:
765121
TCAD ID:
467239
TCAD ID:
819084
TCAD ID:
353651
TCAD ID:
447964
TCAD Parcel Boundaries
Area Being Annexed
City of Leander - City Limits

EXHIBIT "B"

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

WHEREAS, the City of Leander, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

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

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

WHEREAS, the subject properties will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; 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 properties into the City.

NOW, THEREFORE, the following services shall be provided to the subject properties on the effective date of annexation:

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to 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 regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

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) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' 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 properties as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't. Code. Upon acceptance of the

water lines within the subject properties 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 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. The continued use of a preexisting water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to a water service provider.

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) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' 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 properties as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't Code. Upon acceptance of the wastewater lines within the subject properties 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 of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to wastewater 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: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners 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 properties 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 descriptions of the subject properties are as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

SCHEDULE FOR INVOLUNTARY ANNEXATION – CR 290 +/- 32.68 acres

DATE	ACTION/EVENT	LEGAL AUTHORITY
September 5, 2013	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings **October 17, 2013 and October 24, 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 Sept. 16, 2013	**NOTICE TO** property owners & utility providers	Loc. Gov't Code § 43.062(a)
October 2, 2013* Publish notice of First Public Hearing **October 9, 2013*** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable, certified Notice to Railroad). POST NOTICE OF HEARINGS ON CITY'S WEBSITE AND MAINTAIN UNTIL HEARINGS COMPLETE; **SCHOOL DISTRICT NOTICE** (notify each school district of possible impact w/in the period prescribed for publishing the notice of the First Public Hearing.)	Not less than 10 days nor more than 20 days before 1st and 2nd public hearings. Loc. Gov't Code, §43.063 (c). Loc. Gov't Code § 43.905; send school district notice not less than 10 days nor more than 20 days before the First Public Hearing.
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)
October 17, 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.
October 24, 2013*	**2nd PUBLIC HEARING** AND PRESENT SERVICE PLAN (At least 20 days before 1st reading of ordinance.) *SPECIAL CALLED 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 **November 21, 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.
December 5 , 2013; Or at a special called meeting after the Nov. 21st First Reading	**SECOND-FINAL READING** OF ORDINANCE *REGULAR MEETING*	Not more than 90 days after 1st reading of Ordinance § 43.064.
December 31, 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:** 1. County Clerk 2. County Appraisal District 3. County Tax Assessor Collector 4. 911 Addressing 5. Sheriff's Office 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**

**** Confer with City Attorney's office regarding necessity of filing Department of Justice preclearance**

Executive Summary

October 17, 2013

Agenda Subject: Subdivision Case 13-CP-003: Hold a public hearing and consider action on Connelly's Crossing Subdivision Concept Plan, for 56.80 acres more or less; WCAD Parcels R032159 and R031400 generally located to the west of the intersection of Bagdad Road and Sonny Drive Leander, Williamson County Texas.

Background: This request is the first step in the subdivision process. A concept plan for this property was reviewed and approved by the Planning and Zoning Commission on August 09, 2012 and the City Council on August 16, 2012. The original concept plan included two multi-family lots. This revised concept plan removed one of the multi-family lots and replaced it with single-family lots. A revised concept plan is required due to the changes in land use.

This request is the first step in the subdivision process. Pursuant to Section 212.005 of the Texas Local Government Code, approval by municipality is required since the concept plan satisfies the applicable regulations without requesting any variances that require approval of the Planning & Zoning Commission.

Origination: Applicant: Keith Parkan on behalf of Oryx Holdings LLC.

Financial Consideration: None

Recommendation: Staff recommends approval of the concept plan. This concept plan includes approximately 150 single-family lots and 5.697 acres of parkland. This proposal meets all of the requirements of the Subdivision Ordinance. The Planning & Zoning Commission unanimously recommended approval of the concept plan at the October 10, 2013 Meeting.

Attachments: 1. Concept Plan

Prepared By: Tom Yantis, AICP
Development Services Director 10/11/2013

ATTACHMENT 1 9-20-13

CONNELLY'S CROSSING

REVISED CONCEPT PLAN - 05/14/2013

OWNER

ORYX HOLDINGS LLC
P.O. BOX 302803
AUSTIN, TX 78703
PHONE: (512) 294-4017
FAX: (512) 628-7187

CIVIL ENGINEER

AUSTIN CIVIL ENGINEERING, INC.
2708 SOUTH LAMAR, SUITE 200A
AUSTIN, TEXAS 78704
PHONE: (512) 305-0018
FAX: (512) 305-0048

SURVEYOR

ALL POINT SURVEYING
1714 FORTWORTH, SUITE 200
AUSTIN, TEXAS 78704
PHONE: (512) 440-0071
FAX: (512) 440-0199

LEGEND — SIZE:

- SINGLE-FAMILY LIMITED-2-B = 84 LOTS 100' X 40'
- SINGLE-FAMILY COMPACT-2-B = 9 LOTS 105' X 50'
- SINGLE-FAMILY URBAN-2-B = 57 LOTS 110' X 60'

TOTAL = 150 LOTS

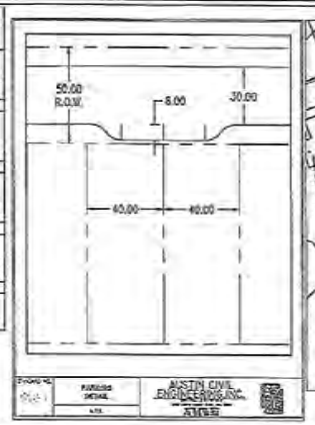
- MULTI-FAMILY = 1 LOTS
- SUBJECT PROPERTY
- PHASE LINE
- CITY LIMIT LINE
- FUTURE ROADWAYS

PHASE	YEAR	ACRES	RESIDENTIAL UNITS	NON-RESIDENTIAL UNITS	SFLOT COUNT	PARKLAND ACREAGE
1A	2013-2015	21.470	104	0	0	3.33
II	2014-2015	8.828	55	0	55	1.00
III	2015-2016	7.614	44	0	44	0.00
IV	2016-2017	11.839	49	0	49	1.249
IB	2017-2018	2.109	16	0	16	0.00
IC	2018-2019	2.709	10	0	10	0.00
TOTALS =		54.90	254	0	250	2.607

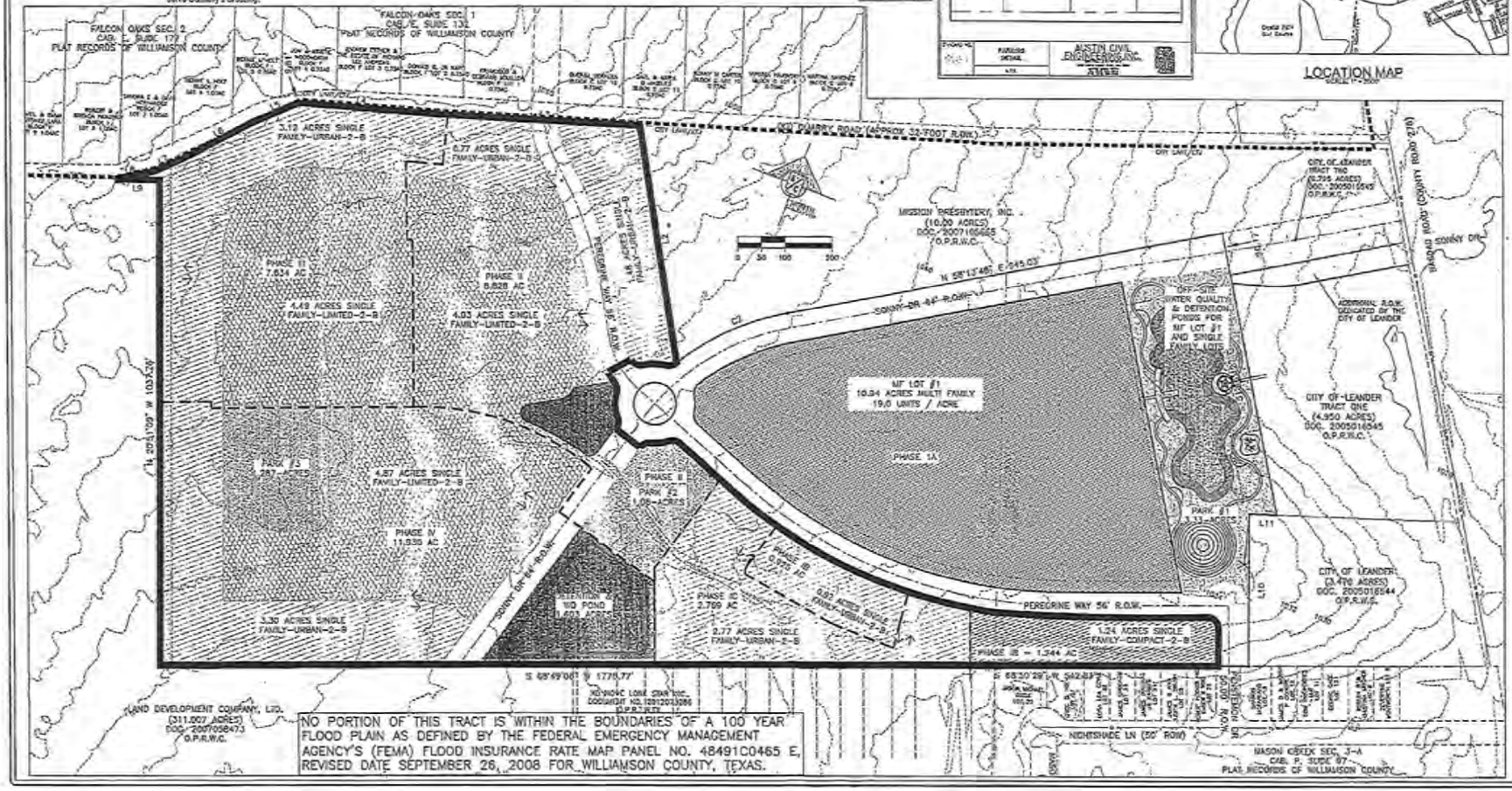
ZONING CATEGORY	
PHASE II (Section 2)	
SFU-2-B	2.25 Ac
SFL-2-B	4.03 Ac
PHASE III (Section 2)	
SFU-2-B	3.12 Ac
SFL-2-B	4.49 Ac
PHASE IV (Section 4)	
SFU-2-B	3.30 Ac
SFL-2-B	4.57 Ac
PHASE IB (Future)	
SFU-2-B	0.95 Ac
SFC-2-B	1.15 Ac
PHASE IC (Future)	
SFU-2-B	2.77 Ac

NOTES:

1. At the time of final plat, the applicant will provide a payment to the City in the amount of $125 per single family residential unit.
2. At the time of site development permit, unless a new traffic analysis for the development as proposed in the concept plan indicates that average daily trips are estimated below 2,000, the applicant will provide a payment to the City in the amount of $125 per peak hour trip projected to be generated by the development.
3. EASEMENTS: PGC will need a minimum of 10-feet along all roads and a minimum of 5-feet along all other lot lines in order to serve Connelly's Crossing.



LOCATION MAP



NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF A 100 YEAR FLOOD PLAIN AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) FLOOD INSURANCE RATE MAP PANEL NO. 48491C0465 E, REVISED DATE SEPTEMBER 26, 2008 FOR WILLIAMSON COUNTY, TEXAS.

AUSTIN CIVIL ENGINEERING, INC.
2708 SOUTH LAMAR BLVD., STE. 200A
AUSTIN, TEXAS 78704
PHONE: (512) 305-0018
FAX: (512) 305-0048

CONNELLY'S CROSSING
REVISED CONCEPT PLAN
BAGDAD ROAD
LEANDER, TEXAS 78641

REVISED CONCEPT PLAN

SITE CIVIL PLAN

1 OF 4

Connelly's Crossing Planned Unit Development – Leander, Texas

General Notes

1. Connelly's Crossing Planned Unit Development ("PUD") with the following purpose and intent:
   - a. To create unified development standards;
   - b. To allow development which is harmonious with nearby areas;
   - c. To provide for the more efficient use of land, resulting in smaller utility networks, safer streets, more open space and lower construction and maintenance costs;
   - d. To encourage harmonious and coordinated development by developing plans that better address natural features, community facilities, circulation patterns and surrounding properties and neighborhoods;
   - e. To facilitate the development of the tax base, the local economy, population and public facilities;
   - f. To provide and result in an enhanced residential and/or work environment for those persons living and/or working within the district; and
   - g. To require the application of professional planning and design techniques to achieve overall coordinated mixed-use developments and avoid the negative effects of piecemeal, segregated, or unplanned development.
   - h. This PUD includes a mixture of multifamily and single family zoning districts used to promote diverse demographic and economic characteristics. Families, seniors, single workers, young couples and students will live within close proximity of one another promoting a neighborhood that reflects the diversity and richness of the larger Leander community.
   - i. Streets are the "connective tissue" of our modern communities. The street pattern is designed to provide efficient vehicular circulation between Bagdad Road through Connelly's Crossing PUD connecting to future development. A traffic circle is utilized to promote a smooth and even flow of traffic safely through the PUD without overburdening neighborhood streets which access single family lots. Multiple connections to Sonny Drive have been carefully configured to discourage cut-through traffic within the single family lots.
   - j. The intent of the this PUD is to create a neighborhood designed to be:
     - a. Neighborly, with a strong street-orientation, and with porches and entries that promote interaction and socialization among residents and that reinforce the pedestrian scale and character of the community.
     - b. Compatible, in scale and character with adjacent structures in the same vicinity.
     - c. Diversity, a mix of floor plans, elevations, materials, colors and treatments are encouraged to be employed.

2. The PUD consists of 51.88 acres (Property) & is annexed into Leander, Williamson County, Texas also known as the Wethman/Worer Property. See Exhibit A.
3. Except as otherwise noted, the PUD shall be governed by the Composite Zoning Ordinance of the City of Leander Ordinance No. 05-018-00 (September 2005) as amended through and including the date of this PUD (the Zoning Ordinance)
4. Per Section 10.103(e) of the Leander Code of Ordinances, the City of Leander ("City") agrees a fee in lieu of a traffic impact analysis is appropriate for the Property covered by this PUD.

Zoning

1. The base zoning for the Property shall be the following as shown on the map in Exhibit B
   - a. SFU-2-B: Single Family Urban – 57 lots (SFU Lots)
     - i. Shall allow accessory dwellings. Accessory dwellings shall be compliant with Article IV Section 6 of the Zoning Ordinance.
     - ii. The set back from the front property line shall be a minimum eighteen (18) feet.
   - b. SFC-2-B: Single Family Compact – 9 Lots (SFC Lots)
     - i. Shall allow accessory dwellings. Accessory dwellings shall be compliant with Article IV Section 6 of the Zoning Ordinance.
     - ii. The set back from the front property line shall be a minimum of eighteen (18) feet.
   - c. SFL-2-B: Single Family Limited – 84-Lots (SFL Lots)
     - i. Shall have rear entry garages accessed by alleys.
     - ii. In addition to required garage and off street parking requirements, a minimum of one (1) paved parking space per four lots shall be provided in parking stub outs located inside the right of way. Each parking stub out shall contain a minimum of two parking spaces. See Exhibit H.
     - iii. The set back from the front property line shall be a minimum of twenty (20) feet.
   - d. MF-2-A: Multifamily – 10.930 Acres (MF Lot #1)
     - i. Non street facing sides of buildings shall be allowed up to 40% Hardiplank siding.

   - e. There shall be three areas designated as parkland as further described below in the Parks section.
   - f. Up to twelve (12) single family lots within this PUD may have widths, depths and/or areas up to ten (10%) less than the base zoning requirements.
   - j. In addition to (g), for every one foot that a lot is wider or deeper than required, or for every one square foot that a lot is larger than required, another lot may be reduced by the equivalent amount, for up to twelve (12) lots in this PUD being allowed to have such reduced sizes, and up to ten percent (10%) less than requirements. These prescribed limits in (h) may be increased to up to double these amounts if increased tree or other significant natural protection can be demonstrated.

Parks

1. There shall be three areas reserved for parkland dedication as shown on Exhibit E (The Parks)
2. Parkland Dedication Requirements:

SINGLE FAMILY – 150 lots proposed

Land Dedication requirement

150 lots /100 = 1.5 X 3.5 acres = 5.25 acres required

Land provided:

PARK 1 – 3.33 acres provided/ 1.772 accepted*

PARK 2 – 1.08 acres

PARK 3 – 1.287 acres

Total Credit – 5.657 acres which satisfies land dedication requirement for 118 Lots

Fee in lieu of Land Dedication for 1.12 acres ***

32 lots (150 Lots — 118 Lots credited for Land Dedication) @ 825.00 per lot = 26,400.00 required fee in lieu of land dedication

Improvement Fee

150 lots @350.00 per lot = 52,500.00 required**

*Only partial land credit of 1.772 acres will be accepted for Detention/Water Quality PARK

** Credit for recreational improvements in Parks #2 and #3 will be accepted. No recreational improvement credits for Park #1.

***5.25 acres required land dedication less 4.13 acre credit for land provided (4.13 acres provided satisfies land dedication requirement for 118 Lots)

MULTI-FAMILY – 208 unit Merrill Legacy Project*

Land Dedication requirement

208 units/100 = 2.08 X 3.5 acres = 7.28 acres required

Land Provided

-0-

Fee in lieu

208 X 825.00 = $171,600.00 previously paid by Merrill Legacy Project

Improvement Fee

208 units X 350.00 = $72,800.00 previously paid by the Merrill Legacy Project

* Park land dedication and improvement fees will be calculated based on actual number of multifamily units developed

Detention and Water Quality Improvements

1. All necessary easements shall be granted from Park #1 to the MF Lot #1 for the construction, service and maintenance of a wet pond detention and water quality facility (Wet Pond). The Wet Pond will serve the detention and water quality requirements of the MF Lot #1 and up to 25 single family lots. Appropriate drainage easements shall also be granted from single family lots, MF Lot #1 and Park #1 for drainage flows. See exhibit C
   - i. The party constructing improvements on the MF Lot #1 shall be responsible for all costs associated with the construction of the Wet Pond improvements located on Park #1.
   - j. All costs associated with the service and maintenance of the Wet Pond, including but not limited to costs associated with maintaining the water level in the Wet Pond as provided in plans approved by the City, shall be the responsibility of the owner of the MF Lot #1 in perpetuity.
   - k. The Wet Pond shall be serviced and maintained in good order by the owner of the MF Lot #1 in perpetuity according to plans approved by the City.
2. The Wet Pond will be designed to serve as an aesthetically appealing amenity to Park #1.
3. Detention and water quality improvements as required by the City of Leander Code of Ordinances for the remaining single family lots shall be placed on the detention pond and water quality areas as shown on Exhibit C.
4. This development requires an Edwards Aquifer Contributing Zone Plan.

SINGLE FAMILY LOTS

Variation and Diversity

1. A separation of four (4) lots shall be maintained along the same block face for any floor plan and a separation of eight (8) lots shall be maintained for the same elevation. A two (2) lot separation is necessary across the facing street for any floor plan and four (4) lot separation for the same elevation. Similarly, material/color schemes must vary so that no two homes have the same floor plan, elevation and material/color scheme.
2. For Single Family Urban Lots, the front façade (not including the front porch) of a home shall be staggered by a minimum of five (5) feet once every three lots for lots on the same side of the street. Example #1: If the front facade for lots 1 and 2 is located eighteen (18) feet from the front property line, the front facade for lot 3 shall be located a minimum of 23 feet from the front property line. Example #2: If the front facade for lot 5 is located (20) twenty feet and lot 6 is located twenty three (23) feet from the front property line, the front facade for lot 7 shall be located eighteen (18) feet or more than twenty eight (28) feet from the front property line. A front setback plan for each lot included in a Phase shall be submitted to the City prior to the City's final approval infrastructure improvements.
3. To the extent practicable, a mix of single, one-and one-half, and two (2) story homes are encouraged to be introduced along a block face.

Building Height and Massing

1. For lots with alley access, the two (2) story portion of the main house shall be set back by at least twenty five (25') feet from the rear property line.
2. It is encouraged to employ changes in volume and plane, sloping roofs, and porches to reduce the perceived scale of the structure.
3. Except as noted herein, setbacks and building heights for the single family lots shall meet the requirements of the City of Leander Code of Ordinances.

Garages and Alleys

1. As shown on Exhibit B, single family lots which are accessed by an alley shall be restricted from having a garage facing the front property line. Garages for single family lots accessed by an alley shall be located towards the rear of the lot and shall be accessible only from the alley.
2. Lots not having alley access shall have garages set back from the front property line by a minimum distance of twenty three (23') feet and not less than five (5) feet from the front facade of the home, not including the front porch, closest to the front property line. This serves to promote architectural design that is skillfully employed to reduce the visual effect of a garage on the front elevation.

Sidewalks

1. Sidewalks shall be constructed as required by the Composite Zoning Ordinance. Connelly's Crossing PUD is designed to facilitate a new urbanism design with a pedestrian friendly environment that encourages pedestrian access throughout the PUD and to the City of Leander Library, neighborhood parks and their amenities.
2. Sonny Drive along the MF Lot #1 shall have a six (6) foot sidewalk with bump outs for benches every 100 – 150 feet. See Exhibit F

Porches

1. All SFL-2-B Lots and SFC-2-B Lots shall have ground level front or corner porch with a minimum area of eighty (80) square feet.
2. All SFU Lots shall have ground level front or corner porch with a minimum area of 100 square feet and a minimum depth of seven feet.
3. Porches and finish floors shall be clearly delineated from the front yard with at least a twelve (12") inch grade change.
4. The use of columns and open railings is strongly encouraged. Such columns and open railings shall be compliant with the City of Leander Code of Ordinances.

MULTIFAMILY LOTS

Architecture

1. The architecture of improvements constructed on the MF Lot #1 shall be substantially similar to Exhibit D and in compliance with the architectural component Type A of the Composite Zoning Ordinance subject to any modifications allowed in this PUD.
   - a. MF Lot #1 intends to utilize the "Great Street" concepts along Sonny Drive to create a pedestrian friendly atmosphere with a strong sense of place and orientation that facilitates a connection between the residential units in the PUD and the City of Leander library and the Mason Homestead.
   - b. Sonny Drive along MF Lot #1 shall include 150% of the landscaping required by the City of Leander Code of Ordinances. The extensive landscaping is intended to create a continuous vegetative buffer along six (6) foot sidewalks which include benches that promote pedestrian traffic. The sidewalk and bench layout shall be substantially similar to Exhibit F.
   - c. MF Lot #1 shall provide parking that is largely invisible from Sonny Drive substantially similar to Exhibit F.

Setbacks

1. In efforts to promote an urban feel and setting, the building setback for MF Lot #1 along Sonny Drive shall be fifteen (15) feet from the Right of Way.
   - a. Within this fifteen (15) foot setback and/or the Sonny Drive right of way, a six (6) foot sideway shall be constructed with bump outs for benches every 100 – 150 feet. Exhibit F.
   - b. Appropriate easements for the any sidewalks or benches located outside the right of way shall be granted to the City.
   - b. Within this fifteen (15) foot setback, landscaping requirements shall be 150% of the City of Leander Code of Ordinance landscape requirements.
2. All other setbacks in this PUD shall be compliant with the Composite Zoning Ordinance.

AUSTIN CIVIL ENGINEERING, INC.

TBPE FIRM # F-001018

2705 SOUTH LAMAR BLVD., Ste. 200A

AUSTIN, TEXAS 78704

PH: (512) 306-0018

FAX: (512) 306-0048

CONNELLY'S CROSSING

REVISED CONCEPT PLAN

BAGDAD ROAD

LEANDER, TEXAS 78641

REVISIONS		

REVISED CONCEPT PLAN - NOTES

SITE CIVIL PLAN

	units	Land Dedication 3.5 acres per 100 units	fee-in-lieu	Parkland Improvements fee
MF LOT #1	229	n/a	$572,500	572,500 *
SF EDITS	152	5.250	n/a	152,500 *

* fees credits for onsite park improvements and other available parkland dedication credits as agreed to by the city of Leander

Exhibit

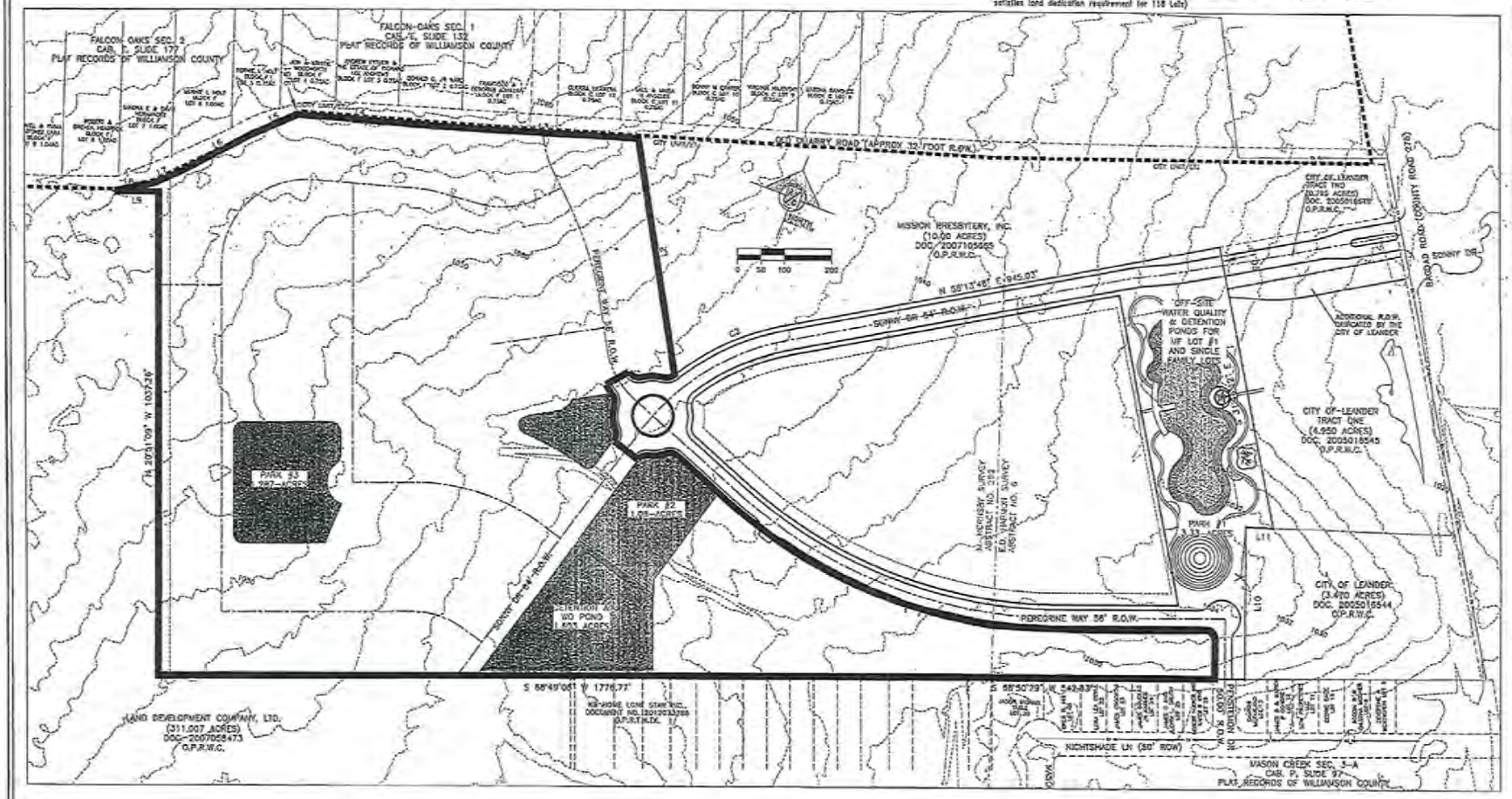
1. There shall be three areas reserved for parkland dedication as shown on Exhibit 3 (The Parks)
2. Parkland Dedication Requirements:
   SINGLE FAMILY – 150 lots proposed
   Land Dedication requirement
   150 lots /100 = 1.5 X 3.5 acres = 5.25 acres required

   Land provided:
   PARK 1 – 3.33 acres provided/ 1.772 accepted*
   PARK 2 – 1.68 acres
   PARK 3 – 1.287 acres
   Total Credit – 5.697 acres which satisfies land dedication requirement for 118 Lots

   Fee in lieu of Land Dedication for 1.13 acres ***
   32 lots (150 Lots -- 118 Lots credited for Land Dedication) @ 625.00 per lot = 20,000.00 required fee in lieu of land dedication.

   Improvement Fee
   150 lots @350.00 per lot = 52,500.00 required**

*Only partial land credit of 1.772 acres will be accepted for Detention/Water Quality PARK
** Credit for recreational improvements in Parks #2 and #3 will be accepted. No recreational Improvement credit for Park #1.
***5.25 acres required land dedication less 4.13 acre credit for land provided (4.13 acres provided satisfies land dedication requirement for 118 Lots)



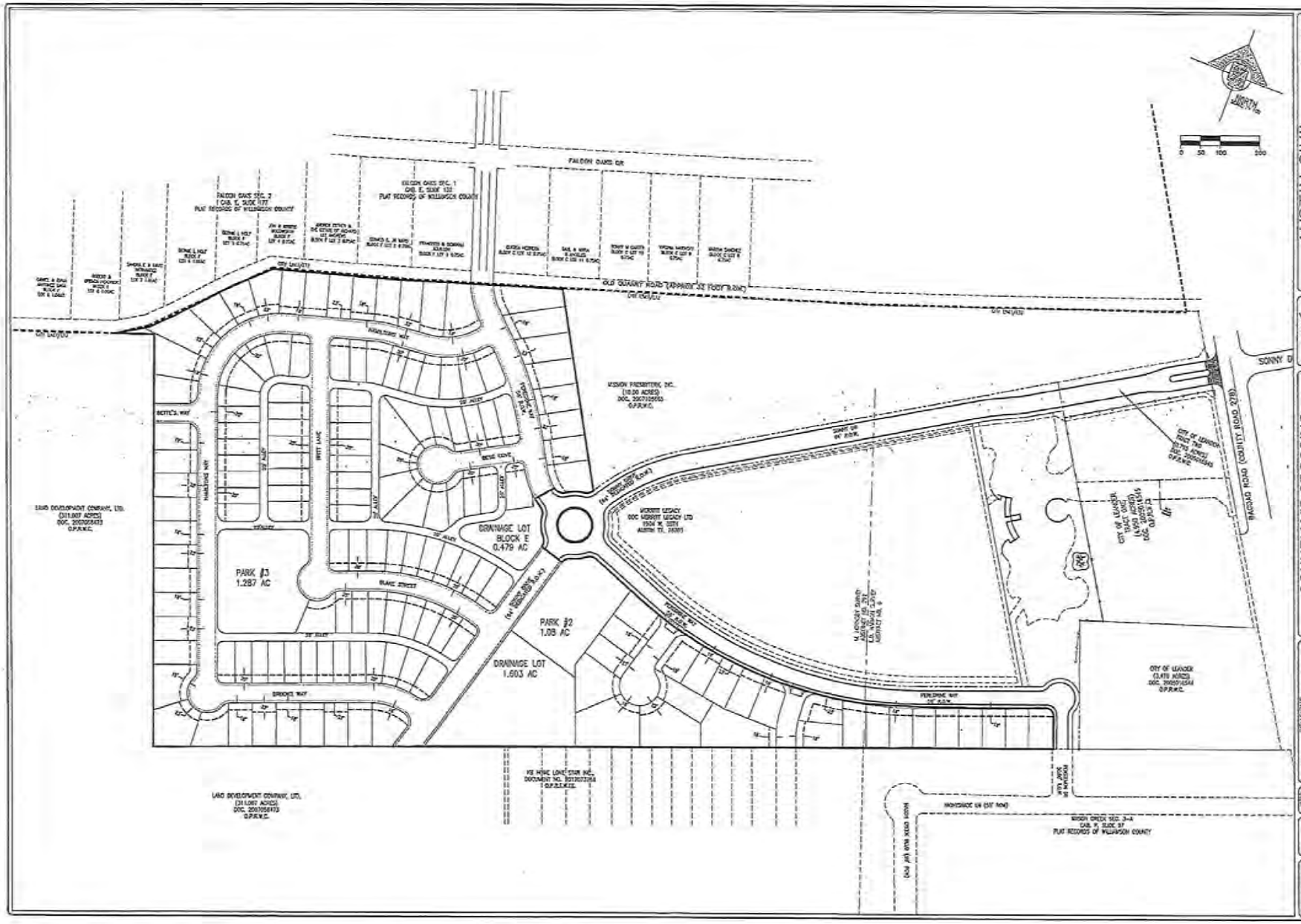
AUSTIN CIVIL ENGINEERING, INC.
1015 TRAVIS P.O. BOX 1016
78627
2708 BOOTH LANE
AUSTIN, TEXAS 78704
FAX (512) 326-3018
PHONE (512) 326-3018

CONNELLY'S CROSSING
REVISED CONCEPT PLAN
BAGDAD ROAD
LEANDER, TEXAS 78641

REVISED PARK PLAN

SITE CIVIL PLAN

3 OF 4



AUSTIN CIVIL ENGINEERING, INC.

TBPE FIRM # F-10703 | TBPLS FIRM # 10194
2708 SOUTH LAMAR BLVD., Ste. 200A
AUSTIN, TEXAS 78704
PHONE: (512) 326-0038
FAX: (512) 326-0048

KEITH E. PARSONS
#9691

CONNELLY'S CROSSING
REVISED CONCEPT PLAN

BAGDAD ROAD
LEANDER, TEXAS 78641

REVISIONS	DATE

JOB NO.	DATE: 8/12/13
CAD:	DWN:
CHKD BY:	CHKD BY:
SCALE: 1" = 100'	

REVISED SETBACK EXHIBIT

SITE CIVIL PLAN

4 OF 4

Executive Summary

October 17, 2013

Agenda Subject: Subdivision Case 13-CP-005: Hold a public hearing and consider action on Crystal Springs Subdivision Concept Plan, for 186.09 acres more or less; WCAD Parcels R432785, R031199, R031204, R031206, R031205, R432781, R051457, R432778, R031227, and R051458 generally located to the south west of the intersection of Grand Lake Pkwy and Crystal Falls Pkwy.; Leander, Williamson County Texas.

Background: This request is the first step in the subdivision process. Pursuant to Section 212.005 of the Texas Local Government Code, approval by municipality is required since the concept plan satisfies the applicable regulations without requesting any variances that require approval of the Planning & Zoning Commission.

Origination: Applicant: Steve Crauford, P.E. on behalf of CS Lander 1, LTD, CWHS 272, LTD, David and Mary Brown, BLD Crystal Springs LLC. and Richard and Linda Davis.

Financial Consideration: None

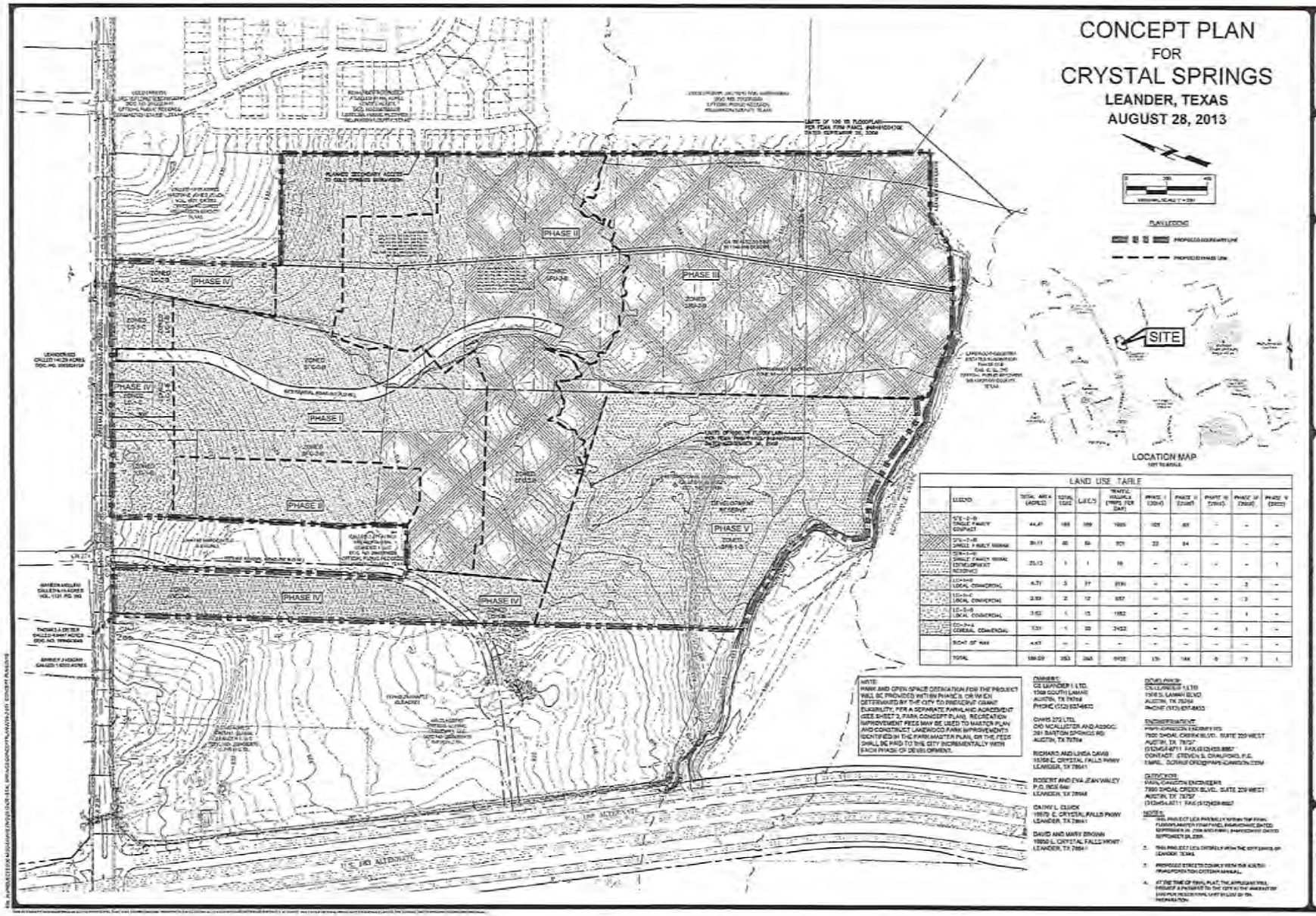
Recommendation: Staff recommends approval of the concept plan. This concept plan proposes 5 phases of residential and commercial development including approximately 276 single-family lots, 7 commercial lots and 48.89 acres of parkland (this parkland will be dedicated to the City). This proposal meets all of the requirements of the Subdivision Ordinance. The Planning & Zoning Commission unanimously recommended approval of the concept plan at the October 10, 2013 Meeting.

Attachments: 1. Concept Plan

Prepared By: Tom Yantis, AICP
Development Services Director 10/11/2013

ATTACHMENT 1

CONCEPT PLAN
FOR
CRYSTAL SPRINGS
LEANDER, TEXAS
AUGUST 28, 2013



LAND USE TABLE

	LEGEND	TOTAL AREA (ACRES)	TOTAL LOTS	L.A.E.(*)	TRAFFIC VOLUMES (TRIPS PER DAY)	PHASE I (2014)	PHASE II (2016)	PHASE III (2018)	PHASE IV (2020)	PHASE V (2022)
	SF-6-D SINGLE FAMILY COMPACT	44.47	169	169	1605	169	83	-	-	-
	SF-4-B SINGLE FAMILY URBAN	31.11	80	84	901	22	84	-	-	-
	SF-4-A SINGLE FAMILY RURAL DEVELOPMENT RESIDENCE	25.13	1	1	10	-	-	-	-	1
	LO-MU LOCAL COMMERCIAL	6.71	3	17	2170	-	-	-	2	-
	LO-3-C LOCAL COMMERCIAL	2.33	2	12	837	-	-	-	3	-
	LO-3-B LOCAL COMMERCIAL	3.62	1	15	1652	-	-	-	1	-
	CO-1-A GENERAL COMMERCIAL	7.31	1	33	3452	-	-	-	1	-
	RIGHT OF WAY	4.63	-	-	-	-	-	-	-	-
	TOTAL	125.29	253	243	6102	191	166	0	7	1

NOTE:
PARK AND OPEN SPACE DEDICATION FOR THE PROJECT WILL BE PROVIDED WITHIN PHASE 3, OR WHEN DETERMINED BY THE CITY TO PRESERVE GRANT ELIGIBILITY. PER A SEPARATE PARKLAND AGREEMENT (SEE SHEET 2, PARK CONCEPT PLAN). RECREATION IMPROVEMENT FEES MAY BE USED TO MASTER PLAN AND CONSTRUCT LAKEWOOD PARK IMPROVEMENTS IDENTIFIED IN THE PARK MASTER PLAN, OR THE FEES SHALL BE PAID TO THE CITY INCREMENTALLY WITH EACH PHASE OF DEVELOPMENT.

OWNER(S):
CS LAVENDER I LTD.
1700 SOUTH LAMAR
AUSTIN, TX 78704
PHONE (512) 837-4672

CWBS 272 LTD.
C/O MCALLISTER AND ASSOC.
201 BARTON SPRINGS RD
AUSTIN, TX 78704

RICHARD AND LINDA DAVIS
15700 E. CRYSTAL FALLS PKWY
LEANDER, TX 78641

ROBERT AND EVA JEAN WALEY
P.O. BOX 640
LEANDER, TX 78646

DAVID L. CLUCK
15570 E. CRYSTAL FALLS PKWY
LEANDER, TX 78641

DAVID AND MARY BROWN
15550 E. CRYSTAL FALLS PKWY
LEANDER, TX 78641

DEVELOPER:
CS LAVENDER I LTD
1700 S. LAMAR BLVD
AUSTIN, TX 78704
PHONE (512) 837-4672

ENGINEER/AGENT:
PAPE-DAWSON ENGINEERS
7800 SHOAL CREEK BLVD. SUITE 200 WEST
AUSTIN, TX 78757
(512)454-8711 FAX:(512)453-8867
CONTACT: STEVEN S. CHAMPION, P.E.
EMAIL: SCHAMPION@PAPE-DAWSON.COM

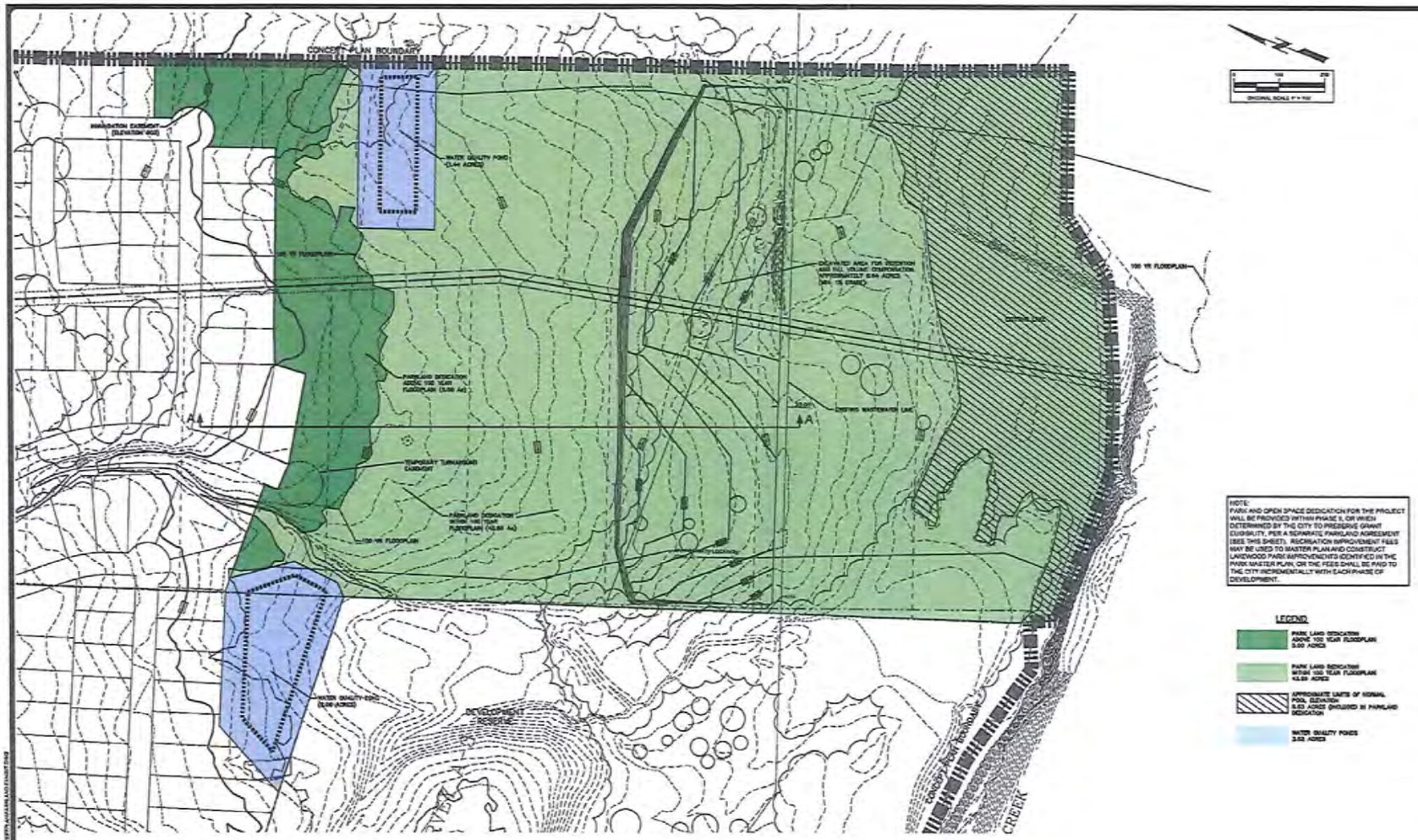
SURVEYOR:
PAPE-DAWSON ENGINEERS
7800 SHOAL CREEK BLVD. SUITE 200 WEST
AUSTIN, TX 78757
(512)454-8711 FAX:(512)453-8867

NOTES:
1. THIS PROJECT LIES PARTIALLY WITHIN THE FINAL FLOODPLAIN MASTER PLAN (FMP) AND ORDINANCE DATED SEPTEMBER 26, 2006 AND WHEN AMENDED DATED SEPTEMBER 26, 2008.
2. THIS PROJECT LIES ENTIRELY WITHIN THE CITY LIMITS OF LEANDER, TEXAS.
3. PROPOSED STREETS COMPLY WITH THE AUSTIN TRANSPORTATION CRITERIA MANUAL.
4. AT THE TIME OF FINAL PLAT, THE APPLICANT WILL SUBMIT A PAYMENT TO THE CITY IN THE AMOUNT OF $400 PER RESIDENTIAL UNIT IN LIEU OF TIA INFORMATION.

REVISIONS

ZONING
DATE
DESIGNED
CHECKED DRAWN
SHEET 1 OF 2

9-17-13



CRYSTAL SPRINGS PARK LAND DEDICATION ORDINANCE REQUIREMENTS (Rev. Sept. 4, 2012)

Lots	Parkland Acres Required	Parkland Acres Proposed *	Acres in Floodplain	Acres Credited	Rec. Imp. Fee Required **
270	9.825	45.89	43.89	9.825	$ 90,250.00

* All parkland acres proposed are to be dedicated to the City.
** Recreation improvement fees to be used for master planning or to construct improvements in the City park.
*** Final shape and size of water quality ponds to be determined at a later date.

PAPE-DAWSON ENGINEERS

CRYSTAL SPRINGS

PARK CONCEPT PLAN

JOB NO.

DATE AUGUST 26, 2013

DESIGNER

CHECKED DRAWN

SHEET 2 OF 2

Executive Summary

October 17, 2013

Agenda Subject: Subdivision Case 13-CP-006: Hold a public hearing and consider action on Catalina Ranch Subdivision Concept Plan, for 30.32 acres more or less; WCAD Parcels R475132, R475133, R031543, and R031544 generally located approximately 1700 feet to the west of the intersection of Ronald W. Reagan Blvd & CR 179 on the north side of CR 179 Leander, Williamson County Texas.

Background: This request is the first step in the subdivision process. Pursuant to Section 212.005 of the Texas Local Government Code, approval by municipality is required since the concept plan satisfies the applicable regulations without requesting any variances that require approval of the Planning & Zoning Commission.

Origination: Applicant: John D. Hines on behalf of Catalina Ranch, LLC c/o Joe Straub

Financial Consideration: None

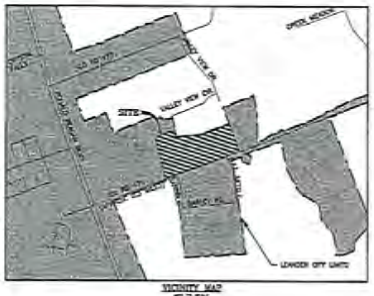
Recommendation: Staff recommends approval of the concept plan. This concept plan approximately 110 single-family lots, 2 open space lots, 2 detention/water quality pond lots, and 4 landscape lots. This proposal meets all of the requirements of the Subdivision Ordinance. The Planning & Zoning Commission unanimously recommended approval of the concept plan at the October 10, 2013 Meeting.

Attachments:
1. Concept Plan
2. Neighborhood Letter

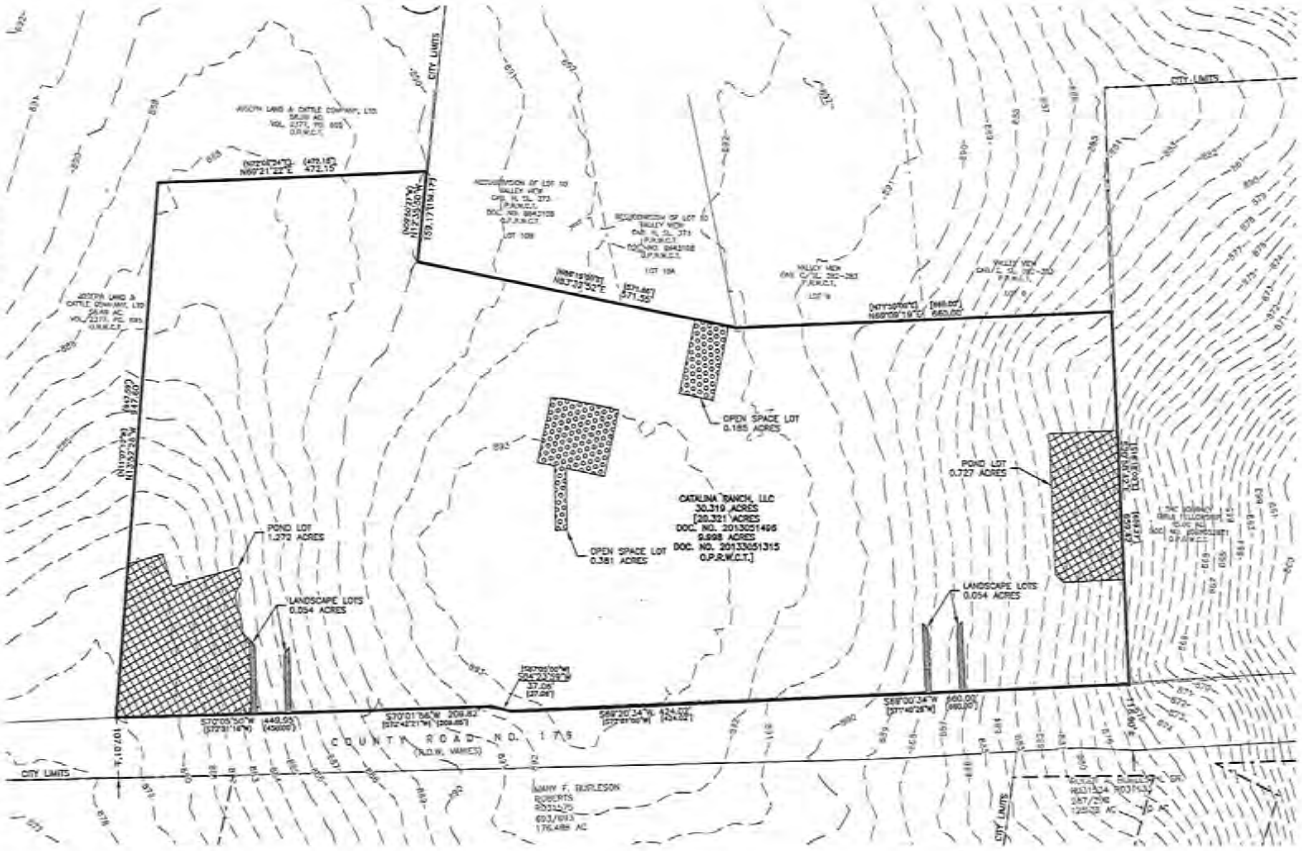
Prepared By: Tom Yantis, AICP
Development Services Director 10/11/2013

ATTACHMENT 1

CATALINA RANCH
CONCEPT PLAN
30.32 ACRES



VICINITY MAP
NOT TO SCALE



CATALINA RANCH PARKLAND DEDICATION WORKSHEET						8/14/2013
	Parkland	Parkland	Acreage	Fee In-lieu	Rec. Imp.	
Lots	Required	Proposed	Surplus/Deficit	Value *	Fee Req'd *	Facilities Proposed
110	3.85	0.507	-3.283	$77,185	$38,500	None
* Fee in-lieu value for land deficit and recreation improvement fee to be paid to the City at plat approval. Total payment = $115,885.						

CATALINA RANCH

OWNER: CATALINA RANCH, LLC.
2929 WEST 35th STREET, SUITE A
FORT WORTH, TEXAS 76107
C/O JAMES HABRIC, MANAGER

ACREAGE: 30.32 ACRES

SURVEYOR: BASE LINE LAND SURVEYORS, INC.
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
PHONE: (512)374-9722 FAX: (512)873-9743

NUMBER OF BLOCKS: 3

LINEAR FEET OF NEW STREETS: 4,391.17 LF

ENGINEER: GRAY ENGINEERING, INC.
8834 N. CAPITAL OF TEXAS HWY.
SUITE 140
AUSTIN, TEXAS 78759
PHONE: (512)452-0371
FAX: (512)454-9923

NUMBER OF LOTS BY TYPE: 110 SINGLE FAMILY LOTS, 2 DETENTION/WATER QUALITY POND LOTS, 4 LANDSCAPE LOTS, 2 OPEN SPACE

NUMBER OF LUE'S: 110, + 2 IRRIGATION SERVICES

LEGEND

- PHASE LINE
- CONTOUR LINE
- BLOCK NUMBER
- STANDARD LOT SINGLE FAMILY (60' X 120')
- OPEN SPACE
- DETENTION & WATER QUALITY PONDS
- LANDSCAPE LOTS

PROJECTED COMPLETION DATE

PHASE ONE: 2014

LAND USE SUMMARY		
LOT TYPE	NO. OF LOTS	ACREAGE
RESIDENTIAL SINGLE-FAMILY	110	22.306
OPEN SPACE	2	0.566
DETENTION & WATER QUALITY POND	2	1.000
LANDSCAPE	4	0.108
ROW	NA	5.540
	118	30.319

NOTES

1) DEVELOPER WILL PAY TO THE CITY A FEE IN LIEU OF PARKLAND DEDICATION AND RECREATION IMPROVEMENTS IN THE AMOUNT OF $115,885.00 AT PLAT APPROVAL.
2) BOUNDARY STREET IMPROVEMENT FEES WILL BE REQUIRED AT THE TIME OF FINAL PLAT IN AN AMOUNT DETERMINED BY THE CITY ENGINEER.

STATE OF TEXAS
JOHN C. HAWES
06891
LICENSED
PROFESSIONAL ENGINEER
8/14/13

GRAY ENGINEERING

AGENDA ITEM # 12

Executive Summary

October 17, 2013

Agenda Subject: Resolution Approving a Change in the Rates of Atmos Energy Corporation, Mid-Tex Division.

Background: At the June 20, 2013 regular City Council meeting, the Council approved a resolution recommended by the coalition of cities (ATM) served by Atmos Energy that established a rate review mechanism (RRM) to provide an annual rate review process in lieu of more adversarial (and expensive) avenues available to the company through the normal rate filing process. Atmos submitted its rate request to the ATM in mid-July, requesting an increase in system-wide rates of $22.7 million. The recommended settlement is for $16.6 million. Approval of this increase would result in rate increases for the average customers' total bill as follows: Residential: $0.74/month (1.75%); Commercial: $2.16/month (1.01%); and Industrial: $53.65/month (2.02%).

Origination: Robert G. Powers, Finance Director

Financial Consideration: n/a

Recommendation: Staff requests approval

Attachments: Resolution; correspondence

Prepared by: Robert G. Powers, Finance Director

RESOLUTION NO. _____

A RESOLUTION BY THE CITY OF LEANDER, TEXAS ("CITY"), APPROVING A CHANGE IN THE RATES OF ATMOS ENERGY CORPORATION, MID-TEX DIVISION ("ATMOS") AS A RESULT OF A SETTLEMENT BETWEEN ATMOS AND THE ATMOS TEXAS MUNICIPALITIES ("ATM") UNDER THE RATE REVIEW MECHANISM; FINDING THE RATES SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; DIRECTING ATMOS ENERGY TO REIMBURSE THE CITY'S RATE-CASE EXPENSES; FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THE RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Leander, Texas ("City") is a regulatory authority under the Gas Utility Regulatory Act ("GURA") and under § 103.001 of GURA has exclusive original jurisdiction over Atmos Energy Corporation – Mid-Tex Division's ("Atmos") rates, operations, and service of a gas utility within the municipality; and

WHEREAS, Section 103.021 of GURA authorizes the City to obtain information from Atmos as necessary to make a determination of the basis for the Atmos' proposed increase in rates; and

WHEREAS, Section 103.022 of GURA provides that Atmos shall reimburse the City its reasonable cost of engaging personnel to assist it in reviewing Atmos' application; and

WHEREAS, the City has participated in prior cases regarding Atmos as part of a coalition of cities known as the Atmos Texas Municipalities ("ATM"); and

WHEREAS, the Rate Review Mechanism ("RRM") for 2013 that Atmos filed with the City Secretary on or around July 15, 2013 proposed a system-wide increase of $22.7 million; and

WHEREAS, experts representing ATM have analyzed data furnished by Atmos and have interviewed Atmos' management regarding the RRM; and

WHEREAS, it is necessary to establish the benchmark cost for Pensions and Other Post Employment Benefits (Pension/OPEB); and

WHEREAS, on September 26, 2013, ATM and Atmos entered into a settlement agreement which would provide for a net increase of $16.6 million. This will cause the rates to increase by $0.74 per month for a typical residential customer; and

WHEREAS, the settlement agreement's net decrease to Atmos' previously filed request would be approximately 27% less than such filed RRM; and

WHEREAS, the Steering Committee of ATM and its counsel recommend approval of the attached tariffs, set forth as Attachment A.

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

Section 1. The findings set forth in this Resolution are hereby in all things approved.

Section 2. The amended tariffs in Attachment A are hereby adopted to become effective on November 1, 2013.

Section 3. The benchmark for Pension and Other Post Employment Benefits shall be as shown in Atmos' RRM 2013 Application at Workpapers F-2.3 and F-2.3.1, for fiscal year 2013, appended to this Resolution as Attachment B.

Section 4. Atmos is hereby directed to reimburse the City's costs, as part of the Atmos Texas Municipalities, of engaging counsel, rate consultants, and other personnel in assisting the City in its investigation of Atmos' proposed increase in rates.

Section 5. To the extent any Resolution or Ordinance previously adopted by the City Council is inconsistent with this Resolution, it is hereby superseded.

Section 6. The meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 7. If any one or more sections or clauses of this Resolution is judged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 8. This Resolution shall become effective from and after its passage.

Section 9. A copy of this Resolution shall be sent to Atmos Mid-Tex, care of Christopher Felan, Vice President of Rates and Regulatory Affairs, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1600, Dallas, Texas 75240and to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Avenue, Suite 1250, Austin, Texas 78701.

PASSED AND APPROVED this 17th day of October, 2013.

_____
Christopher Fielder, Mayor

ATTEST:

_____
Debbie Haile, City Secretary

ATTACHMENT A

Rate Schedules

Rate Schedule: R – Residential Sales
Rate Schedule: C – Commercial Sales
Rate Schedule: I – Industrial Sales
Rate Schedule: T – Transportation Sales
Rate Schedule: WNA – Weather Normalization Adjustment

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**R – RESIDENTIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 11/01/2013**	

Application
Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	**Amount**
Customer Charge per Bill	$ 17.70 per month
Rider CEE Surcharge	$ 0.02 per month[1]
Total Customer Charge	$ 17.72 per month
Commodity Charge – All Ccf	$0.05831 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement
An Agreement for Gas Service may be required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

1 Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2013.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**C – COMMERCIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 11/01/2013**	

Application
Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	$ 35.75 per month
Rider CEE Surcharge	$ 0.10 per month[1]
Total Customer Charge	$ 35.85 per month
Commodity Charge – All Ccf	$ 0.06893 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement
An Agreement for Gas Service may be required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

1 Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2013.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Application
Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	$ 620.00 per month
First 0 MMBtu to 1,500 MMBtu	$ 0.2565 per MMBtu
Next 3,500 MMBtu	$ 0.1879 per MMBtu
All MMBtu over 5,000 MMBtu	$ 0.0403 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee
Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index
In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Agreement
An Agreement for Gas Service may be required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions
In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**T – TRANSPORTATION**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 11/01/2013**	

Application
Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	$ 620.00 per month
First 0 MMBtu to 1,500 MMBtu	$ 0.2565 per MMBtu
Next 3,500 MMBtu	$ 0.1879 per MMBtu
All MMBtu over 5,000 MMBtu	$ 0.0403 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees
All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees
Customer shall pay Company the greater of (i) $0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Curtailment Overpull Fee
Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index
In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement
A transportation agreement is required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions
In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	**WNA – WEATHER NORMALIZATION ADJUSTMENT**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 11/01/2013**	

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$ = Weather Normalization Adjustment Factor for the ith rate schedule or classification expressed in cents per Ccf

R_i = Commodity Charge rate of temperature sensitive sales for the ith schedule or classification.

HSF_i = heat sensitive factor for the ith schedule or classification divided by the average bill count in that class

NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

ADD = billing cycle actual heating degree days.

BI_i = base load sales for the ith schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the jth customer in ith rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the jth customer in ith rate schedule.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Base Use/Heat Use Factors

	Residential		Commercial	
Weather Station	Base use Ccf	Heat use Ccf/HDD	Base use Ccf	Heat use Ccf/HDD
Abilene	9.97	0.1318	96.50	0.5659
Austin	11.05	0.1262	189.59	0.7195
Dallas	13.13	0.1832	171.84	0.8797
Waco	9.78	0.1262	117.60	0.5774
Wichita Falls	10.99	0.1297	107.70	0.5041

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and a Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

ATTACHMENT B

Pension and Other Post Employment Benefits Benchmark

Workpapers F-2.3 and F-2.3.1

ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS ADJUSTMENT
TEST YEAR ENDING DECEMBER 31, 2012

		Shared Services		Mid-Tex Direct			
Line No.	Description	Pension Account Plan ("PAP")	Post-Retirement Medical Plan ("FAS 106")	Pension Account Plan ("PAP")	Supplemental Executive Benefit Plan ("SERP")	Post-Retirement Medical Plan ("FAS 106")	Adjustment Total
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Fiscal Year 2013 Towers Watson Report as adjusted (1), (3)	$ 7,245,177	$ 4,844,074	$ 10,862,319	$ 160,115	$ 9,458,845	
2	O&M Expense Factor (2)	82.36%	82.36%	40.35%	37.75%	40.35%	
3	Fiscal Year 2013 Actuarially Determined O&M Benefits (Ln 1 x Ln 2)	$ 5,967,117	$ 3,989,572	$ 4,383,052	$ 60,444	$ 3,816,737	
4	Allocation to Mid-Tex (2)	46.50%	46.50%	73.77%	100.00%	73.77%	
5	**Mid-Tex Benefits Expense Included in Rates - Proposed** (Ln 3 x Ln 4)	$ 2,774,880	$ 1,855,265	$ 3,233,311	$ 60,444	$ 2,815,549	$ 10,739,449
6							
7	**Mid-Tex Benefits Expense per GUD 9869 Benchmark**	$ 839,124	$ 1,087,066	$ 2,035,891	$ 171,212	$ 2,981,588	$ 7,114,881
8							
9	**Test Year Adjustment (Line 5 minus Line 7)**	$ 1,935,756	$ 768,199	$ 1,197,420	$ (110,768)	$ (166,040)	$ 3,624,567
10							
11	Adjustment Summary:						
12	Account 922	$ 1,935,756	$ 768,199	$ -	$ -	$ -	$ 2,703,955
13	Account 926	-	-	1,197,420	(110,768)	(166,040)	920,612
14	Total (Ln 12 plus Ln 13)	$ 1,935,756	$ 768,199	$ 1,197,420	$ (110,768)	$ (166,040)	$ 3,624,567
15							
16							
17	Notes:						
18	1. Studies not applicable to Mid-Tex or Shared Services are omitted.						
19	2. Shared Services' ratios in Columns (b) and (c) are based upon FY13 factors as adjusted for the 4-Factor method including Operating Income; The four-factor formula calculation does not include the state of Georgia. Mid-Tex factors are based upon actual test year ratios						
20	3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.						

File Date: July 15, 2013

ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2012

		Shared Services		Mid-Tex Direct			
Line No.	Description	Pension Account Plan ("PAP")	Post-Retirement Medical Plan ("FAS 106")	Pension Account Plan ("PAP")	Supplemental Executive Benefit Plan ("SERP")	Post-Retirement Medical Plan ("FAS 106")	Adjustment Total
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Fiscal Year 2013 Towers Watson Report (excluding Removed Cost Centers)	$ 7,245,177	$ 4,844,074	$ 10,862,319	$ 160,115	$ 9,458,845	
2	Allocation to Mid-Tex	46.50%	46.50%	73.77%	100.00%	73.77%	
3	FY13 Towers Watson Benefit Costs (excluding Removed Cost Centers) Allocated to MTX (Ln 1 x Ln 2)	$ 3,369,215	$ 2,252,633	$ 8,012,967	$ 160,115	$ 6,977,646	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	FY13 Towers Watson Benefit Costs To Approve (excluding Removed Cost Centers) (Ln 3 x Ln 4)	$ 3,369,215	$ 2,252,633	$ 8,012,967	$ 160,115	$ 6,977,646	$ 20,772,576
6							
7							
8	**Summary of Costs to Approve:**						
9							
10	Total Pension Account Plan ("PAP")	$ 3,369,215		$ 8,012,967			$ 11,382,182
11	Total Post-Retirement Medical Plan ("FAS 106")		$ 2,252,633			$ 6,977,646	9,230,279
12	Total Supplemental Executive Retirement Plan ("SERP")				$ 160,115		160,115
13	Total (Ln 10 + Ln 11 + Ln 12)	$ 3,369,215	$ 2,252,633	$ 8,012,967	$ 160,115	$ 6,977,646	$ 20,772,576
14							
15							
16	O&M Expense Factor	82.36%	82.36%	40.35%	37.75%	40.35%	
17							
18	Expense Portion (Ln 13 x Ln 16)	$ 2,774,880	$ 1,855,265	$ 3,233,311	$ 60,444	$ 2,815,549	$ 10,739,449
19							
20	Capital Factor	17.64%	17.64%	59.65%	62.25%	59.65%	
21							
22	Capital Portion (Ln 13 x Ln 20)	$ 594,335	$ 397,368	$ 4,779,656	$ 99,671	$ 4,162,097	$ 10,033,127
23							
24	Total (Ln 18 + Ln 22)	$ 3,369,215	$ 2,252,633	$ 8,012,967	$ 160,115	$ 6,977,646	$ 20,772,576

AGENDA INFORMATION SHEET
AGENDA ITEM NO. _____

APPROVAL OF A CHANGE IN ATMOS ENERGY CORPORATION, MID-TEX DIVISION'S ("ATMOS") RATES AS A RESULT OF SETTLEMENT BETWEEN ATMOS AND THE ATMOS TEXAS MUNICIPALITIES ("ATM") UNDER THE RATE REVIEW MECHANISM

ATMOS TEXAS MUNICIPALITIES

The City is a member of the Atmos Texas Municipalities ("ATM"). The ATM group was organized by a number of municipalities served by Atmos and has been represented by the law firm of Herrera & Boyle, PLLC (through Mr. Alfred R. Herrera). ATM also retained the services of a consulting firm, Utilitech, Inc. (Mr. Mike Brosch and Mr. Steve Carver) to assist in reviewing an application submitted by the Mid-Tex Division of Atmos Energy ("Atmos") that seeks to change Atmos' rates. The firm of Utilitech has also participated in prior rate cases involving Atmos.

RATE REVIEW MECHANISM

In the summer of 2013, Atmos and ATM entered into an agreement that approved a process for calculating annual changes to Atmos' rates under a tariff called the Rate Review Mechanism.

Atmos submitted its RRM package to the cities on or around July 15, 2013. Atmos requested an increase in rates on a system-wide basis of $22.7 million. Atmos' requested amount of $22.7 million includes a $3 million reduction that is a component of the RRM tariff. Without the reduction, Atmos' request would have been $25.7 million.

After reviewing Atmos' rate-filing package, experts retained by ATM concluded in a preliminary report that an increase of only $8.5 million was supported by Atmos' data. ATM's experts' recommendations focused on Atmos' Operations and Maintenance expenses, Medical and Dental Benefits, Insurance expenses, Tax Adjustments, Capital Structure and Cost of Debt, and Regulatory Assets. Following a series of settlement negotiations between Atmos' experts and ATM's experts, and the back and forth that accompanies such negotiations, Atmos offered to resolve this matter for an increase of $16.6 million, a $6.1 million decrease from its original proposal. In response to ATM's request, and as part of its settlement offer, Atmos also agreed to postpone the effective date of the increased rates by two weeks, which has the effect of reducing its total system-wide increase by about $300,000.00. Thus, at this juncture, the ATM cities' options are as follows:

Option 1. To deny Atmos' requested increase and approve no increase;

Option 2. To deny Atmos' requested increase and approve an increase of $8.5 million, based on ATM's consultants' report; or

Option 3. To deny Atmos' requested increase of $22.7 million but approve an increase of $16.6 million.

Note that under Option 1 and Option 2, Atmos has the right to appeal the ATM cities' decisions to the Railroad Commission of Texas (Commission) and pending such an appeal would have the right to immediately implement its proposed increase of $22.7 million, subject to refund if the Commission's review later finds it inappropriate.

In an appeal to the Commission, Atmos would in all likelihood argue that the costs of appeal should be borne by only the ATM cities. Given the Commission's tendency to err in favor of utilities, Atmos would likely prevail. An appeal would significantly increase the burden on ratepayers by adding rate case expenses, which would include both ATM's and Atmos' costs of preparing and prosecuting the appeal, and the costs of a hearing. Also, there is a substantial risk that the Commission would grant Atmos a greater increase than the currently proposed settlement amount.

RECOMMENDATION:

After a series of negotiations with Atmos, and given the risks of continued litigation of this matter, ATM's special counsel recommends approval of an increase of $16.6 million. While this amount is materially higher than ATM's experts' preliminary report suggests, if the ATM cities reject Atmos' settlement offer, Atmos would appeal the cities' decision to reject their original request to the Commission, and there are a number of contested issues whose outcome would be uncertain in an appeal. Also, an increase of $16.6 million is within the range of possible outcomes on appeal, particularly in light of the many rulings the Commission has issued that favor the utilities over ratepayers.

Therefore, given the cost of litigation, and the risks of an unfavorable outcome at the Commission, special counsel advises ATM to accept a settlement increasing rates by $16.6 million which is about 27% less than Atmos' full requested increase. The rate schedules to accomplish the increase are attached to the Ordinance/Resolution approving the increase. Approval of this increase in rates increases an average customers' total bill as follows:

Residential Customer:	$0.74/month and 1.75% overall.
Commercial customer:	$2.16/month and 1.01% overall.
Industrial/Transportation Customer:	$53.65/month and 2.02% overall.

The attached Ordinance/Resolution directs Atmos to reimburse ATM's rate-case expenses and also establishes Atmos' Pension and Other Post Employment Benefits for purposes of establishing the benchmark for Pension/OPEB costs.

The City should take action as soon as possible but no later than November 1, 2013.

Executive Summary

October 17, 2013

Agenda Subject: Discuss and Consider Comprehensive Plan Implementation Priorities

Background: The City Council of the City of Leander adopted an updated comprehensive plan in December of 2009. The plan included an implementation plan that identified specific actions to be taken in order to achieve the goals of the plan. Since 2009, a number of those recommended actions have been taken, however there are still many to be completed. In August of 2013, the City Council and the Planning and Zoning Commission met jointly to review the progress toward implementing the comprehensive plan and discussed priorities for the remaining tasks to be completed.

At its September 26, 2013 meeting, the P&Z discussed the staff proposed implementation plan for fiscal year 2013-14 and recommended that the Council adopt the action plan attached.

This agenda item is intended to allow the Council to review the recommendation from the Commission and provide any feedback or adjustments to the proposed work plan prior to staff beginning to work on it.

Origination: Planning and Zoning Commission

Financial Consideration: None

Recommendation: Staff recommends approval of the fiscal year 2013-14 comprehensive plan implementation priorities.

Attachments: 1. Development Agreement and Exhibits

Prepared By: Tom Yantis, AICP
Development Services Director 10/10/2013

Comprehensive Plan Implementation Priorities FY 2013-2014

Introduction

The City Council of the City of Leander adopted an updated comprehensive plan in December of 2009. The plan included an implementation plan that identified specific actions to be taken in order to achieve the goals of the plan. Since 2009, a number of those recommended actions have been taken, however there are still many to be completed. In August of 2013, the City Council and the Planning and Zoning Commission met jointly to review the progress toward implementing the comprehensive plan and discussed priorities for the remaining tasks to be completed. This document identifies priority action items, defines a general process for completing them and establishes a timeline for their completion.

Priority 1 - Adopt Future Land Use Node Plan

Unlike a conventional land use plan, the Leander comprehensive plan does not identify a specific land use category for every parcel of land within the City's planning boundary. The land use plan approach in the comprehensive plan assumes the predominate land use pattern is single family residential neighborhoods and that other land uses will be concentrated in activity nodes at major intersections. These nodes vary in size and intensity depending upon location and the characteristics of the transportation intersections. The node types include Town Center, Community Center and Neighborhood Center. Each node will have different characteristics depending upon the surrounding land uses, but should achieve a mix of uses conducive to providing a variety of housing types, commercial services, employment opportunities and civic and open spaces that will serve the surrounding residential neighborhoods. In addition to the nodes, the land use plan identifies a 2,300 acre area as a Transportation Oriented Development District (TOD) which will be developed following traditional town planning principles and will achieve the highest intensity of uses in the city.

The node plan illustrated within the current comprehensive plan provides general goals for each type of node, but the plan does not provide specific guidance for appropriate zoning and land use regulations within each node type and between the nodes and surrounding neighborhoods.

The results of completing this action item would be:

1. An adopted future land use plan based upon the node concept
2. A definition of appropriate uses, densities, zoning districts and design characteristics for each node type
3. A set of recommended amendments to the Composite Zoning, Subdivision and other ordinances to implement the node plan

The process for completing this action item would be:

1. Conduct an initial workshop with P&Z to review the node plan in the comprehensive plan and to further define the definitions for the nodes and the locations of each type
2. Staff takes P&Z feedback and develops a preliminary map of node locations and definitions of each node type
3. Conduct a joint workshop with the Planning and Zoning Commission and City Council to present preliminary node definitions and locations and receive feedback
4. Staff conducts a public workshop to present the node concept and draft definitions and receive community input
5. Staff prepares a proposed future land use plan and map based upon the node definitions determined by Council and P&Z including community input and presents to P&Z for review and feedback
6. Staff incorporates P&Z comments and presents to City Council for review and feedback
7. Staff incorporates Council comments and schedules the future land use plan for formal public hearings and adoption

Proposed time frame:

1. November 2013 - workshop with P&Z
2. February 2014 - hold joint workshop with P&Z and City Council
3. March 2014 - conduct public workshop
4. April 2014 - present draft land use plan and map to P&Z
5. May 2014 - present revised draft land use plan and map to Council
6. June/July 2014 - conduct public hearings on future land use plan
7. August 2014 - adopt future land use plan

Priority 2 - Update the Transportation Plan to Incorporate All Planned Pedestrian and Bicycle Corridors

Another goals of the Comprehensive Plan is to "Promote street, sidewalk and trail connectivity." Currently, the Transportation Plan only identifies trail corridors that are within the right-of-way of existing and planned City streets.

The intent of this action item is to expand the Transportation Plan to include pedestrian and bicycle corridors that may not be within a street right-of-way, such as corridors along creeks and rivers and other non-vehicular connections.

The results of completing this action item would be:

1. An updated Transportation Plan that identifies all planned transportation corridors including vehicular, bicycle and pedestrian
2. A set of recommended ordinance amendments (if any) to implement the changes to the Transportation Plan

The process for completing this action item would be:

1. Staff conducts a workshop with P&Z to discuss proposed updates to the Transportation Plan
2. Staff receives feedback from P&Z and incorporates that feedback into a draft transportation plan update
3. A joint workshop with Council and P&Z is conducted to review the draft plan
4. Based upon P&Z and Council direction, staff conducts a public workshop to present the proposed revisions to the Transportation Plan and receive feedback
5. Staff presents feedback from public workshop to P&Z and Council and receives final direction on Transportation Plan update
6. Staff incorporates final revisions and schedules the Transportation Plan update for public hearings and adoption

Proposed time frame:

1. November 2013 - staff presents draft plan to P&Z
2. February 2014 - staff presents draft plan with P&Z feedback to Council
3. March 2014 - staff conducts public workshop
4. April 2014 - staff presents to P&Z and council final recommendations incorporating public feedback
5. April/May 2014 - staff schedules Transportation Plan for public hearings and adoption

Priority 3 - Review City Ordinance Provisions Related to the Protection of Trees, Riparian Corridors and Other Natural Features

One of the goals in Section 4.8 of the Comprehensive Plan is to "Enhance protective measures for areas of unique environmental quality." The plan goes on to identify two specific objectives, 1) adopt standards for the protection of significant trees, and 2) adopt standards and practices to protect significant riparian corridors.

The City's subdivision and zoning ordinances do provide some protections for significant trees and provide regulations for development with flood plains which include the riparian corridors. This action item would provide an opportunity to review and potentially modify those existing regulations.

The results of completing this action item would be:

1. A comprehensive report of existing City regulations related to tree protection
2. A comparison of the City's tree protection regulations with other surrounding communities and best practices
3. A set of recommended ordinance revisions (if any) related to tree protection
4. A report on the City's existing regulations that impact riparian corridors
5. A map of the City limits and ETJ that identifies all riparian corridors
6. A comparison of the City's riparian corridor protections to those of surrounding communities and best practices
7. A set of recommended ordinance revisions (if any) related to the protection of riparian corridors

8. A process to identify any other significant natural features that may warrant additional protections

The process for completing this action item would be:

1. Staff conducts a workshop with P&Z to identify the specific ordinance sections to review
2. Based upon the P&Z feedback, staff prepares a report on existing City regulations for trees, riparian corridors and other natural features and compares those regulations to surrounding communities and best practices
3. Staff presents the report to P&Z and Council in a workshop and receives recommendations on possible modifications to existing ordinances
4. Based upon P&Z and Council direction, staff conducts a public workshop to present the report on existing regulations and suggestions from P&Z and Council on proposed modifications and receives feedback
5. Staff presents feedback from public workshop to P&Z and Council and receives final direction on ordinance revisions
6. Staff prepares ordinance revisions and schedules public hearings and adoption

Proposed time frame:

1. November 2013 - hold a workshop with P&Z to prioritize ordinance sections for review
2. February 2014 - conduct a joint workshop with P&Z and Council to present the staff report
3. March 2014 - conduct public workshop to present report findings and gather feedback
4. March 2014 - present feedback from public workshop to P&Z and Council
5. May 2014 - complete ordinance revisions (if any) and schedule for adoption
6. June/July 2014 - ordinance revisions adopted (may do in separate batches)

Executive Summary

October 17, 2013

Agenda Subject: Consideration and action on a development agreement between the City of Leander and Shops at Crystal Falls, LLC for a 4.98 acre, more or less, tract, generally located to the southeast of the intersection of N. Lakeline Blvd and Crystal Falls Pkwy, City of Leander, Williamson County, Texas.

Background: This property is located on the southeast corner of N. Lakeline Blvd and Crystal Falls Pkwy and is currently zoned GC-3-C (General Commercial). The property owner is requesting a development agreement in order to allow for the applicant to subdivide the property through the short form final plat process even though offsite improvements are required.

The development agreement covers the following key points:

1. Provides for the Developer to subdivide the property through the short form final plat process even though offsite improvements are required.
2. Provides a limit of no more than four commercial lots as part of the subdivision.
3. Provides that the offsite drainage improvements are completed or that fiscal is posted for the improvements prior to the approval of the short form final plat.
4. Provides the requirement that a six (6) foot masonry wall is constructed where adjacent to residential property.

Origination: Applicant: Shops at Crystal Falls, LLC

Financial Consideration: None

Recommendation: Staff recommends approval of the development agreement. The offsite improvements are currently under construction by another entity. These improvements will be complete prior to the completion of the Shops at Crystal Falls property. Approving this development agreement will allow for the Shops at Crystal Falls to continue to move forward through the development process while the offsite improvements are under construction.

Attachments: 1. Development Agreement and Exhibits

Prepared By: Tom Yantis, AICP
Development Services Director 10/10/2013

DEVELOPMENT AGREEMENT
FOR THE BOULDERS AT CRYSTAL FALLS PHASE VI

This Development Agreement for the Boulders at Crystal Falls Phase VI (this "Agreement") is made and entered into, effective as of the ___ day of _____, 2013, by and between the **City of Leander, Texas**, a Texas home rule municipal corporation (the "City"), and Shops at Crystal Falls, LLC, a Texas limited liability company (the "Developer"). The City and the Developer are sometimes referred to herein as the "Parties." The Parties agree as follows.

Purposes, Term and Consideration

1.01. The Developer owns and proposes to develop that certain 4.98 acre (more or less) property located in Leander, Williamson County, Texas, being more particularly described in Exhibit A attached hereto and incorporated herein for all purposes (the "Property") for commercial purposes. The Developer wishes to subdivide the Property through the City's short form plat approval process set forth in Section 26 of Chapter 10, City of Leander Code of Ordinances, as amended from time to time (the "Subdivision Ordinance"). The proposed subdivision requires offsite drainage improvements to be constructed, which, under the Subdivision Ordinance, disqualifies the Property from being platted through the short form plat approval process. The required off-site drainage improvements, being a detention pond constructed in accordance with plans and specifications approved the City and good engineering practices (the "Drainage Improvements"), will be constructed as part of another neighboring project. Other than the Drainage Improvements, the proposed subdivision qualifies for the short form plat approval process.

1.02. The City is agreeable to the property being subdivided through the short form plat process, even though offsite improvements are required; provided that the Developer complies with the terms and conditions set forth in this Agreement.

1.03. The Developer will benefit from platting the Property through the short form plat approval process. The City will benefit from this Agreement by virtue of ensuring that the required Drainage Improvements are constructed or that adequate fiscal surety will guarantee their construction, while making efficient use of City staff time in using the abbreviated short form plat approval process. The City will also benefit from the additional buffering between the Property and neighboring properties that the Developer will install pursuant to this Agreement.

1.04. The benefits to the Parties set forth in this Agreement, plus the mutual promises expressed herein, are good and valuable consideration for this Agreement, the sufficiency of which is hereby acknowledged by both Parties.

1.05. The term of this Agreement shall be five (5) years from the Effective Date hereof, subject to earlier termination as provided in this Agreement.

1.06. The Parties further mutually agree that this Agreement shall be in full force and effect upon the date above first written, and that if the Developer fails to present to the City a short form final plat that complies with Section 26 of the Subdivision Ordinance, except as specifically allowed or required otherwise by this Agreement, within 180 days from the Effective Date of this Agreement

then, in that event, either party to this Agreement may terminate this Agreement by written notice to the other party.

Agreements and Performance

2.01. The City agrees that the Developer may use the City's short form plat approval process set forth in Section 26 of the Subdivision Ordinance to plat the Property with no more than four (4) lots for a commercial development (the "Subdivision") (the "Project").In the event the proposed Subdivision changes, the Developer shall use the normal platting process required by the Subdivision Ordinance for the proposed subdivision of the Property.

2.02. It shall be a condition of short form plat approval for the Project that the Developer has:

a) Either:

1) Posted or caused to be posted fiscal surety to guarantee the completion of the Drainage Improvements required for the Subdivision in accordance with Section 28 of the Subdivision Ordinance; or

2) Completed and obtained City acceptance of the Drainage Improvements required for the Subdivision and

b) Provided the City proof that the Developer has obtained the easements needed to convey storm water and surface water runoff from the Property to the Drainage Improvements, in the form of recorded easements or other appropriate recorded instrument prior to the issuance of the conditional certificate of completion or certificate of occupancy;

c) Applied for and received approval for a revision to the preliminary plat for the Subdivision dated _____, changing the use of the Property to GC-3-C; and

d) The short form plat contains a plat note in a form acceptable to the City requiring the Developer, successors, and assigns to construct the six foot masonry wall required by Section 2.03 below.

2.03. Developer shall further be required to construct a six foot masonry wall adjacent to the residential property on the east side of the Property. The masonry shall be constructed in accordance with Chapter 14, Exhibit A, Article VI, Section 14(e) of the Code of Ordinances. The six foot masonry wall shall be shown on the site development plan for the project, and completion of the wall shall be a condition of receiving a certificate of completion and occupancy for the Property.

2.04. The Developer shall develop the Property and the Subdivision in accordance with all applicable local, state, and federal regulations, except as specifically provided otherwise in this Agreement.

Assignment of Commitments and Obligations

3.01. Developer Assignment of Agreement. Developer's rights and obligations under this Agreement may be assigned by Developer to one (1) or more purchasers of all or part of the Property; provided the City Council must first approve and consent to any such assignment by Developer of this Agreement or of any right or duty of Developer pursuant to this Agreement, which consent shall not be unreasonably withheld or delayed.

Default; Reservation of Rights; Attorneys Fees; Waiver

4.01.Default. Notwithstanding anything herein to the contrary, no party shall be deemed to be in default hereunder until the passage of fourteen (14) business days after receipt by such party of notice of default from the other party. Upon the passage of fourteen (14) business days without cure of the default, such party shall be deemed to have defaulted for purposes of this Agreement; provided that if the nature of the default is that it cannot reasonably be cured within the fourteen (14) business day period, the defaulting party shall have a longer period of time as may be reasonably necessary to cure the default in question; but in no event more than sixty (60) days. In the event of default, the non-defaulting party to this Agreement may pursue the remedy of specific performance or other equitable legal remedy not inconsistent with this Agreement. All remedies will be cumulative and the pursuit of one authorized remedy will not constitute an election of remedies or a waiver of the right to pursue any other authorized remedy.

4.02. Reservation of Rights. To the extent not inconsistent with this Agreement, each party reserves all rights, privileges, and immunities under applicable laws, and neither party waives any legal right or defense available under law or in equity.

4.03. Attorneys Fees. A party shall not be liable to the other party for attorney fees or costs incurred in connection with any litigation between the parties, in which a party seeks to obtain a remedy from the other party, including appeals and post judgment awards.

4.04. Waiver. Any failure by a party to insist upon strict performance by the other party of any provision of this Agreement will not, regardless of length of time during which that failure continues, be deemed a waiver of that party's right to insist upon strict compliance with all terms of this Agreement. In order to be effective as to a party, any waiver of default under this Agreement must be in writing, and a written waiver will only be effective as to the specific default and as to the specific period of time set forth in the written waiver. A written waiver will not constitute a waiver of any subsequent default, or of the right to require performance of the same or any other provision of this Agreement in the future.

Force Majeure

5.01. The term "force majeure" as employed herein shall mean and refer to acts of God; strikes, lockouts, or other industrial disturbances: acts of public enemies, orders of any kind of the government of the United States, the State of Texas or any civil or military authority; insurrections; riots; epidemic; landslides; lightning, earthquakes; fires, hurricanes; storms, floods; washouts; droughts; arrests; restraint of government and people; civil disturbances; explosions; breakage or accidents to machinery, pipelines, or canals; or other causes not reasonably within the control of the party claiming such inability.

5.02. If, by reason of force majeure, any party hereto shall be rendered wholly or partially unable to carry out its obligations under this Agreement, then such party shall give written notice of the full particulars of such force majeure to the other party within ten (10) days after the occurrence thereof. The obligations of the party giving such notice, to the extent effected by the force majeure, shall be suspended during the continuance of the inability claimed, except as hereinafter provided, but for no longer period, and the party shall endeavor to remove or overcome such inability with all reasonable dispatch.

5.03. It is understood and agreed that the settlement of strikes and lockouts shall be entirely within the discretion of the party having the difficulty, and that the above requirement that any Force Majeure shall be remedied with all reasonable dispatch shall not require that the settlement be unfavorable in the judgment of the party having the difficulty.

Notices

6.01. Any notice to be given hereunder by any party to another party shall be in writing and may be effected by personal delivery or by sending said notices by registered or certified mail, return receipt requested, to the address set forth below. Notice shall be deemed given when deposited with the United States Postal Service with sufficient postage affixed.

Any notice mailed to the City shall be addressed:

City of Leander
Attn: City Manager
200 West Willis
P.O. Box 319
Leander, Texas 78646-0319

with copy to:

McKamie Krueger, LLP
Paige H. Saenz
223 West Anderson Lane, #A105
Austin, Texas 77852

Any notice mailed to the Developer shall be addressed:

Shops at Crystal Falls, LLC
Attn: Sanford P. Aron
c/o Hunington Properties, Inc.
109 N. Post Oak Lane, STE 550
Houston, TX 77024

Any party may change the address for notice to it by giving notice of such change in accordance with the provisions of this section.

Waiver and Release

7.01.Waiver of Alternative Benefits. The Parties acknowledge the mutual promises and obligations of the Parties expressed herein are good, valuable and sufficient consideration for this Agreement. The Parties further acknowledge the City and Developer voluntarily elected the benefits and obligations of this Agreement, as opposed to the benefits available were Developer to have elected to develop the Property without the benefits and obligations of this Agreement, pursuant to and in compliance with the applicable City ordinances. Therefore, save and except the right to enforce the obligations of the City to perform each and all of the City's duties and obligations under this Agreement, Developer hereby waives any and all claims or causes of

action Developer may have for or with respect to any duty or obligation undertaken by Developer pursuant to this Agreement, including any benefits that may have been otherwise available to Developer but for this Agreement.

Entire Agreement

8.01.Agreement and Amendment. This Agreement, together with any exhibits attached hereto, constitutes the entire agreement between Parties and may not be amended except by a writing approved by the City Council of the City that is signed by all Parties and dated subsequent to the date hereof.

No Joint Venture; No Third Party Beneficiary

9.01. No Joint Venture. The terms of this Agreement are not intended to and shall not be deemed to create any partnership or joint venture among the parties. The City, its past, present and future officers, elected officials, employees and agents, do not assume any responsibilities or liabilities to any third party in connection with the development of the Property. The City enters into this Agreement in the exercise of its public duties and authority to provide for development of property within the City pursuant to its police powers and for the benefit and protection of the public health, safety, and welfare.

9.02. No Third Party Beneficiary. This Agreement is not intended, nor will it be construed, to create any third-party beneficiary rights in any person or entity who is not a party, unless expressly provided otherwise herein, or in a written instrument executed by both the City and the third party. Absent a written agreement between the City and third party providing otherwise, if a default occurs with respect to an obligation of the City under this Agreement, any notice of default or action seeking a remedy for such default must be made by the Owner.

Effective Date

10.01. The Effective Date of this Agreement is the defined date set forth in the first paragraph.

Texas Law Governs

11.01 This Agreement shall be governed by and construed in accordance with the laws of the State of Texas and shall be performable in Williamson County, Texas. Venue shall lie exclusively in Williamson County, Texas.

Time of the Essence

12.01. It is acknowledged and agreed by the Parties that time is of the essence in the performance of this Agreement.

EXECUTED in multiple originals this the ____ day of _____, 20____.

CITY:
City of Leander, Texas
a Texas home-rule municipal corporation

Attest:

By:_____
Name: Debbie Haile
Title: City Secretary

By:_____
Name: Christopher Fielder
Title: Mayor

THE STATE OF TEXAS §
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on this ____ day of _____, 2013, by Christopher Fielder, Mayor of the City of Leander, Texas, a Texas home-rule municipal corporation, on behalf of said corporation.

(SEAL)

_____
Notary Public, State of Texas

DEVELOPER:
Shops at Crystal Falls, LLC,
a Texas limited liability company

By:_____
Name: _____
Title: _____

THE STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on this ____ day of _____, 2013, by _____, _____ of Shops at Crystal Falls, LLC, a Texas limited liability company, on behalf of said limited liability company.

(SEAL)

_____
Notary Public, State of Texas

EXHIBIT "A"

Description of Property

DESCRIPTION OF 4.978 ACRES OF LAND SITUATED IN WILLIAMSON COUNTY, TEXAS, OUT OF THE S. J. DOVER SURVEY NO. 1, ABS. 168, BEING A PORTION OF A 79.815 ACRE TRACT CONVEYED TO LOOKOUT DEVELOPMENT GROUP, L.P., IN DOCUMENT NO. 2002083332, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 4.978 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod with cap found in the south line of Crystal Falls Parkway (100' R.O.W.) at the northwest corner of The Boulders Phase IV at Crystal Falls, a subdivision of record in Cabinet AA, Slide 266, Plat Records of Williamson County, Texas, for the northeasterly corner of the herein described tract;

THENCE S 20°25'52" E, with the west line of said Boulders Phase IV at Crystal Falls, a distance of 551.16 feet to an iron rod with cap found in the northerly line of a 4.91 acre tract conveyed to the Lower Colorado River Authority in Document No. 2000004561, Official Public Records of Williamson County, Texas, at the southwest corner of The Boulders Phase IV at Crystal Falls, for the southeasterly corner of the herein described tract;

THENCE S 69°32'24" W, in part with northerly line of said 4.91 acre tract, and in part with the northerly line of a 0.131 acre tract conveyed to the City of Leander in Document No. 2003030356, Official Public Records of Williamson County, Texas, a distance of 151.97 feet to an iron rod with cap found at an angle point in the northerly line of said 0.131 acre tract;

THENCE with the northerly line of the 0.131 acre tract, the following two (2) courses:

1. S 20°18'10" E, a distance of 39.82 feet to an iron rod with cap found;

2. S 681637" W, a distance of 224.82 feet to an iron rod with cap found in the easterly line of Lakeline Boulevard (140' R.O.W.), for the southwesterly corner of the herein described tract;

THENCE N 20°24'11" W, with the easterly line of said Lakeline Boulevard, a distance of 564.86 feet to an iron rod with cap set at the curve return of a curve to the right, at the intersection of the easterly line of Lakeline Boulevard and the southerly line of Crystal Falls Parkway:

THENCE with said curve return of a curve to the right, having an arc length of 47.41 feet, with a radius of 30.00 feet, and a chord which bears N 24°40'37" E, a distance of 42.63 feet to a1/2" iron rod found at the end of said curve;

THENCE N 69°35'21" E, with the southerly line of Crystal Falls Parkway, a distance of 346.37 feet to the POINT OF BEGINNING, containing an area of 4.978 acres of land, more or less.

AGENDA ITEM # 15

Executive Summary

October 17, 2013

Council Agenda Subject: Consideration of Award of Construction Contract for the Crystal Falls Parkway Pavement Rehab 2013 Project

Background: Three Bids were received and opened on Thursday, October 10, 2013, for the Crystal Falls Parkway Pavement Rehab 2013 Project. The Base Bid consists of full-width milling with a 1" overlay and restriping of approximately 2,900 linear feet of Crystal Falls Parkway from Overland Drive to Bagdad Road. The additional alternate bid includes the same milling, paving, and restriping improvements for approximately 1,000 linear feet of Crystal Falls Parkway from Overland Drive to Lakeline Blvd. The attached bid tabulation lists the three bids. Lone Star Paving Company is the low bidder with a total bid of $230,789.20 (Base Bid and Alternate Bid). Wheeler (APAC) was the second low bidder with a bid of $235,268.60.

Origination: Patrick A. Womack, P.E. Public Works Director

Financial Consideration: $230,789.20 from the Public Works General Fund, Contract Labor, GL# 01-21-5600

Recommendation: Staff recommends award of the contract for the Crystal Falls Parkway Pavement Rehab Project 2013 to Lone Star Paving Company, in the amount of $230,789.20.

Attachments: Bid Tabulation

Prepared by: Patrick A. Womack, P.E. Public Works Director

Crystal Fall Parkway Pavement Rehab 2013 Bid Tabulation

Base Bid: Overland Drive to Bagdad Road				Lone Star Paving		Wheeler (APAC)		Ramming Paving	
Item No.	Description	Unit	Estimated Quantity	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
1	Thin Overlay Mixture (TXDOT SS3239) 1" Thick including traffic control, materials, sweeping, necessary equipment and labor	SY	15690	$ 7.75	$ 121,597.50	$ 8.58	$ 134,620.20	$ 8.40	$ 131,796.00
2	Site Preparation including full-width milling/planning to 1" depth including removing pavement markings (TXDOT Item 354)	SY	15690	$ 2.50	$ 39,225.00	$ 2.05	$ 32,164.50	$ 2.74	$ 42,990.60
3	Reflective Pvmt Marker TY 1 (0.10 IN THICK) Y BRK 4" (TXDOT 666)	LF	1395	$ 1.40	$ 1,953.00	$ 1.40	$ 1,953.00	$ 0.65	$ 906.75
4	Reflective Pvmt Marker TY 1 (0.10 IN THICK) W SLD 8" (TXDOT 666)	LF	710	$ 2.50	$ 1,775.00	$ 2.50	$ 1,775.00	$ 1.40	$ 994.00
5	Reflective Pvmt Marker TY 1 (0.10 IN THICK) W SLD 20" (TXDOT 666)	LF	35	$ 9.60	$ 336.00	$ 9.60	$ 336.00	$ 12.85	$ 449.75
6	Reflective Pvmt Marker TY 1 (0.10 IN THICK) W SLD 10" (TXDOT 666)	LF	110	$ 6.15	$ 676.50	$ 6.15	$ 676.50	$ 6.25	$ 687.50
7	Reflective Pvmt Marker TY 1 (0.10 IN THICK) W ARROW (TXDOT 666)	EA	5	$ 175.00	$ 875.00	$ 175.00	$ 875.00	$ 95.00	$ 475.00
8	Reflective Pvmt Marker TY 1 (0.10 IN THICK) W WORD (TXDOT 666)	EA	3	$ 220.00	$ 660.00	$ 154.00	$ 462.00	$ 115.00	$ 345.00
				Base Bid Subtotal	**$ 167,098.00**	**Base Bid Subtotal**	**$ 172,862.20**	**Base Bid Subtotal**	**$ 178,644.60**

Crystal Fall Parkway Pavement Rehab 2013 Bid Tabulation

Additive Alternate Bid Overland Drive to Lakeline Blvd.				Lone Star Paving		Wheeler (APAC)		Ramming Paving	
Item No.	Description	Unit	Estimated Quantity	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
1	Thin Overlay Mixture (TXDOT SS3239) 1" Thick including traffic control, materials, sweeping, necessary equipment and labor	SY	5840	$ 7.75	$ 45,260.00	$ 7.85	$ 45,844.00	$ 8.40	$ 49,056.00
2	Site Preparation including full-width milling/planning to 1" depth including removing pavement markings (TXDOT Item 354)	SY	5840	$ 2.50	$ 14,600.00	$ 2.18	$ 12,731.20	$ 2.74	$ 16,001.60
3	Reflective Pvmt Marker TY 1 (0.10 IN THICK) Y BRK 4" (TXDOT 666)	LF	426	$ 1.40	$ 596.40	$ 1.40	$ 596.40	$ 0.65	$ 276.90
4	Reflective Pvmt Marker TY 1 (0.10 IN THICK) W SLD 8" (TXDOT 666)	LF	310	$ 2.50	$ 775.00	$ 2.50	$ 775.00	$ 1.40	$ 434.00
5	Reflective Pvmt Marker TY 1 (0.10 IN THICK) W SLD 20" (TXDOT 666)	LF	33	$ 9.60	$ 316.80	$ 9.60	$ 316.80	$ 12.85	$ 424.05
6	Reflective Pvmt Marker TY 1 (0.10 IN THICK) W SLD 10" (TXDOT 666)	LF	120	$ 6.15	$ 738.00	$ 6.15	$ 738.00	$ 6.25	$ 750.00
7	Reflective Pvmt Marker TY 1 (0.10 IN THICK) W ARROW (TXDOT 666)	EA	3	$ 175.00	$ 525.00	$ 175.00	$ 525.00	$ 95.00	$ 285.00
8	Reflective Pvmt Marker TY 1 (0.10 IN THICK) W WORD (TXDOT 666)	EA	4	$ 220.00	$ 880.00	$ 220.00	$ 880.00	$ 115.00	$ 460.00
				Alternate Subtotal	**$ 63,691.20**	**Alternate Subtotal**	**$ 62,406.40**	**Alternate Subtotal**	**$ 67,687.55**
				Base Bid Subtotal	**$ 167,098.00**	**Base Bid Subtotal**	**$ 172,862.20**	**Base Bid Subtotal**	**$ 178,644.60**
				Total	**$ 230,789.20**	**Total**	**$ 235,268.60**	**Total**	**$ 246,332.15**

Executive Summary

October 17, 2013

Agenda Subject: Consider appointments/reappointments to the Planning & Zoning Commission

Background: Places One, Three and Five on the Planning & Zoning Commission are expiring the end of October 2013. Michelle Stephenson, Ron Abruzzese and Richard Allen, who currently hold the positions, have all stated they would like to be reappointed. The Board Selection Committee has discussed the reappointments.

Origination: Council Member Cantwell, Council Member Lynch and Council Member Siebold

Recommendation: N/A

Attachments: N/A

Prepared by: Debbie Haile TRMC, City Secretary

Executive Summary

October 17, 2013

Agenda Subject: Appointment of a Director to the Williamson County and Cities Health District

Background: The City Council has taken the steps to become a member in the Williamson County and Cities Health District (WCCHD. The next action to be taken is an appointment of a director to represent the City of Leander to the WCCHD Board of Health.

To be qualified as a director, a person must be a citizen of the United States and must have resided at least three (3) years in the jurisdiction covered by the District. A director shall not be an elected official or employee of the Members (City) or their immediate families, or employees of the District or their immediate families. Directors shall serve without compensation. The director shall serve a three term. The Board meets quarterly usually during business hours.

Origination: Bill Gardner, Fire Chief/EMC

Recommendation: Staff recommends Council appoint a director to the WCCHD.

Attachments: None

Prepared by: Bill Gardner

Executive Summary

October 17, 2013

Agenda Subject: Appoint City Disaster Preparedness Committee.

Background: As we continue working on the development of the first all hazard mitigation plan for the City of Leander it is important that we continue to have the ability to receive community input.

I would like to request a committee to assist in providing citizen information and recommendation to Emergency Management concerning mitigation planning and other related items. I received interest from several people at the town hall meeting and have had almost two hundred people complete the on line survey concerning the hazard mitigation plan.

I would request that council establish this committee and I would like for you to consider the following people to participate in this committee:

- Randy Sabbagh 1000 La Cantera Leander (Gran Mesa)
  Risk Manager for Charles Swabb
- Cheryl Fitzsimmons 608 Deercreek Ln. Leander (Benbrooke)
  Homemaker
- Carl Norman 1821 Cross Dram Trl. Leander (Highlands)
  Citizen
- Orlande Chappa 2102 Garrison Dr. Leander (Horizon Park)
  IT Field
- Ernest Pease 1105 Remington Dr. (Benbrooke Ranch)
  Funeral Director - Disaster Response Coordinator for Mass Fatalities
- Darla Humes - rep. from Leander ISD
  Safety Coordinator

Origination: Bill Gardner, Fire Chief/Emergency Management Coordinator

Recommendation: Staff recommends Council approval of this Ordinance.

Attachments: None

Prepared by: Bill Gardner