SPECIAL MEETING
LEANDER CITY COUNCIL

Thursday ~ November 8, 2012
6:00 PM

Pat Bryson Municipal Hall
201 N. Brushy Street
Leander, Texas

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

1. Open Meeting,

2. Roll Call

PUBLIC HEARING

3. Second Public Hearing on annexation of a 1.26 acre tract, more or less, located in Williamson County, generally located to the southwest of the intersection of RM 2243 and Ronald W. Reagan Blvd., including the abutting streets, roadways and rights-of-way

4. Second Public Hearing on annexation of a 2.02 acre tract, more or less, located in Williamson County, generally located to the southwest of the intersection of RM 2243 and Ronald W. Reagan Blvd., including the abutting streets, roadways and rights-of-way

REGULAR AGENDA

5. Consider authorization of a Special Use Permit for the 2012 Christmas Parade & Tree Lighting

6. Consider an Ordinance establishing a Quiet Zone for the Railroad Crossing at Sonny Drive adjacent to U.S. Hwy. 183

7. Consider Award of Construction Contract for Crystal Falls Storage Tank & Pump Station Modifications

8. Consider a Resolution of the City Council of the City of Leander, Texas, requesting the LCRA to Implement an Emergency Order to Deviate from the Water Management Plan

9. Consider nominees and cast ballot for the Board of Directors of the Travis Central Appraisal District for the western part of Travis County

10. Consider directing the Ethics Commission to review and make changes as needed to Ordinance #01-009-00, the Ethics Ordinance, and send recommendations to the City Council for approval

11. Adjourn

CERTIFICATION
I certify that the above agenda for this Special 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 2nd day of November, 2012 by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.

Debbie Haile

Debbie Haile, TRMC, City Secretary

Executive Summary

November 8, 2012

Council Agenda Subject: Second public hearing on annexation of a 1.26 acre parcel, more or less, located in Williamson County, Texas, generally located to the southwest of the intersection of RM 2243 and Ronald W. Reagan Boulevard including the abutting streets, roadways, and rights-of-way.

Background: The Resolution setting the two public hearings for November 1, 2012 and **November 8, 2012** was approved by City Council on September 20, 2012. The first reading of the Ordinance is scheduled for December 6, 2012 and the second reading of the Ordinance is scheduled for December 20, 2012. This is a voluntary annexation whereas the property owner is requesting the property to be annexed into the city limits. **(Dates in bold indicate"Special Council Meetings")** The second Public Hearing date was changed to November 8th due to the rescheduling of the November 15th meeting. It was advertised properly for the November 8th meeting; however, the signed Resolution lists November 15th as the second public hearing date. In speaking with the City Attorney, the correction can be made on the final Ordinance.

Origination: Development Services Department

Attachments: Resolution

Petition for Annexation

Exhibit "A" – Property Descriptions

Exhibit "B" – Municipal Services Plan

Schedule for Voluntary Annexation

Prepared by: Jim Bechtol, Director of Development Services

RESOLUTION NO. 12-021-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF A 1.26, MORE OR LESS, ACRE PARCEL, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY, LOCATED IN WILLIAMSON COUNTY, TEXAS; SETTING AN ANNEXATION SCHEDULE; PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

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

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

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

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

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

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

Section 2. Proceedings. The petition for annexation of the following property, including the abutting streets, roadways, and rights of way, and the draft services plan shown in Exhibit "B", submitted by Petitioner, are hereby accepted:

> All that certain tract or parcel of land, located in Williamson County, Texas, being 1.26 acres, more or less, out of the E.D. Harmon Survey, Abstract No. 6, recorded under Document No. 2003006077 of the Official Public Records, Williamson County, Texas and being more particularly described and shown in Exhibit "A" attached hereto and incorporated herein for all purposes.

Two public hearings are set for the dates of November 1, 2012 and November 15, 2012. Notice of such hearings shall be posted and the hearings shall be open to the public to accept public comment on the annexation request.

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

Section 4. **Open Meetings.** It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED this the 20th day of September, 2012.

ATTEST:

Debbie Haile

Debbie Haile, City Secretary

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

CITY OF LEANDER
ESTABLISHED 1852
INCORPORATED 1905
STATE OF TEXAS

STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

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

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

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

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

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

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

NOW THEREFORE, the undersigned by this Request and Petition:

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

> All that certain tract or parcel of land, located in Williamson County, Texas, being 1.26 acres, more or less, out of the E.D. Harmon Survey, Abstract No. 6, recorded under Document No. 2003006077 of the Official Public Records, Williamson County, Texas and being more particularly described and shown in Exhibit "A" attached hereto and incorporated herein for all purposes.

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

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

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

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

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

FILED, this 21st day of August 2012, with the City Secretary of the City of Leander, Williamson County, Texas.

Petitioner: Williamson County, Texas

By: [signature]
Name: Dan A. Gattis
Title: 08-21-2012

STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Dan A. Gattis, _____ of Williamson County, Texas, and Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they had authority to bind the entity and that they executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 21st day of August 2012.

(SEAL)

[signature]
Notary Public-State of Texas

LISA DWORACZYK
Notary Public, State of Texas
My Commission Expires
September 29, 2014

Exhibit "A"

DESCRIPTION OF THE SUBJECT PROPERTY

FIELD NOTES
JOB NO. 11040–xx
DATE: July 25, 2012
PAGE 1 OF 3

1.26 ACRES

Being 1.26 acres of land situated in Williamson County, Texas, out of the E.D. Harmon Survey, Abstract No. 6, being a portion of that tract to illiamson County, Texas (Tract 2) in a Special Warranty Deed, dated January 5, 2003 and recorded under Document No. 2003006077, Official Public Records, Williamson County, Texas, described as being a portion of Lot 6, Block 3, Ridgmar Landing, a Williamson County subdivision recorded in Cabinet D, Slide 67, Plat Records, Williamson County, Texas, save and except that portion described in Warranty Deed, dated August 25, 1994, to Robert L. Haddock, et ux, and recorded in Volume 2598, Page 526, Official Records, Williamson County, Texas and being described by metes and bounds as follows:

BEGINNING at a calculated point in the west line of said Williamson County, Texas (Tract 2) tract and the east line of that tract described as 12.88 acres in a Special Warranty Deed with Vendor's Lien, dated May 27, 2011, to Beasley Tract, L.P., a Texas limited partnership, and recorded under Document No. 2011035206 of said official public records, from which a 5/8 inch iron pin found for the northwest corner of said Lot 6, Block 3, also being the northwest corner of said Williamson County, Texas (Tract 2) tract and the southwest corner of Lot 1, Block 3, also being the southwest corner of that tract described as 1.37 acres (Tract 4C) in a Warranty Deed, dated May 27, 2011, to Beasley Tract, L.P., a Texas limited partnership, and recorded under Document No. 2011035210 of said official public records bears N 05°22'30" E 341.19 feet;

THENCE: into said Williamson County, Texas (Tract 2) tract and with the east line of the herein described tract in the following two (2) courses:

1. S 25°34'13" E 283.71 feet to a calculated point,
2. S 20°24'46" E 208.96 feet to a calculated point in the north line of said Haddock Jr (Tract 2) tract and the south line of said Williamson County, Texas (Tract 2) for the southeast corner of the herein described tract;

THENCE: with the south line of said Williamson County, Texas (Tract 2) and the herein described tract in the following two (2) courses:

1. S 86°57'15" W 53.64 feet with the north line of said Haddock Jr. (Tract 2) to a calculated point for the most westerly corner of said Haddock Jr. (Tract 2), the northwest corner of Lot 3, Block 2 of said Ridgmar Landing, and the northeast corner of Lot 2, Block 2 of said Ridgmar Landing,
2. N 82°41'30" W 183.84 feet with the north line of said Lot 2, Block 2 to a calculated point for the southeast corner of said Beasley (2011035206) tract and the southwest corner of said Williamson County, Texas (Tract 2) tract and the herein described tract;

THENCE: N 05°22'30" E with the east line of said Beasley (2011035206) tract and the west line of said Williamson County, Texas (Tract 2) tract and the herein described tract, at 10.00 feet passing a 1 inch iron rod found in concrete and continuing in all 433.13 feet to the **Point of Beginning** and containing 1.26 acres of land.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

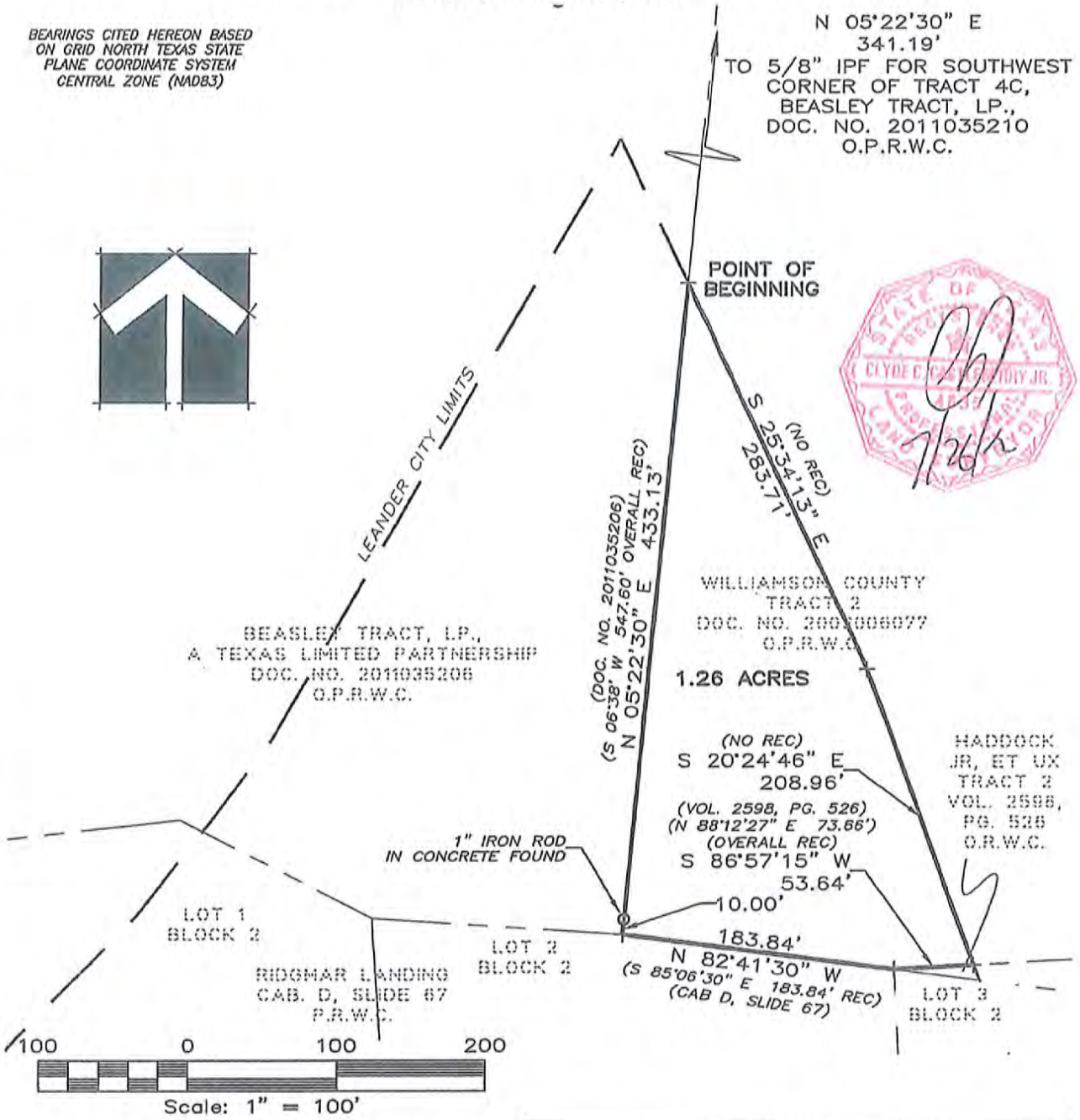
Bearings cited hereon based on Grid North Texas State Plane Coordinate System (Central Zone) NAD83.

Clyde C. Castleberry, Jr., R.P.L.S. No. 4835
Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628

STATE OF TEXAS
REGISTERED
CLYDE C. CASTLEBERRY JR.
4835
PROFESSIONAL
LAND SURVEYOR

CCC/crh

SKETCH TO ACCOMPANY FIELD NOTES FOR
1.26 ACRES OUT OF THE E.D. HARMON SURVEY, ABSTRACT NO. 6
WILLIAMSON COUNTY, TEXAS



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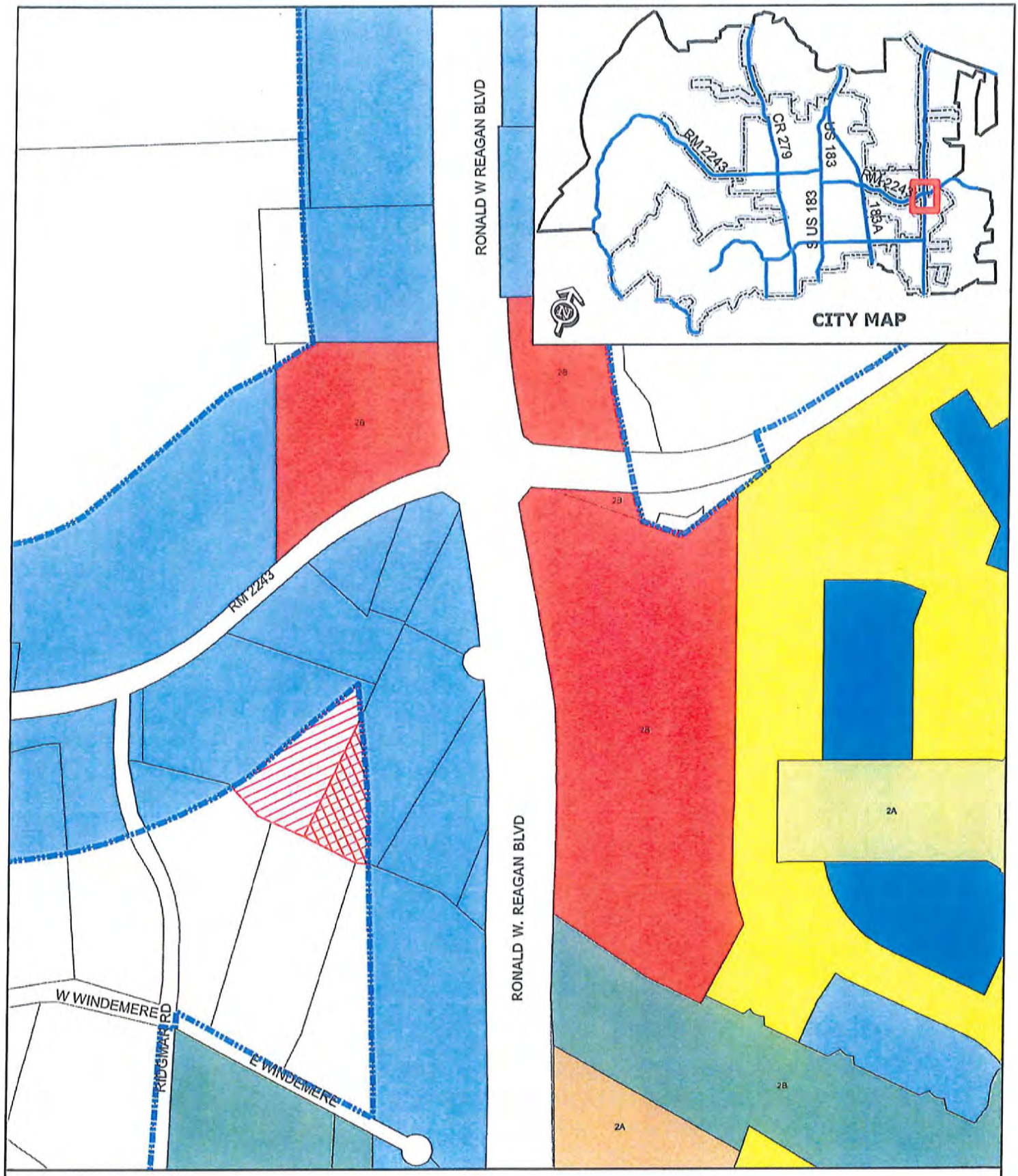
LEGEND	
+	CALCULATED POINT
P.R.W.C.	PLAT RECORDS WILLIAMSON COUNTY
O.P.R.W.C.	OFFICIAL PUBLIC RECORDS WILLIAMSON COUNTY
O.R.W.C.	OFFICIAL RECORDS WILLIAMSON COUNTY

Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903 – Georgetown, Texas 78628
(512) 930-1600/(512) 930-9389 fax
www.castleberrysurveying.com

DRAWING FILE: S:\2011_PROJECTS\11040 HARMON E. D. SVY 13 ACRE ALTA RRB & 2243\11040-XX LEANDER CITY LIMITS\ 11040-XX_LEANDER CITY LIMITS-WILCO_20120



DEVELOPMENT & ANNEXATION EXHIBIT

Location Exhibit

Southwest Corner of RR 2243 & Ronald W. Reagan Blvd

0 200
Feet

City Limits
Williamson County
Beasley Tract, LP

Exhibit "B"

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

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

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

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

WHEREAS, infrastructure provided for herein and that existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City; and

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

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

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

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

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

(ii) 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. 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 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 properties' owner requests and is able to connect to the City's water utility system.

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. 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 in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a 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 owner requests and is able to connect to the City's wastewater utility system.

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

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

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

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

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other

traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

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

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

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

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

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

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

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

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

SCHEDULE FOR VOLUNTARY ANNEXATION – SWC RR 2243 & Ronald Reagan – Wilco – 1.26 Acres +/-

DATE	ACTION/EVENT	LEGAL AUTHORITY
September 20, 2012	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings: **November 1, 2012 and November 8, 2012**; 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 October 1, 2012	**NOTICE TO** property owners & utility providers	Loc. Gov't Code § 43.062(a)
October 17, 2012* Publish notice of First Public Hearing **October 24, 2012*** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable Notice to Railroad) **SCHOOL DISTRICT NOTICE** (notify each school district of possible impact) POST NOTICE ON WEB SITE and MAINTAIN UNTIL COMPLETE	Not less than 10 days nor more than 20 days before 1st and 2nd public hearings. Loc. Gov't Code, §43.063 (c).
Ten days after the date the first notice of Public Hearing is published	LAST DAY FOR SUBMISSION OF WRITTEN PROTEST BY RESIDENTS (10 days after first newspaper notice)	Site hearing required if 10% of adult residents of tracts protest within 10 days after 1st newspaper notice. Loc. Gov't Code, § 43.063 (b)
Nov. 1, 2012*	**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.
Nov. 8, 2012*	**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 **December 6, 2012***	**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 20, 2012 Or at a special called meeting after the First Reading	**SECOND-FINAL READING** OF ORDINANCE *REGULAR MEETING*	Not more than 90 days after 1st reading of Ordinance § 43.064.
December 31, 2012 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**

Executive Summary

November 8, 2012

Council Agenda Subject: Second public hearing on annexation of a 2.02 acre parcel, more or less, located in Williamson County, Texas, generally located to the southwest of the intersection of RM 2243 and Ronald W. Reagan Boulevard including the abutting streets, roadways, and rights-of-way.

Background: The Resolution setting the two public hearings for November 1, 2012 and **November 8, 2012** was approved by City Council on September 20, 2012. The first reading of the Ordinance is scheduled for December 6, 2012 and the second reading of the Ordinance is scheduled for December 20, 2012. This is a voluntary annexation whereas the property owner is requesting the property to be annexed into the city limits. **(Dates in bold indicate"Special Council Meetings")** The second Public Hearing date was changed to November 8th due to the rescheduling of the November 15th meeting. It was advertised properly for the November 8th meeting; however, the signed Resolution lists November 15th as the second public hearing date. In speaking with the City Attorney, the correction can be made on the final Ordinance.

Origination: Development Services Department

Attachments: Resolution

Petition for Annexation

Exhibit "A" – Property Descriptions

Exhibit "B" – Municipal Services Plan

Schedule for Voluntary Annexation

Prepared by: Jim Bechtol, Director of Development Services

RESOLUTION NO. 12-022-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF A 2.02, MORE OR LESS, ACRE PARCEL, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY, LOCATED IN WILLIAMSON COUNTY, TEXAS; SETTING AN ANNEXATION SCHEDULE; PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

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

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

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

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

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

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

Section 2. Proceedings. The petition for annexation of the following property, including the abutting streets, roadways, and rights of way, and the draft services plan shown in Exhibit "B", submitted by Petitioner, are hereby accepted:

> All that certain tract or parcel of land, located in Williamson County, Texas, being 2.02 acres, more or less, out of the E.D. Harmon Survey, Abstract No. 6, recorded under Document No. 2011035206 of the Official Public Records, Williamson County, Texas and being more particularly described and shown in Exhibit "A" attached hereto and incorporated herein for all purposes.

Two public hearings are set for the dates of November 1, 2012 and November 15, 2012. Notice of such hearings shall be posted and the hearings shall be open to the public to accept public comment on the annexation request.

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

Section 4. **Open Meetings.** It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED this the 20th day of September, 2012.

ATTEST:

Debbie Haile

Debbie Haile, City Secretary

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

CITY OF LEANDER
ESTABLISHED 1887 INCORPORATED 1978
STATE OF TEXAS

STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

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

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

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

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

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

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

NOW THEREFORE, the undersigned by this Request and Petition:

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

> All that certain tract or parcel of land, located in Williamson County, Texas, being 2.02 acres, more or less, out of the E.D. Harmon Survey, Abstract No. 6, recorded under Document No. 2011035206 of the Official Public Records, Williamson County, Texas and being more particularly described and shown in Exhibit "A" attached hereto and incorporated herein for all purposes.

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

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

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

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

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

FILED, this 17th day of August 2012, with the City Secretary of the City of Leander, Williamson County, Texas.

Petitioner: Beasley Tract L.P.
By Beasley Tract GP, LLC

By: _____
Name: Jeremy Smithal
Title: Manager of General Partner

STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Jeremy Smitheal, Manager of Beasley Tract L.P., a Texas limited partnership and Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they had authority to bind the entity and that they executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 17th day of August 2012.

(SEAL)

CHRISTINA L. YOUNG
Notary Public, State of Texas
My Commission Expires
March 03, 2013

Christina L. Young
Notary Public-State of Texas

Exhibit "A"

DESCRIPTION OF THE SUBJECT PROPERTY

FIELD NOTES
JOB NO. 11040–xx
DATE: July 25, 2012
PAGE 1 OF 3

2.02 ACRES

Being 2.02 acres of land situated in Williamson County, Texas, out of the E.D. Harmon Survey, Abstract No. 6, being a portion of that tract described as 12.88 acres in a Special Warranty Deed with Vendor's Lien, dated May 27, 2011, to Beasley Tract, L.P., a Texas limited partnership, and recorded under Document No. 2011035206, Official Public Records, Williamson County, Texas and being described by metes and bounds as follows:

BEGINNING at a calculated point in the east line of said Beasley (2011035206) tract and the west line of that tract to Williamson County, Texas (Tract 2) in a Special Warranty Deed, dated January 5, 2003 and recorded under Document No. 2003006077 of said official public records, described as being a portion of Lot 6, Block 3, Ridgmar Landing, a Williamson County subdivision recorded in Cabinet D, Slide 67, Plat Records, Williamson County, Texas, save and except that portion described in Warranty Deed, dated August 25, 1994, to Robert L. Haddock, et ux, and recorded in Volume 2598, Page 526, Official Records, Williamson County, Texas for the northeast corner of the herein described tract, from which a 5/ 8 inch iron pin found for the northwest corner of said Lot 6, Block 3, also being the northwest corner of said Williamson County, Texas (Tract 2) and the southwest corner of Lot 1, Block 3, also being the southwest corner of that tract described as 1.37 acres (Tract 4C) in a Warranty Deed, dated May 27, 2011, to Beasley Tract, L.P., a Texas limited partnership, and recorded under Document No. 2011035210 of said official public records bears N 05°22'30" E 341.19 feet;

THENCE: S 05°22'30" W with the east line of said Beasley (2011035206) tract and the herein described tract and with the west line of said Williamson County, Texas (Tract 2 - 2003006077) tract, at 423.13 feet passing a 1 inch iron rod found in concrete found and continuing in all 433.13 feet to a calculated point in the north line of Lot 2, Block 2 of said Ridgmar Landing for the southwest corner of said Williamson County, Texas (Tract 2 – 2003006077) tract and the southeast corner of said Beasley (2011035206) tract and the herein described tract;

THENCE: with the south line of said Beasley (2011035206) tract and the herein described tract in the following two (2) courses:

1. N 86°19'24" W 168.33 feet with the north line of said Lot 2, Block 2 to a calculated point for the northwest corner of said Lot 2, Block 2 and the northeast corner of Lot 1, Block 2 of said Ridgmar Landing,
2. N 63°19'24" W 127.62 feet with the north line of said Lot 1, Block 2 to a calculated point for the southwest corner of the herein described tract;

THENCE: into said Beasley (2011035206) tract and with the west line of the herein described tract in the following two (2) courses:

1. N 37°25'06" E 71.09 feet to a calculated point,
2. N 30°07'30" E 465.27 feet to a calculated point for the northwest corner of the herein described tract;

THENCE: S 25°36'18" E 106.18 feet, continuing into said Beasley (2011035206) tract and with the north line of the herein described tract to the **Point of Beginning** and containing 2.02 acre of land.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Bearings cited hereon based on Grid North Texas State Plane Coordinate System (Central Zone) NAD83.

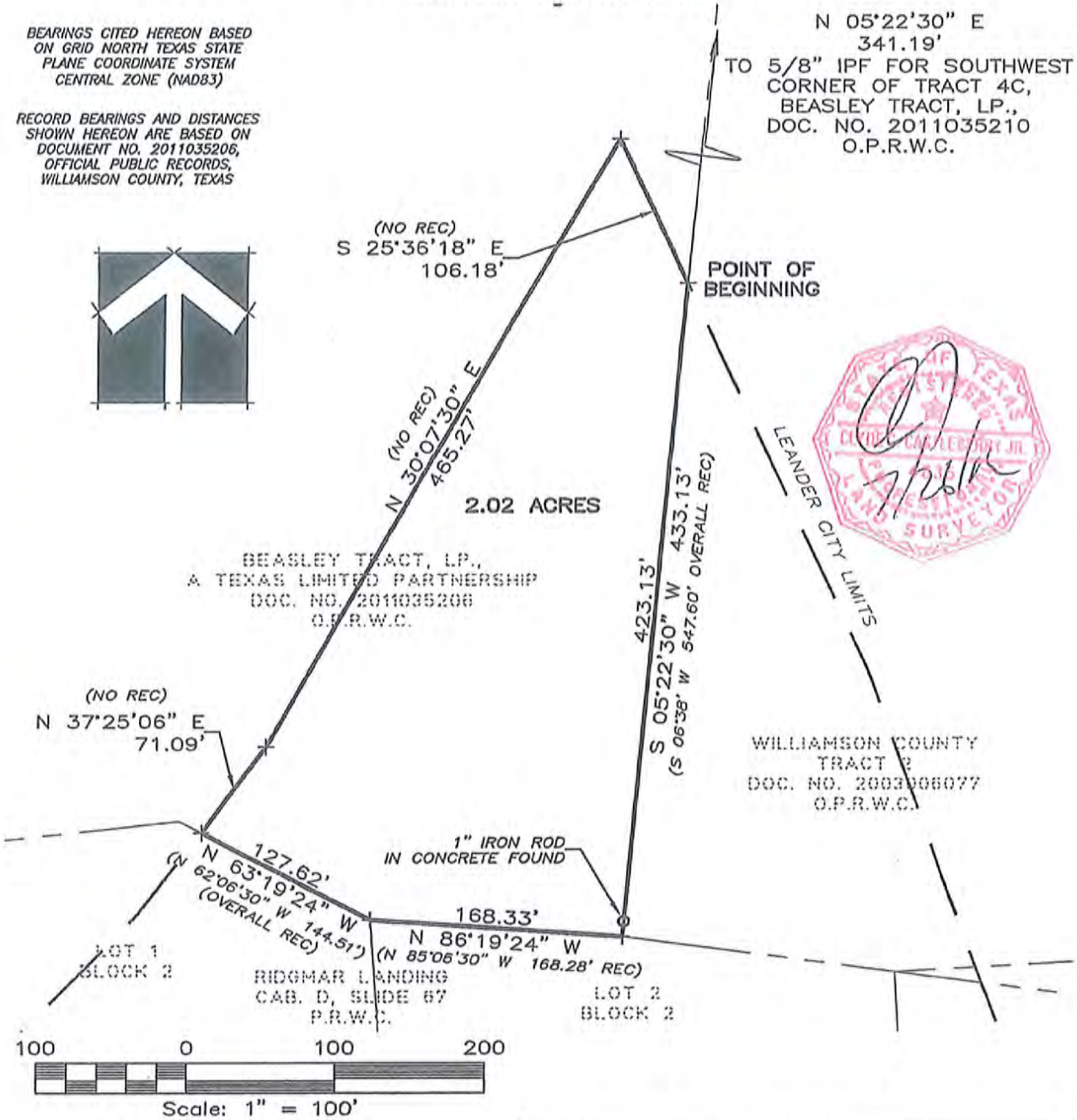
7/26/12

Clyde C. Castleberry, Jr., R.P.L.S. No. 4835
Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628

STATE OF TEXAS REGISTERED CLYDE C. CASTLEBERRY JR. 4835 PROFESSIONAL LAND SURVEYOR

CCC/crh

SKETCH TO ACCOMPANY FIELD NOTES FOR
2.02 ACRES OUT OF THE E.D. HARMON SURVEY, ABSTRACT NO. 6
WILLIAMSON COUNTY, TEXAS

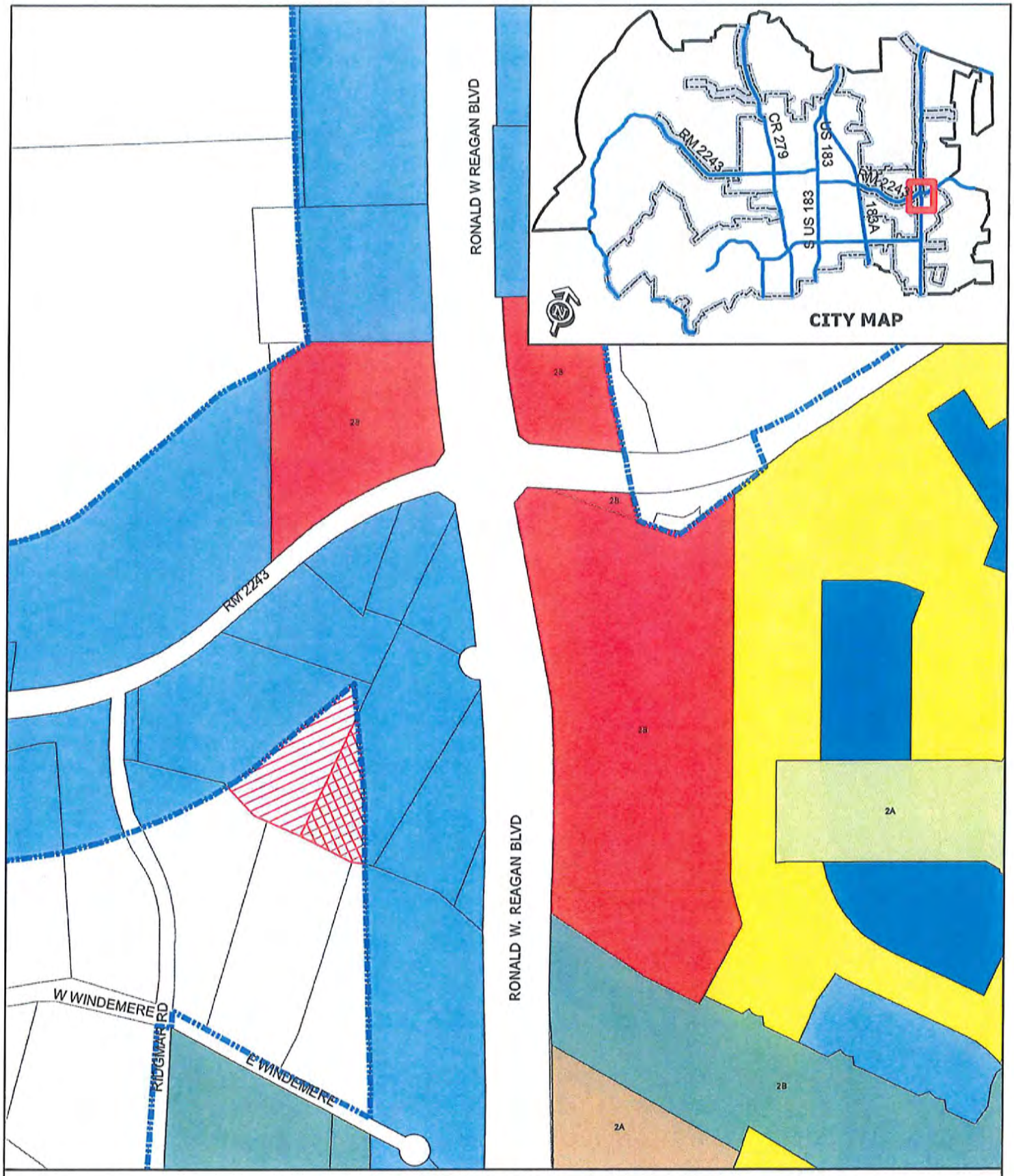


This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

LEGEND	
+	CALCULATED POINT
P.R.W.C.	PLAT RECORDS WILLIAMSON COUNTY
O.P.R.W.C.	OFFICIAL PUBLIC RECORDS WILLIAMSON COUNTY

Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903 — Georgetown, Texas 78628
(512) 930-1600/(512) 930-9389 fax
www.castleberrysurveying.com

DRAWING FILE: S:\2011_PROJECTS\11040 HARMON E. D. SVY 13 ACRE ALTA RRB & 2243\11040-XX LEANDER CITY LIMITS\ 11040-XX_LEANDER CITY LIMITS-BEASLEY_201



DEVELOPMENT & ANNEXATION EXHIBIT

Location Exhibit

Southwest Corner of RR 2243 & Ronald W. Reagan Blvd

0 200
Feet

City Limits
Williamson County
Beasley Tract, LP

Exhibit "B"

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

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

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

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

WHEREAS, infrastructure provided for herein and that existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City; and

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

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

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

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

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

(ii) 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. 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 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 properties' owner requests and is able to connect to the City's water utility system.

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. 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 in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a 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 owner requests and is able to connect to the City's wastewater utility system.

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

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

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

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

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other

traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

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

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

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

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

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

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

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

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

SCHEDULE FOR VOLUNTARY ANNEXATION – SWC RR 2243 & Ronald Reagan – Beasley – 2.02 Acres +/-

DATE	ACTION/EVENT	LEGAL AUTHORITY
September 20, 2012	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings: **November 1, 2012 and November 8, 2012**; 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 October 1, 2012	**NOTICE TO** property owners & utility providers	Loc. Gov't Code § 43.062(a)
October 17, 2012* Publish notice of First Public Hearing **October 24, 2012*** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable Notice to Railroad) **SCHOOL DISTRICT NOTICE** (notify each school district of possible impact) POST NOTICE ON WEB SITE and MAINTAIN UNTIL COMPLETE	Not less than 10 days nor more than 20 days before 1st and 2nd public hearings. Loc. Gov't Code, §43.063 (c).
Ten days after the date the first notice of Public Hearing is published	LAST DAY FOR SUBMISSION OF WRITTEN PROTEST BY RESIDENTS (10 days after first newspaper notice)	Site hearing required if 10% of adult residents of tracts protest within 10 days after 1st newspaper notice. Loc. Gov't Code, § 43.063 (b)
Nov. 1, 2012*	**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.
Nov. 8, 2012*	**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 **December 6, 2012***	**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 20, 2012 Or at a special called meeting after the First Reading	**SECOND-FINAL READING** OF ORDINANCE *REGULAR MEETING*	Not more than 90 days after 1st reading of Ordinance § 43.064.
December 31, 2012 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**

Executive Summary

November 1, 2012

Subject: Authorization of a Special Permit for the 2012 *Christmas Parade & Tree Lighting*

Background: This year's *Christmas Parade & Tree Lighting* is scheduled for Saturday, December 1st in Old Town Leander. The parade will begin at 5 pm followed by the Tree Lighting at approximately 6:15 pm. Local service groups will provide food and beverage for purchase. There will be pictures with Santa at Bryson Hall, hayrides and caroling by local choral groups.

Parade Staging & Route: Staging will take place on Municipal Dr. between S. West Dr. and the Public Works Yard. The Parade begins at the intersection of Municipal and S. West Dr., travels north on S. West Dr. to W. South St., east on W. South St. to Bagdad St., north on Bagdad St. to W. Willis, east on W. Willis to N. Brushy and south on N. Brushy to the Rising Star Chapel.

Street Closures

- 2:30 to 9 pm
  - Intersection of Atkin Street & U.S. 183
  - North Brushy from West South to West Willis Streets
  - Bagdad Street from South & West Willis Streets
- 4:45 to 6 pm
  - West South Street from U.S. 183 to West Drive
  - West Drive from West Broade to Lion Street

Financial Consideration: City staffing

Recommendation: Staff respectfully requests City Council approval of the Special Permit and proposed street closures for the *2012 Christmas Parade & Tree Lighting* Event on December 1st.

Attachments: Special Permit Application

Prepared by: Stephen Bosak, Parks & Recreation Director

Special Event Permit Application

Applicant/Organization Name: City of Leander

Type of Event: Christmas Parade & Tree Lighting

Name & Contact Information of Responsible Individual:
Stephen Bosak, Director
Leander Parks & Recreation
P.O. Box 319 – Leander, TX 78646
Phone: 512.528.9909 Cell: 512.563.1840 Email: bosak@leandertx.gov

Description of Event: (Provide dates, times, location, activity description, target audience, expected attendance, admission fees, recipient of proceeds and type of entertainment.)

This year's *Christmas Parade & Tree Lighting* is scheduled for Saturday, December 1st in Old Town Leander. The parade will begin at 5 pm followed by the Tree Lighting at approximately 6:15 pm. Local service groups will provide food and beverage for purchase. There will be pictures with Santa at Bryson Hall, free hayrides and caroling by local choral groups.

Parade Staging & Route: Staging will take place on Municipal Dr. between S. West Dr. and the Public Works Yard. The Parade begins at the intersection of Municipal and S. West Dr., travels north on S. West Dr. to W. South St., east on W. South St. to Bagdad St., north on Bagdad St. to W. Willis, east on W. Willis to N. Brushy and south on N. Brushy to the Rising Star Chapel.

The event is open to the general public and there will be no admission charge.

Proposed Street Closures

- 2:30 to 9 pm
  - Intersection of Atkin Street & U.S. 183
  - North Brushy from West South to West Willis Streets
  - Bagdad Street from South & West Willis Streets
- 4:45 to 6 pm
  - West South Street from U.S. 183 to West Drive
  - West Drive from West Broade to Lion Street

City Services Needed:

Utilities & Services Needed:	Electricity, Restrooms & Water
Sanitation/Litter Pick Up:	By City Parks & Recreation Dept. staff
Security:	By City Police Department
Traffic Control:	By City Public Works and Police staff

Will alcohol be served or sold? No

Will the proposed activity interfere or detract from the general public use of the area? Yes
Street closures will be required from 2:30 to 9 pm.

Will the proposed activity adversely impact or affect City, adjacent/nearby property owners? Yes. Notices will be sent to property owners in neighborhoods that will be affected by the street closure.

Will the activity cause/create health or safety risks to the public or damage to other property? No.

Will the event require local or state permits, or violate any federal, state or municipal laws? No.

What measures will be taken to prevent/minimize adverse impacts or affects? Staff from PARD, Public Works, Police and Fire will be on duty to manage the event to prevent/minimize potential adverse impacts or affects.

Proof of Insurance: The City of Leander is insured through the Texas Municipal League.

*Stephen Bosak*_____ November 1, 2012

Parks & Recreation Director Date

AGENDA ITEM # 6

Executive Summary

November 8, 2012

Council Agenda Subject: Consideration of an Ordinance Establishing a Quiet Zone for the Railroad Crossing at Sonny Drive Adjacent to U.S. Hwy 183

Background: This proposed ordinance, prepared by the City Attorney, amends Ordinance No. 10-023-00 in order to establish and add the railroad crossing at Sonny Drive adjacent to U.S. Hwy. 183 as a "Quiet Zone Crossing".

Origination: Wayne S. Watts, P.E., CFM, City Engineer

Financial Consideration: Approximately $400.00 from Street Department budget for regulatory warning signs on Sonny Drive and U.S. Hwy. 183.

Recommendation: Staff requests approval of the proposed quiet zone ordinance.

Attachments: Ordinance Establishing a Quiet Zone for the Railroad Crossing at Sonny Drive Adjacent to U.S. Hwy 183

Prepared by: Wayne S. Watts, P.E., CFM

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ADDING ORDINANCE NUMBER 10-023-00 TO THE CODE OF ORDINANCES UNDER A NEW ARTICLE 12.600, QUIET ZONES; AMENDING ORDINANCE NUMBER 10-023-00 IN ITS ENTIRETY TO ESTABLISH A QUIET ZONES AT THE SONNY DRIVE RAIL CROSSING, IN WHICH TRAIN HORNS MAY NOT BE SOUNDED EXCEPT IN CASE OF EMERGENCY; PROVIDING A PENALTY; PROVIDING SEVERABILITY, EFFECTIVE DATE, OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City Council of the City of Leander, Texas ("City"), has determined it necessary to establish quiet zones on a certain portions of the rail line within the City, in which trains horns may not be sounded, except in case of emergency;

Whereas, the quiet zones are necessary for the public health, safety and welfare; and

Whereas, Four Quadrant Gates have been installed by Capital Metro at each public highway rail grade crossing within the quiet zone;

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

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

Section 2. Addition of Article 12.600, Quiet Zones. Chapter 12, City of Leander Code of Ordinances is hereby amended by adding Article 12.600, Quiet Zones, to read as follows:

ARTICLE 12.600 QUIET ZONES

Sec. 12.601 Definitions

For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning ascribed to them in this section; provided that, unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage, and so as to give this ordinance its most reasonable application.

"MP" means mile post. References to mile post numbers in this ordinance are references to locations on the rail line established by Capital Metro, or successor agency.

"Person" means an individual human, partnership, co-partnership firm, company, limited liability partnership or other partnership or other such company, joint venture, joint stock company, trust, estate, governmental entity, association or corporation or any other legal entity, including the legal entity owning the railroad or the entity licensed to operate a train on the railroad, or their legal representatives, employees, contractors, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"Public highway-rail grade crossing" means a location where a public highway, road, or street, including associated sidewalks or pathways, at least one side of which is maintained by the City, crosses one or more railroad tracts at grade.

"Quiet Zone" means a segment of rail line, within which is situated at one or more public highway-rail grade crossings at which train horns may not be sounded except as provided by the ordinance.

"Rail" or "Rail line" means the railroad tracts that pass through the City.

"Train horn" means an air horn, steam whistle, bell, air siren, or other similar audible warning device mounted on a train.

Sec. 12.602 Quiet Zone

A Quiet Zone is hereby established at each of the following railroad crossings or along the following segments of rail line located within the city limits:

(a) From one-quarter mile north of the intersection of the rail line and County Road 272 to the intersection of the rail line and the southern city limits of the City;

(b) The railroad crossing located at FM 2243 (South Street) at MP 86.46; and

(c) The railroad crossing located at Sonny Drive at MP 85.75.

Sec. 12.603 Sounding of Train Horn

No person shall sound or permit the sounding of any train horn, within a quiet zone, provided that nothing herein contained shall preclude the sounding of said horn in case of an emergency.

Sec. 12.604 Advance Warning Signs

Advance warning signs advising drivers that train horns are not sounded at the crossing shall be posted on each road approaching a public highway-rail grade crossing within a quiet zone. The installation, placement, and erection of said advance warning signs at each road approaching a public highway-rail grade crossing within the quiet zone is hereby authorized, confirmed and ratified by the City Council.

Sec. 12.605 Other Remedy or Action

Nothing herein contained shall be construed as taking away any remedy or action for neglect against the railroad for any person injured as a result of negligence.

Section 3. Savings Clause. All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting the regulation of railway quiet zones within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 4. Penalty. Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof limits shall be deemed guilty of a misdemeanor and shall be liable for a fine not to exceed the sum of five hundred dollars ($500.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

Section 5. Amendment of Ordinance. Ordinance No. 10-023-00 is hereby amended in its entirety to read as provided in this ordinance.

Section 6. Effective Date. This ordinance shall be effective upon its passage and publication in accordance with the City Charter and the Local Government Code.

Section 7. Open Meetings. It is officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required *Chapt. 551, Tex. Gov't. Code*.

PASSED, ADOPTED AND APPROVED on this the 8th day of November, 2012.

Attest:

Debbie Haile, City Secretary

City of Leander, Texas

Christopher Fielder, Mayor

Executive Summary

November 8, 2012

Council Agenda Subject: Consideration of Award of Construction Contract for Crystal Falls Elevated Storage Tank & Pump Station Modifications.

Background: Bids were received and opened on Thursday, November 2, 2012, for the Crystal Falls Elevated Storage Tank & Pump Station Modifications Project. The project includes demolition/removal of an existing 0.5 million gallon steel elevated storage tank and hydro pneumatic tank, installation of a new 1.25 million gallon Composite Elevated Storage Tank, modifications to the existing pump station, site piping modifications, other site improvements, installation of 10 pressure reducing stations and 82 individual service pressure reducing valves. Five bid alternatives were included in the bid and are shown in the attached bid tab. These alternatives were combinations of 1.00 million, 1.25 million or 1.5 million gallon composite elevated storage tanks with or without an upgraded paint system. Proposals were received from two bidders as shown in the attached bid tabulation. Landmark Structures, LP is the low bidder with a base bid of $3,092,000.00 for the project. The consultant's recommendation of award letter is attached.

Origination: Wayne S. Watts, P.E., CFM, City Engineer

Financial Consideration: Utility CIP: 27-02-8328 ($2,815,000); Water Impact: 25-31-8328 ($310,000)

Recommendation: Staff recommends award of the construction contract for the Alternative 1 bid for Crystal Falls Elevated Storage Tank & Pump Station Modifications Project including the 1.25 million gallon tank with an upgraded level of paint to Landmark Structure, LP in the amount of $3,125,000.00.

Attachments: (1) Engineer's Recommendation of Award and (2) Bid Tabulation

Prepared by: Terri Crauford, P.E., Assistant City Engineer

K FRIESE
& ASSOCIATES, INC.

November 2, 2012

Mr. Wayne Watts, P.E.
City Engineer
City of Leander
200 W. Willis St.
Leander, Texas 78641

RE: Crystal Falls Elevated Storage Tank and Pump Station Modifications
Bid Tabulation

Dear Wayne,

Sealed bids were received for the above-referenced project on November 1, 2012 at 4:00 PM from the following contractors:

Landmark Structures I, LP CB&I Inc.

The certified bid tabulation is attached. No mathematical errors were found on either bid. The bid included a Base Bid and several Alternate Bids for various tank capacities (1.0, 1.25 and 1.5 million gallons) and exterior coating systems (standard exterior coating and alternate longer life exterior coating). The bid totals received for the Base and Alternate Bids are summarized as follows:

Bid Option	**Landmark Structures I, LP**	**CB&I Inc.**
Base Bid (1.25 MG EST & Base Coating)	$3,092,000.00	$3,323,000.00
Alternate Bid A (1.25 MG EST & Alt Coating)	$3,125,000.00	$3,332,000.00
Alternate Bid B (1.0 MG EST & Base Coating)	$2,960,000.00	$3,043,000.00
Alternate Bid C (1.0 MG EST & Alt Coating)	$2,989,000.00	$3,051,000.00
Alternate Bid D (1.5 MG EST & Base Coating)	$3,286,000.00	$3,574,000.00
Alternate Bid E (1.5 MG EST & Alt Coating)	$3,330,000.00	$3,584,000.00

Landmark Structures I, LP was the low bidder for the Base Bid and each of the Alternate Bid options. It is KFA's recommendation to award the contract to Landmark Structures I, LP to construct Alternate A (1.25 MG EST with alternate coating system) in the amount of $3,125,000.00.

Should you have any questions, or if we may be of further assistance, please feel free to contact me.

Sincerely,

Dale P. Murphy, PE
Project Manager

Attachments

CITY OF LEANDER CRYSTAL FALLS ELEVATED STORAGE TANK AND PUMP STATION MODIFICATIONS
BID TABULATION - NOVEMBER 1, 2012

STATE OF TEXAS
DALE P. MURPHY
90614
LICENSED
PROFESSIONAL ENGINEER
11-2-12

				BIDDERS							
				Landmark Structures, L.P.				CB&I Inc.			
				1665 Harmon Road Fort Worth, Texas 76177				One CB&I Plaza, 2103 Research Forest Dr. The Woodlands, TX 77380-2624			
				(817) 439-8888				(832) 513-1122			
				Addendum			Bid Bond	Addendum			Bid Bond
				1	2	3		1	2	3	
				Y	Y	Y	Y	Y	Y	Y	Y
BASE BID ITEMS											
Item	Description	Unit	Qty	Unit Cost		Total Cost		Unit Cost		Total Cost	
1	Elevated Storage Tank, 1.25 MG Capacity, Including Tank Grading, Foundation, Concrete Pedestal, Steel Tank, Interior Paint, All Lights and Appurtenances, Stainless Steel Inlet and Outlet Piping, Overflow Piping and Flap Valve and Base Exterior Paint System, Complete, in Place and Operational per Lump Sum	LS	1	$2,217,000.00		$2,217,000.00		$2,190,775.00		$2,190,775.00	
2	Pump Station Modifications Including Removal of 3 Existing 60 HP Pumps and Motors, Installation of 3-125 HP Pumps and Motors rated for 2,600 gpm each, including all Associated Piping, Appurtenances, Connections, Concrete Pump Pedestals, Expansion of Existing Electrical Room, Modifications to Existing Monorail System and Crane, Complete and In-Place per Lump Sum	LS	1	$150,000.00		$150,000.00		$175,000.00		$175,000.00	
3	Elevated Storage Tank Concrete Splash Pad, per Lump Sum	LS	1	$5,000.00		$5,000.00		$7,000.00		$7,000.00	
4	Existing Ground Storage Tank Concrete Splash Pad Modification including demolition, per Lump Sum	LS	1	$5,000.00		$5,000.00		$6,000.00		$6,000.00	
5	18" Reinforced Concrete Storm Drain Pipe including Connection to Existing Curb Inlet, per Linear Foot	LF	20	$250.00		$5,000.00		$250.00		$5,000.00	
6	Grate Inlet, per Each	EA	1	$5,000.00		$5,000.00		$6,000.00		$6,000.00	
7	Flexible Base Complete and in Place, per Cubic Yard	CY	60	$150.00		$9,000.00		$130.00		$7,800.00	
8	Type D Hot Mix Asphaltic Concrete Pavement Complete and in Place, 1.5 Inches, per Square Yard	SY	285	$30.00		$8,550.00		$30.00		$8,550.00	
9	Reinforced Ribbon Curb per Linear Foot	LF	380	$15.00		$5,700.00		$20.00		$7,600.00	
10	18" x 18" Tapping Valve and Sleeve including Gate Valve, per Each	EA	1	$30,450.00		$30,450.00		$26,000.00		$26,000.00	
11	18" Temporary Line Stop Under Pressure including 18" Plug, per Each	EA	1	$20,000.00		$20,000.00		$36,000.00		$36,000.00	
12	Connection to Existing 18" Waterline, per Each	EA	1	$4,300.00		$4,300.00		$2,000.00		$2,000.00	
13	Install 18-Inch Diameter Restrained Joint Ductile Iron Water Main Including Thrust Blocking, per Linear Foot	LF	25	$400.00		$10,000.00		$440.00		$11,000.00	
14	Install 30-Inch Diameter Restrained Joint Ductile Iron Water Main including Thrust Blocking, per Linear Foot	LF	90	$850.00		$76,500.00		$800.00		$72,000.00	
15	Trench Safety Systems, per Linear Foot	LF	115	$10.00		$1,150.00		$5.00		$575.00	
16	Site Grading Including Cut and Fill as Required for Driveway Construction, Drainage Ditches, and Any Other Required Grading Other than for the Tank Foundation, per Lump Sum	LS	1	$49,350.00		$49,350.00		$11,000.00		$11,000.00	
17	Disconnect, Abandon, and Dispose of Existing 0.5 MG Steel Elevated Water Tank including Appurtenances, Concrete Footings, Splash Pad and Storage Shed, to 3 Feet Below Existing Grade per Lump Sum	LS	1	$22,500.00		$22,500.00		$35,000.00		$35,000.00	
18	Disconnect, Abandon, and Dispose of Existing 20,000 Gallon Hydrotank and Concrete Footings including Appurtenances attached to Tank and Inside Pump Station, per Lump Sum	LS	1	$1,500.00		$1,500.00		$7,000.00		$7,000.00	
19	Remove and Dispose of Existing Disconnected 10,000 Gallon Hydrotank, per Lump Sum	LS	1	$1,000.00		$1,000.00		$7,000.00		$7,000.00	

CITY OF LEANDER CRYSTAL FALLS ELEVATED STORAGE TANK AND PUMP STATION MODIFICATIONS
BID TABULATION - NOVEMBER 1, 2012

				BIDDERS							
				Landmark Structures, L.P.				CB&I Inc.			
				1665 Harmon Road Fort Worth, Texas 76177				One CB&I Plaza, 2103 Research Forest Dr. The Woodlands, TX 77380-2624			
				(817) 439-8888				(832) 513-1122			
				Addendum			Bid Bond	Addendum			Bid Bond
				1	2	3		1	2	3	
				Y	Y	Y	Y	Y	Y	Y	Y
BASE BID ITEMS											
Item	**Description**	**Unit**	**Qty**	**Unit Cost**		**Total Cost**		**Unit Cost**		**Total Cost**	
20	All Electrical Work and Modifications, Including Connection to Existing Electrical Service, Main Circuit Breaker and Surge Protection, Wiring and Installation of Pumps and Motor Control Centers and Other Electrical Work in the Pump Station, Conduit and Wiring for the Pump Station, Elevated Storage Tank, and Control Systems, and Other Work Described in the Division 16 Specifications, per Lump Sum	LS	1	$100,000.00		$100,000.00		$150,000.00		$150,000.00	
21	Bid Allowance for SCADA/Control Improvements - Control Panels USA shall provide modifications and additions to the exsiting SCADA system per Specification Section 16010, Per Lump Sum	LS	1	$14,700.00		$14,700.00		$14,700.00		$14,700.00	
22	6" Inline PRV Stations, Including Piping, Cutting Existing Mains, Vault, and Valves, Thrust Collars, Traffic Control, Repaving, Restoration, Erosion Control, per Each	EA	1	$12,000.00		$12,000.00		$20,000.00		$20,000.00	
23	8" Inline PRV Stations, Including Piping, Cutting Existing Mains, Vault, and Valves, Thrust Collars, Traffic Control, Repaving, Restoration, Erosion Control, per Each	EA	4	$15,000.00		$60,000.00		$25,000.00		$100,000.00	
24	6" Bypass PRV Stations, Including Piping, Cutting Existing Mains, Vault, and Valves, Thrust Collar, Traffic Control, Repaving, Restoration, Erosion Control, per Each	EA	1	$18,000.00		$18,000.00		$28,000.00		$28,000.00	
25	8" Bypass PRV Stations, Including Piping, Cutting Existing Mains, Vault, and Valves, Thrust Collar, Traffic Control, Repaving, Restoration, Erosion Control, per Each	EA	2	$20,000.00		$40,000.00		$40,000.00		$80,000.00	
26	12" Bypass PRV Stations, Including Piping, Cutting Existing Mains, Vault, and Valves, Thrust Collar, Traffic Control, Repaving, Restoration, Erosion Control, per Each	EA	1	$30,000.00		$30,000.00		$46,000.00		$46,000.00	
27	16" Bypass PRV Stations, Including Piping, Cutting Existing Mains, Vault, and Valves, Thrust Collar, Traffic Control, Repaving, Restoration, Erosion Control, per Each	EA	1	$50,000.00		$50,000.00		$70,000.00		$70,000.00	
28	Individual PRVs Installed on Existing Water Services, Including Piping, Cutting Existing Lines, Restoration, Vault, and Valves, per Each	EA	89	$400.00		$35,600.00		$1,000.00		$89,000.00	
29	Erosion & Sedimentation Controls and Tree Protection, per Lump Sum	LS	1	$4,700.00		$4,700.00		$4,000.00		$4,000.00	
30	Mobilization, per Lump Sum	LS	1	$100,000.00		$100,000.00		$100,000.00		$100,000.00	
	Total - Base Bid			$3,092,000.00				$3,323,000.00			
ALTERNATE BID ITEMS											
1A	Elevated Storage Tank, 1.25 MG Capacity, Including Tank Grading, Foundation, Concrete Pedestal, Steel Tank, Interior Paint, All Lights and Appurtenances, Stainless Steel Inlet and Outlet Piping, Overflow Piping and Flap Valve and *Alternate* Exterior Paint System, Complete, in Place and Operational per Lump Sum	LS	1	$2,250,000.00		$2,250,000.00		$2,199,775.00		$2,199,775.00	
	Total - Base Bid Plus Alternate A			$3,125,000.00				$3,332,000.00			
1B	Elevated Storage Tank, 1.00 MG Capacity, Including Tank Grading, Foundation, Concrete Pedestal, Steel Tank, Interior Paint, All Lights and Appurtenances, Stainless Steel Inlet and Outlet Piping, Overflow Piping and Flap Valve and Base Exterior Paint System, Complete, in Place and Operational per Lump Sum	LS	1	$2,085,000.00		$2,085,000.00		$1,910,775.00		$1,910,775.00	
	Total - Base Bid Plus Alternate B			$2,960,000.00				$3,043,000.00			

CITY OF LEANDER CRYSTAL FALLS ELEVATED STORAGE TANK AND PUMP STATION MODIFICATIONS
BID TABULATION - NOVEMBER 1, 2012

				BIDDERS							
				Landmark Structures, L.P. 1665 Harmon Road Fort Worth, Texas 76177 (817) 439-8888				CB&I Inc. One CB&I Plaza, 2103 Research Forest Dr. The Woodlands, TX 77380-2624 (832) 513-1122			
				Addendum			Bid Bond	Addendum			Bid Bond
				1	2	3		1	2	3	
				Y	Y	Y	Y	Y	Y	Y	Y
BASE BID ITEMS											
Item	Description	Unit	Qty	Unit Cost		Total Cost		Unit Cost		Total Cost	
1C	Elevated Storage Tank, 1.00 MG Capacity, Including Tank Grading, Foundation, Concrete Pedestal, Steel Tank, Interior Paint, All Lights and Appurtenances, Stainless Steel Inlet and Outlet Piping, Overflow Piping and Flap Valve and *Alternate* Exterior Paint System, Complete, in Place and Operational per Lump Sum	LS	1	$2,114,000.00		$2,114,000.00		$1,918,775.00		$1,918,775.00	
	Total - Base Bid Plus Alternate C			$2,989,000.00				$3,051,000.00			
1D	Elevated Storage Tank, 1.50 MG Capacity, Including Tank Grading, Foundation, Concrete Pedestal, Steel Tank, Interior Paint, All Lights and Appurtenances, Stainless Steel Inlet and Outlet Piping, Overflow Piping and Flap Valve and Base Exterior Paint System, Complete, in Place and Operational per Lump Sum	LS	1	$2,411,000.00		$2,411,000.00		$2,441,775.00		$2,441,775.00	
	Total - Base Bid Plus Alternate D			$3,286,000.00				$3,574,000.00			
1E	Elevated Storage Tank, 1.50 MG Capacity, Including Tank Grading, Foundation, Concrete Pedestal, Steel Tank, Interior Paint, All Lights and Appurtenances, Stainless Steel Inlet and Outlet Piping, Overflow Piping and Flap Valve and *Alternate* Exterior Paint System, Complete, in Place and Operational per Lump Sum	LS	1	$2,455,000.00		$2,455,000.00		$2,451,775.00		$2,451,775.00	
	Total - Base Bid Plus Alternate E			$3,330,000.00				$3,584,000.00			

Executive Summary

November 8, 2012

Council Agenda Subject: A Resolution of the City Council of the City of Leander, Texas Requesting the LCRA to Implement an Emergency Order to Deviate from the Water Management Plan

Background: At the LCRA Board of Director's October meeting, LCRA staff did not recommend applying for an emergency order from the Texas Commission on Environmental Quality regarding water releases for agriculture in 2013. Given persistent drought conditions, the City of Leander and other municipal firm water customers support a second emergency order, similar to current order that expires December 31, 2012.

Origination: Pat Womack, Public Works Director

Financial Consideration: none

Recommendation: Approval.

Attachments: Resolution, LCRA General Manager "No Decision Yet" Message

Prepared by: Pat Womack, Public Works Director

RESOLUTION#

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS REQUESTING THE LCRA TO IMPLEMENT AN EMERGENCY ORDER TO DEVIATE FROM THE WATER MANAGEMENT PLAN

WHEREAS, The City Council is concerned about low lake levels due to the persistent drought in Central Texas; and

WHEREAS, Continued water releases to interruptible contracts will further reduce lake levels; and

WHEREAS, The City of Leander has worked with the LCRA on its divestiture and inner-basin transfer issues and understands the complexity of the greater management issues that affect the Colorado River system and the implications it has for the communities that depend on an adequate water supply; and

WHEREAS, The City Council is requesting three (3) actions from the LCRA:

1. Reimplementation of an emergency order to deviate from the water management plan
2. Delay contracts with interruptible customers until after March 1, 2013, similar to the first emergency order
3. Any interruptible contracts should contain a provision to allow a complete cut-off of interruptible supplies during the contract period to prevent further depletion of stored water

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

This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED this 8th day of September, 2012 at a Special Meeting of the City Council of the City of Leander, Texas.

CITY OF LEANDER

Attest:

Christopher Fielder, Mayor

Debbie Haile, TRMC, City Secretary

Message from LCRA General Manager Becky Motal: No decision yet on water releases for rice farmers in 2013

October 25, 2012 12:55 PM

Earlier this month, our staff told LCRA's Board of Directors that at that time it did not recommend applying for an emergency order from the Texas Commission on Environmental Quality regarding water releases for agriculture in 2013. Some news reports wrongly concluded that meant LCRA had already decided to provide water for rice irrigation next year. That wasn't what happened.

As we said at that meeting, LCRA is continuing to monitor lake levels, study weather forecasts, assess inflows into the Highland Lakes, and use computer models to bring the best and latest information about the water supply prospects to the Board at its Nov. 14 meeting. At that time, we will provide the Board with the latest information we have gathered and the Board will decide how to proceed.

As staff noted at the October Board meeting, lake levels are higher than they were at this time last year. Also, at that time there was still a chance that an El Nino weather pattern would bring more rain to the region. That forecast has changed since staff's October report was prepared, and that may affect the Board's decision.

Many factors go into managing the Highland Lakes, which were built to rise and fall with weather patterns and customer use. They were never conceived to be maintained at a specific level. Inflows from tributaries, floods, rain events above the dams and rainfall in the lower basin – and, yes, extended droughts -- affect how much water is in the reservoirs and how much is available for customers, including for downstream irrigation. Mother Nature is the biggest variable in all our calculations.

Currently, combined storage in lakes Travis and Buchanan, the region's reservoirs, is more than 880,000 acre-feet. Even under current conditions, the lakes won't drop too much below that before the TCEQ's existing emergency order expires at the end of December. Absent any further or additional emergency relief, releases from the Highland Lakes for downstream agriculture next year will depend on the current 2010 TCEQ-approved Water Management Plan or on a proposed amended Water Management Plan that now is pending at TCEQ. That amended plan was approved by the Board after an 18-month process involving stakeholders in the basin, including municipal customers, lakes-area residents, environmental interests, business and agriculture.

If TCEQ approves the amended plan, releases for agriculture will depend on the amount of stored water in the reservoirs on Jan. 1 or March 1, whichever is greater. Under that plan, if combined storage is approximately where it is now and there is 883,000 acre-feet of combined storage on Jan. 1 or March 1, farmers would be provided about 121,500 acre-feet of stored water from the reservoirs for first crop. Availability of stored water for second crop would be based on combined storage on June 1.

If the amended plan is not approved and there is no emergency order before contracts are issued for irrigation, water would be made available under the 2010 Water Management Plan. Under that plan, if the combined storage is at today's level, LCRA would provide up to 183,000 acre-feet of stored water for irrigation.

It is not possible to predict exactly where lake levels will be in March, when first crop irrigation begins, or how far the lake levels might fluctuate between now and then. Our projections indicate there is an equal chance that next year the lakes will be higher than they are today. LCRA's projections aren't exact storage amounts but probabilities of possible future storage based on many factors, including weather conditions and seven decades of historical data.

Ultimately, TCEQ will decide which Water Management Plan LCRA falls under: the 2010 plan, the amended plan, or an emergency order if one is sought. I want to reiterate that LCRA is closely monitoring conditions daily. LCRA has not decided to seek emergency relief from TCEQ, nor have we decided not to seek it. No decision has been made.

Print this page

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Executive Summary

November 8, 2012

Council Agenda Subject: Consider nominees and cast ballot for the Board of Directors of the Travis Central Appraisal District for the western part of Travis County

Background: Two nominations were made for the Travis Central Appraisal District to represent the western part of Travis County. The two nominees are Dwight Thompson, nominated by the City of West Lake Hills and Tom Buckle, nominated by the Village of Volente. Our ballot must be cast no later than December 1, 2012 to the Chief Appraiser.

Origination: Mayor Fielder

Financial Consideration: n/a

Recommendation: Vote on nominees and cast ballot to TCAD

Attachments: Letter from TCAD
Ballot
Bios on Nominees (Tom Buckle Bio is attached, Dwight Thompson Bio will be sent out next week)

Prepared by: Debbie Haile, TRMC, City Secretary

TRAVIS CENTRAL APPRAISAL DISTRICT

BOARD OFFICERS
RICHARD LAVINE
CHAIRPERSON
KRISTOFFER S. LANDS
VICE CHAIRPERSON
ED KELLER
SECRETARY/TREASURER

MARYA CRIGLER
CHIEF APPRAISER

BOARD MEMBERS
TOM BUCKLE
SHELLDA D. GRANT
DENNY HAMILL
TINA MORTON
ELEANOR POWELL
RICO REYES
BLANCA ZAMORA-GARCIA

October 23, 2012

City of Leander
The Honorable Christopher Fielder
PO Box 319
Leander, TX 78641

Dear Mayor Fielder:

The deadline has passed for the jurisdictions in the western part of Travis County to make nominations for the Board of Directors of the Travis Central Appraisal District. There are two nominees:

Dwight Thompson was nominated by the City of West Lake Hills
Tom Buckle was nominated by the Village of Volente

The Property Tax Code requires that I prepare a ballot listing the candidates and deliver a copy of such ballot to the presiding officer of each city and school district in eastern Travis County. **On or before December 1, 2012 your jurisdiction should vote and return the ballot to the Chief Appraiser.** I will inform you of the results of the election and send you a complete list of the Board members.

Please give me a call if you have any questions (834-9317 ext. 337).

Sincerely,

Marya Crigler
Chief Appraiser

P.O. BOX 149012 8314 CROSS PARK DRIVE AUSTIN, TEXAS 78714-9012 (512) 834 9317 TDD (512) 836-3328 FAX (512) 835-5371
WWW.TRAVISCAD.ORG

City of Leander
BALLOT

Dwight Thompson	
Tom Buckle	

_____
Presiding Officer

_____
Attest Title

SCANLAN, BUCKLE & YOUNG, P.C.

ATTORNEYS AT LAW

W. THOMAS BUCKLE
DOUG YOUNG
DAVID SANDER
WILLIE SCHMERLER*
*Board Certified Specialist Personal Injury Trial Law

602 WEST 11TH STREET
AUSTIN, TEXAS 78701-2099
512.478.4651 FAX: 512.478.7750
www.sbylaw.com
tbuckle@sbylaw.com

JEFFREY TIPPENS
J

JOHN M. SCANLAN, *Retired*
ELLIOTT NAISHTAT, *Of Counsel*

November 2, 2012

Re: Appointment to the Travis County Appraisal District

Dear Elected Officials:

I have had the privilege of representing the city and school district taxing authorities located in western Travis County on the Travis County Appraisal District since January of 2010. I am seeking re-appointment to a two year term that will begin in January of 2013. Two positions on the Board of Directors are designated for the smaller taxing authorities, one for the authorities located in western Travis County and one for authorities located in eastern Travis County. Appointment to those positions is determined by a "vote" of the taxing authorities and this letter is to seek your support in that effort.

Enclosed please find a copy of my resume. If any of you would like further information or to meet with me, please see my contact information on the letterhead of this letter.

Sincerely,

W. Thomas Buckle

W. Thomas Buckle

Enclosure

W.THOMAS BUCKLE

EXPERIENCE

1995-present **Scanlan Buckle and Young, P.C.** Austin, TX

Principal

- Primary Areas of Practice: Litigation, Municipal Law, Commercial and Residential Real Estate, including all aspects of land use controls; Wills, Trusts and Estate Planning, Probate and Guardianship and the creation and representation of various business entities.

1988-1995 **Scanlan & Buckle, P.C.**

Principal

- Primary Areas of Practice: Litigation, Commercial and Residential Real Estate; Muncipal Law; and Wills, Trusts and Estate Planning; Probate and Guardianship; and, the creation and representation of various business entities.

1978-1987 **Scanlan, Buckle & Fleckman** Austin, TX

Partner

- Primary Areas of Practice: Litigation, Environmental law, Commercial and Residential Real Estate. Highly active in the State Bar's Environmental Law Section and also lecturing at a number of continuing legal education seminars concerning environmental matters.

1975–1978 **Office of the Attorney General** Austin, TX

Assistant Attorney General

- Primary Areas of Practice: Environmental Protection Division of the Attorney General's office representing the state's environmental agencies advising them on air pollution matters. Litigated cases throughout the State of Texas and was directly involved with the congressional revisions to the Clean Air Act. Worked closely with Senator Lloyd Bentsen's staff and various congressmen from Houston's area.

1973-1975 **Texas Air Control Board** Austin, TX

Staff Attorney

- Primary Areas of Practice: Staff attorney for agency responsible for controlling air pollution in the State of Texas.

1970–1973 **Legal Aid Society of Travis County** Austin, TX

Staff Attorney/Executive Director

- Primary Areas of Practice: Staff Attorney from 1970-1972 before serving on the Board of Directors. As Acting Director in 1971-1972, supervised 20 employees and was responsible for administering six grants which funded the Legal Aid program.

EDUCATION

1970 **University of Texas School of Law** Austin, TX

- Doctor of Juriprudence degree.

1967 **Rice University** Houston, TX

- B. A., Political Science

LICENSES/ADMISSIONS/MEMBERSHIPS

Licenses: State Bar License for State of Texas (1970)

Admissions: United States District Court, Western District of Texas, (1980); Southern District of Texas, (1985)

Professional Memberships: State Bar of Texas, 1970 to present; Travis County Bar Association, 1972 to present; Texas Bar Foundation, 1987 to present; Austin Bar Foundation, 2004 to present.

Memberships: State Bar District 9 Grievance Committee Member 1986 to 1993; City of Jonestown Planning & Zoning Commission Member 1998 to 2005; City of Jonestown City Council Member 2005-2006; 2007 to present.

Board of Directors: State Bar of Texas, Environmental Law Section, 1979 to 1982; Chair 1981-1982; Legal Aid Society of Central Texas, 1974-1978, President, 1978; Travis County Bar Association 1974; Twilight Concerts, 2005 to present, Family Eldercare, 2006 to 2012; Travis County Appraisal District, 2010 to present.

Officer: Treasurer, State Bar of Texas, Environmental Law Section, 1982 to 1983; Vice Chairman, Environmental Section of State Bar, 1984; Chairman Elect, Environmental Section of State Bar, 1985; Chairman, Environmental Section of State Bar, 1986; Chairman, State Bar District 9 Grievance Committee, January 1992 to June 1993; Chairman, City of Jonestown Planning & Zoning Commission 2000 to 2005; Mayor Pro Tem, City of Jonestown, 2007 to present; Treasurer, Family Eldercare 2008 and 2009.

Assistant City Attorney: City of Westlake Hills, Texas, 1979 to 1985; City of Lakeway, Texas, 1981 to 1990; City of Sunset Valley, Texas 1982 to 1990.

City Attorney: City of Jonestown, Texas, 1985 to 1995; City of Lakeway, Texas, 1990 to 2007; City of Sunset Valley, Texas, 1990 to present; Village of Volente, Texas, 2004 to present.

AGENDA ITEM # 10

Executive Summary

November 8, 2012

Council Agenda Subject: Consider directing the Ethics Commission to review and make changes as needed to Ordinance #01-009-00, the Ethics Ordinance, and send recommendations to the City Council for approval

Background: According to Section 9.7 of Ordinance #01-009-00, the Ethics Ordinance, the Commission is to meet at least once a year to review the Ordinance and make recommendations to the City Council. The Ordinance has never been reviewed by the Ethics Commission. During the recent meetings of the Commission, it was discovered that there are some discrepancies between the Ordinance and the City Charter.

Origination: Mayor Fielder

Financial Consideration: n/a

Recommendation: Direct Ethics Commission to set meeting dates for Ordinance Review and recommendations to City Council

Attachments: Ordinance #01-009-00 – Section 9.7

Prepared by: Debbie Haile, TRMC, City Secretary

6 shall be appointed in even numbered years consistent with Section 5.02 of the City Charter for two (2) year terms. Position 7, the position on the Commission nominated by the Mayor, shall be appointed consistent with City Charter provision Section 5.02 for three (3) year terms.

Section 9.4. Vacancies. All vacancies shall be filled for the unexpired term. A member shall hold office until his successor has been appointed by the city council.

Section 9.5. Election of Chairperson and Vice-chairperson. The Commission shall elect a chairperson and a vice-chairperson to one (1) year terms. The vice-chairperson shall act as chairperson in the absence of the chairperson. In the event the chairperson or vice-chairperson vacates their position then an election to fill the vacancy shall occur at the next meeting when the full board is seated.

Section 9.6. Quorum. Four (4) or more members of the Commission shall constitute a quorum, but no action of the Commission shall be of any force or effect unless it is adopted by the favorable vote of four (4) or more members.

Section 9.7. Annual Review of Ethics Ordinance. The Commission shall meet at least once a year to review this Ethics Ordinance and may make recommendations to the city council for amendments thereto.

Section 9.8. Advisory Opinions and Recommendations. The Commission shall render advisory opinions and make recommendations to the city council on potential conflicts of interest or violations of this Ethics Ordinance at the request of a public servant. Such advisory opinions and recommendations shall be rendered thirty (30) days after a request or complaint is received by the Commission, unless the Commission requests, and is granted one thirty (30) day extension by the city council. This Section 9.8 shall not be applicable to complaints filed with the Commission.

Section 9.9. Defense to Alleged Violations. It shall be a defense to an alleged violation of this Ethics Ordinance that the person accused previously requested, and received, an advisory opinion and recommendation from the Commission, and acted on such opinion or recommendation in good faith, unless material facts were omitted or misstated by the person requesting the opinion. Such advisory opinion and recommendation shall also be binding on the Commission in any subsequent charges concerning the person who requested the opinion and recommendation.

Section 9.10. Disposition of Alleged Ethics Violations.

(a) A sworn complaint based on personal knowledge alleging a violation(s) of this ordinance shall specify the provision(s) of this ordinance alleged to have been violated, and shall name the public servant being charged.

(b) Upon the aforesaid sworn complaint of any person being filed with the city secretary's office, or on its own initiative, the Commission shall consider possible violations of this ordinance by any public servant. A complaint shall not be deemed to be filed on the initiative of the Commission, save and except the complaint be signed and sworn by two (2)