



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

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



Thursday ~ August 4, 2016 at 7:00 PM

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

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

1. Open meeting, Invocation, Pledges of Allegiance  
**Mayor Fielder opened the meeting at 7:00 pm and welcomed those in attendance  
Council Member Seiler delivered the invocation**
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*  
**No citizen comments**

**CONSENT AGENDA: ACTION**

5. Approval of the minutes: July 21, 2016
6. Dedication and Acceptance of Subdivision Infrastructure Improvements for Bluffs at Crystal Falls Section 3, Phase 3B
7. Dedication and Acceptance of Subdivision Infrastructure Improvements for Bluffs at Crystal Falls Section 3, Phase 3H
8. Dedication and Acceptance of Subdivision Infrastructure Improvements for Borho Phase 7
9. Dedication and Acceptance of Subdivision Infrastructure Improvements for Bryson Phase 1, Section 1C
10. Dedication and Acceptance of Hero Way Multi-Family (Water and Wastewater)
11. Annexation Development Agreement under Section 43.035, Texas Local Government Code, between the City of Leander and the Roy L. Sullivan II Living Trust

**Motion made by Council Member Navarrette to approve the consent agenda. Second by Council Member Hill. Motion passes, all voting “aye”**

**PUBLIC HEARING: ACTION**

12. **Public Hearing** on Zoning Case 16-Z-014: Consider a zoning change of several parcels of land for 27.285 acres, more or less located at 8660 183A Toll Road from interim zoning SFR-1-B, Single Family Rural to PUD, Planned Unit Development with base zoning districts of LO-2-A, Local Office and HC-5-D, Heavy Commercial, Leander, Williamson County, Texas

*Applicant: Anthony Shaleesh on behalf of First State Bank Central Texas; T. Gerry Gamble*

**Tom Yantis, Asst. City Manager explained**

**Julie Beggs with PEC requested the type C architecture**

**Action** on Zoning Case 16-Z-014: a zoning change for several parcels of land for 27.285 acres, more or less located at 8660 183A Toll Road from interim zoning SFR-1-B, Single Family Rural to PUD, Planned Unit Development with base zoning districts of LO-2-A, Local Office and HC-5-D, Heavy Commercial, Leander, Williamson County, Texas

**Motion made by Mayor Fielder to approve as submitted. Second by Council Member Navarrette. Motion passes, all voting “aye”**

13. **Public Hearing** on Zoning Case 16-Z-008 & Subdivision Case 16-CP-001: Consider rezoning and approval of the Bluffview Concept Plan for several parcels of land located at 500 Bradley Ranch Road for 182.84 acres, more or less, from Interim zoning SFR-1-B, Single Family Rural to PUD, Planned Unit Development with the base zoning districts of SFS-2-A, Single Family Suburban, SFU-2-A, Single Family Urban, and SFC-2-A, Single Family Compact, Leander, Williamson County, Texas

*Applicant: Carlson, Brigance & Doering (Geoff Guerrero) on behalf of Development Solutions Bradley, LLC*

**Tom Yantis, Asst. City Manager explained**

**Brigance, Applicant was available for questions**

**LaWann Tull, 137 Waterford Lane, Georgetown - spoke against**

**Andrew Best, 128 Westview Drive, Georgetown – spoke against**

**Pat Jones, 504 Lakeside Drive, Georgetown – spoke against**

**Terry Jones, 504 Lakeside Drive, Georgetown – spoke against**

**Peg Puhl, 129 Westview Drive, Georgetown – spoke against**

**David Quiles, 504 Ridge View Drive, Georgetown – spoke against**

**Erik Schmudee, 132 West View Drive, Georgetown – spoke against**

**Cathy Jaster, 317 Ridge View Drive, Georgetown – spoke against**

**Action** on Zoning Case 16-Z-008 & Subdivision Case 16-CP-001: Consider rezoning and approval of the Bluffview Concept Plan for several parcels of land located at 500 Bradley Ranch Road for 182.84 acres, more or less, from Interim zoning SFR-1-B, Single Family Rural to PUD, Planned Unit Development with the base zoning districts of SFS-2-A, Single Family Suburban, SFU-2-A, Single Family Urban, and SFC-2-A, Single Family Compact, Leander, Williamson County, Texas

**Motion made by Council Member Shepherd to approve with staff and P&Z recommendations that there be 70 foot lots that back up to Gabriel’s Overlook and 40 foot setbacks and there be privacy fences. Second by Council Member Seiler.**

**Mayor Fielder amended the motion to add the placement of the trees to be between the sidewalk and the street and staff will bring back garage entry guidelines before the second reading of the ordinance. Council Member Shepherd agreed with the addition to the motion. Second by Council Member Seiler. Motion passes, 6 to 1 with Council Member Hill voting against.**

**The Planning and Zoning recommendations are:**

1. **The proposed combination landscape fence wall located along the collector is solid masonry where homes back up to the roadway on the northside. The combination landscape fence wall is permitted adjacent to the linear park on the south side.**

2. The road along the south side of the subdivision adjacent to Garey Park shall be designed substantially similar to the attached exhibit (Attachment 10) which exhibit shall be incorporated into the PUD document. The homes on the north side of the road adjacent to Garey Park shall be alley loaded. The parkland adjacent to Garey Park shall be a minimum of 25 feet deep in order to allow for the trail corridor and landscaping on both sides.
3. Residential lots adjacent to the Gabriel's Overlook Subdivision on the east side of the subdivision are limited to SFS-2-A.

**The additional City Council recommendations are:**

1. A 40' setback shall be provided along the eastern property line adjacent to the Gabriel's Overlook Subdivision.
  2. Street trees shall be provided through the subdivision.
  3. A 6' privacy fence shall be provided on the residential lots adjacent to Gabriel's Overlook.
  4. The applicant shall work with staff to develop a mixture of garage placement options throughout the subdivision.
14. **Public Hearing** on Zoning Case 15-TOD-Z-030 & Subdivision Case 15-TOD-CP-009: Consider rezoning and approval of the Tylerville Commercial Concept Plan for a tract of land generally located to the southwest of the intersection of San Gabriel Parkway and US 183 for 11.221 acres, more or less, from PUD, Planned Unit Development to an amended PUD, Planned Unit Development to include the base zoning districts of GC-3-A, General Commercial, GC-2-A, General Commercial and LC-2-A, Local Commercial, Leander, Williamson County, Texas  
*Applicant/Agent: Bill Pohl on behalf of Waterstone Tylerville, LP*  
**Tom Yantis, Asst. City Manager explained**  
**Peter Verdicchio, Land Planner with SEC Planning – explained**  
**Mitch Fuller, spoke about the project**  
**Jennifer Gallagher with Pohl Partners – spoke about companies interested in the development**  
**Andrew Holden, Real Estate Rep. for the project explained**  
**Bill Pohl, Developer explained the request**

**Action** on Zoning Case 15-TOD-Z-030 & Subdivision Case 15-TOD-CP-009: Consider rezoning and approval of the Tylerville Commercial Concept Plan for a tract of land generally located to the southwest of the intersection of San Gabriel Parkway and US 183 for 11.221 acres, more or less, from PUD, Planned Unit Development to an amended PUD, Planned Unit Development to include the base zoning districts of GC-3-A, General Commercial, GC-2-A, General Commercial and LC-2-A, Local Commercial, Leander, Williamson County, Texas

**Motion made by Mayor Pro Tem Abruzzese to approve with conditions 1 through 5 as approved by P&Z. Second by Mayor Fielder. The conditions are as follows:**

1. Update the PUD to meet the intent of the ordinance with regard to continuous building frontage along US 183. An example could include relocating the pumps to allow for another building between US 183 and the pumps.
2. Add a requirement that the continuous building frontage will not be required for Parcel 2 as long as the buildings are oriented towards the creek corridor instead of San Gabriel Pkwy. The creek shall be treated as the street with regard to the masonry requirements. The creek shall include an active edge with a trail system, pedestrian amenities, outdoor seating, landscaping, etc.
3. Add a note to Exhibit E stating that the site plan is conceptual and has not been reviewed by City Staff. A formal review will be conducted at the site development stage of the process.

**4. Update Exhibit F to demonstrate the averaging the riparian corridor setbacks. Currently, the exhibit only shows the removal.**

**5. Provide a trail along the creek.**

**Motion passes, all voting “aye”**

15. **Public Hearing** on Zoning Case 16-TOD-Z-016: Consider a zoning change of several lots located at 216 N. Gabriel for 0.75 acres, more or less from PUD/TOD, Planned Unit Development/Transit Oriented Development with the T4 Transect Zone to change the transect zone to T5, Leander, Williamson County, Texas *Applicant: Michael & Jamie Nelson*  
**Tom Yantis, Asst. City Manager explained**  
**Michael Nelson, applicant explained the request**

**Action** on Zoning Case 16-TOD-Z-016: Consider a zoning change of several lots located at 216 N. Gabriel for 0.75 acres, more or less from PUD/TOD, Planned Unit Development/Transit Oriented Development with the T4 Transect Zone to change the transect zone to T5, Leander, Williamson County, Texas

**Motion made by Council Member Stephenson to approve. Second by Council Member Shepherd.**  
**Motion passes, all voting “aye”**

**Mayor Fielder called for a break at 8:58 pm**  
**Council returned from break at pm 9:03 pm**

## REGULAR AGENDA

16. Consider Subdivision Case 15-PP-008: a Preliminary Plat for the Lively tract regarding Heritage Tree Removal

**Tom Yantis, Asst. City Manager explained**  
**Mark Baker with SCC Planning explained**

**Motion made by Council Member Seiler to approve. Second by Council Member Shepherd.**  
**Motion passes, all voting “aye”**

17. Development Agreement Case 16-DA-005: Consider a Development Agreement between the City of Leander and SSA Investments for the property generally located to the northwest of the intersection of Hero Way and Ronald W. Reagan Blvd, City of Leander, Williamson County, Texas

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

18. Consider approval of Construction Activities between 9:00 pm and 7:00 am for AT&T for the Old 2243 Roadway Improvements Project on Tuesdays and Thursdays during August and September of 2016  
**Wayne Watts, City Engineer explained**

**Motion made by Mayor Pro Tem Abruzzese to approve. Second by Council Member Hill.**  
**Motion passes, all voting “aye”**

19. Receive Effective & Rollback Tax Rate Calculations for FY 2016-17  
**Robert Powers, Finance Director explained**

**Council received the Effective & Rollback Tax Rate Calculations for FY 2016-17**

20. Consider a Proposal to Adopt a Tax Rate for FY 2016-17

**Robert Powers, Finance Director explained**

**Motion made by Mayor Fielder to move to place the proposed tax rate for FY 2016-17 of 59.900 cents per \$100 valuation on the agenda of a future meeting as an action item. Second by Mayor Pro Tem Abruzzese. Motion passes, all voting "aye"**

21. Schedule Two Public Hearings on a Proposal to Adopt a Tax Rate for FY 2016-17

**Robert Powers, Finance Director explained**

**Motion made by Mayor Fielder to move to schedule two public hearings on August 18, 2016 (regular City Council meeting beginning at 7:00 p.m.) and September 1, 2016 (regular City Council meeting beginning at 7:00 p.m.) to consider a proposal to adopt a tax rate of 59.900 cents per \$100 valuation. Second by Mayor Pro Tem Abruzzese. Motion passes, all voting "aye"**

**The final reading of the ordinance to adopt the tax rate will be at the regular meeting on September 15, 2016 at 7:00 pm and Sept 19, 2016 at a special called meeting at 6:00 pm.**

22. Consider rescheduling of the October 6, 2016 City Council meeting to Tuesday, October 11, 2016 due to the Texas Municipal League Annual Conference

**Mayor Fielder explained**

**Move the October 6, 2016 council meeting to October 11, 2016 at 7:00 pm.**

**Mayor Fielder moved to executive session at this time**

23. Council Member Closing Statements

**Council Members gave their closing statements**

**EXECUTIVE SESSION**

24. Convene into executive session:

- a) pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding In Re: Application of LCRA Transmission Services Corporation to Amend its Certificate of Convenience and Necessity for the Proposed Leander to Round Rock 138 KV Transmission Line Project in Williamson County, Texas, Before the State Office of Administrative Hearings (SOAH Docket No. 473-16-4342; PUC Docket No. 45866)
- b) pursuant to Section 551.072, Texas Gov't Code, to deliberate the acquisition and value of real property to consider the purchase of 0.392 acre (17,066 SF) of fee simple right-of-way from HEB for the Old 2243 Roadway Improvements Project in the amount of \$179,193.00
- c) pursuant to Section 551.071, Tex. Gov't Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding Docket Nos. 45842 and 45843, Applications of the City of Leander to Amend a Water Certificate of Convenience and Necessity and Partial Dual Certification in Williamson County, Texas, Public Utility Commission of Texas
- d) pursuant to Section 551.072, Texas Government Code, to deliberate the acquisition of real property

**Council convened into executive session at 9:25 pm**

**Council reconvened into open session at 9:45 pm**

25. Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding
- a) Application of LCRA Transmission Services Corporation to Amend its Certificate of Convenience and Necessity for the Proposed Leander to Round Rock 138 KV Transmission Line Project in Williamson County, Texas, Before the State Office of Administrative Hearings (SOAH Docket No. 473-16-4342; PUC Docket No. 45866)
  - b) the acquisition and value of real property to consider the purchase of 0.392 acre (17,066 SF) of fee simple right-of-way from HEB for the Old 2243 Roadway Improvements Project in the amount of \$179,193.00
  - c) Docket Nos. 45842 and 45843, Applications of the City of Leander to Amend a Water Certificate of Convenience and Necessity and Partial Dual Certification in Williamson County, Texas, Public Utility Commission of Texas
  - d) the acquisition of real property, including but not limited to authorizing the City Manager to negotiate and execute an Earnest Money Contract with the Trustees for Emogene Champion for the purchase of approximately 33 acres of land not to exceed \$2,250,000

26. Consider a Resolution regarding Application of LCRA Transmission Services Corporation to Amend its Certificate of Convenience and Necessity for the Proposed Leander to Round Rock 138 KV Transmission Line Project in Williamson County, Texas, Before the State Office of Administrative Hearings (SOAH Docket No. 473-16-4342; PUC Docket No. 45866)

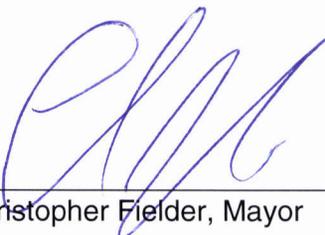
**Motion made by Mayor Pro Tem Abruzzese to approve the Resolution as presented. Second by Council Member Shepherd. Motion passes, all voting "aye"**

27. Consider the acquisition of 0.392 acres of fee simple right-of-way from HEB for the Old 2243 Roadway Improvements project in the amount of \$179,193.00
- Motion made by Mayor Pro Tem Abruzzese to authorize the settlement of the condemnation proceeding with HEB and authorize acquisition of 0.392 acre (17,066 SF) acres of land, more or less, for \$179,193, to be paid for \$155,727.36 for purchase of the land and \$23,465.64 to be paid to Barron Adler. (This motion replaces the approval given on February 4, 2016) Second by Council Member Shepherd. Motion passes, all voting "aye"**

28. Consider authorizing the City Manager to negotiate and execute the earnest money contract for purchase of the property in the amount of \$2,250,000.
- Motion made by Mayor Pro Tem Abruzzese to authorize the City Manager to negotiate and execute the earnest money contract for purchase of the property in the amount of \$2,250,000. Second by Council Member Shepherd Motion passes, all voting "aye"**

**Mayor Fielder moved back to item #23 at this time**

29. Adjournment
- With there being no further business, the meeting adjourned at 9:50 pm**

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

Attest:  
  
\_\_\_\_\_  
Debbie Haile, TRMC, City Secretary