



**AGENDA
CITY COUNCIL MEETING
CITY OF LEANDER, TEXAS**

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday - August 4, 2022
Briefing Workshop at 6:00 PM
Regular Meeting at 7:00 PM



Mayor – Christine DeLisle
Place 1 – Kathryn Pantalione-Parker
Place 2 – Esme Mattke Longoria
Place 3 – David McDonald

Place 4 – Na'Cole Thompson, *Mayor Pro Tem*
Place 5 – Chris Czernek
Place 6 – Becki Ross
City Manager – Rick Beverlin

The meeting will also be live-streamed at the following link: <https://www.leandertx.gov/video>.

BRIEFING WORKSHOP - CONVENE AT 6:00 PM

1. Open Meeting.
2. Roll Call.
3. Discuss City of Round Rock proposal of temporary transfer of its reserved treatment capacity in the BCRUA to the City of Leander.
4. Review of boards and commissions appointment process and related matters.

REGULAR MEETING – CONVENE AT 7:00 PM

5. Open Meeting, Invocation and Pledges of Allegiance.
6. Roll Call.
7. Public comments on items not listed in the agenda.

Public comments on items listed in the agenda will be heard at the time each item is discussed by Council.

[All comments are limited to no more than 3 minutes (6 minutes if translation is needed) per individual.]

8. Staff Reports
 - Public Works update

CONSENT AGENDA: ACTION

9. Approval of the minutes for meetings held on July 14, 2022 and July 21, 2022.
10. Approval of a Resolution authorizing the City Manager to execute a Master Interlocal Cooperative Purchasing Agreement between the City of Leander, Texas and The Interlocal Purchasing System (TIPS) Program for the purchase of goods and services; and providing for an effective date.
11. Approval of a Resolution permitting a variance to Bright Restaurant and Bar located at 901 Crystal Falls Parkway, Suite 101 pursuant to Chapter 4, Article 4.06, Section 4.06.005 to sell alcoholic beverages.
12. Approval of the proposed Brushy Creek Regional Utility Authority FY 2023 Budget.
13. Approval of the Second Reading of an Ordinance regarding Ordinance Case 22-OR-002 to amend the Composite Zoning Ordinance to adopt amendments to the landscape ordinance requirements to promote water conservation, and to provide for related matters; Williamson & Travis Counties, Texas.
14. Approval of the extension of the application expiration for Subdivision Case 20-FP-027 Palmera Bluff Section 2 Final Plat; generally located to the north of the intersection of Logan Del Way and E San Gabriel Parkway, Leander, Williamson County, Texas.
15. Approval of Task Order RPS-18 with RPS Infrastructure, Inc. for the design and construction phase services of a traffic signal at the intersection of County Road 175 and Journey Parkway in the amount of \$59,160.00; and authorize the City Manager to execute any and all necessary documentation.
16. Approval of Amendment No. 4 to Agreement for Professional Services with BGE, Inc., for additional engineering service support in the amount of \$95,500.00; and authorize the City Manager to negotiate and execute any and all necessary documents.
17. Approval of Amendment No. 1 to Task Order HCI-2018-02 with Haynie Consulting, Inc. for engineering services for the San Gabriel Parkway Eastbound at US Highway 183 Right-Turn Lane project (CIP T.20), increasing the task order amount by \$14,600.00 to a new total of \$62,530.00; and authorize the City Manager to negotiate and execute any and all necessary documents.
18. Approval of Amendment to Task Order HAI-2 with Halff Associates for correcting the required soil mitigation and compensatory cut to comply with the requirements of the Upper Brushy Creek Water Control Improvements District (UBWCID) at Lakewood Park; increasing the contract amount by \$41,530.00 for a new total contract amount of \$934,017.00; and authorize the City Manager to execute any and all necessary documents.

PUBLIC HEARING: ACTION

19. Conduct a Public Hearing regarding Subdivision Case 21-CP-016 to adopt the South 40 Major Roadways Concept Plan and Subdivision Case 21-PP-020 to adopt the South 40 Major Roadways Preliminary Plat on two (2) parcels of land approximately 20.20 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031721 and R321825; generally located west of the intersection of US 183 and Heritage Grove Road, Leander, Williamson County, Texas.
 - Discuss and consider action regarding Subdivision Cases 21-CP-016 and 21-PP-020 as described above.

20. Conduct a Public Hearing regarding Subdivision Case 22-CP-004 to adopt the Gabriel's Horn Development Concept Plan on four (4) parcels of land approximately 17.82 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R022218, R500872, R500871, and R473804; generally located at the northwest corner of Ronald Reagan Boulevard and Gabriel's Horn Road., Leander, Williamson County, Texas.
- Discuss and consider action regarding Subdivision Case 22-CP-004 as described above.
21. Conduct a Public Hearing regarding Comprehensive Plan Case 21-CPA-009 to amend the Comprehensive Plan land use category from Multi-Use Corridor to Neighborhood Residential and to amend Transportation Master Plan to change the classification of Live Oak Road to a local street and consider action regarding Zoning Case 21-Z-030 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to SFR-2-B (Single-Family Rural) and LO-2-B (Local Office) on nine (9) parcels of land approximately 308.288 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R356046, R473837, R022920-R022923, R473838, R473839, and R022941; and generally located to the west of the intersection of Oak Creek Road and N. Bagdad Road, Leander, Williamson County, Texas.
- Discuss and consider action regarding Comprehensive Plan Case 21-CPA-009 as described above.
 - Discuss and consider action regarding Zoning Case 21-Z-030 as described above.

REGULAR AGENDA

22. Receive a Preliminary overview of the City of Leander Annual Budget for fiscal year 2023.
23. Discuss receiving No-New-Revenue and Voter-Approval tax rate calculations; take action to consider a proposed tax rate; and schedule a public hearing date for the proposed tax rate.
24. Discuss and consider action on the Third Addendum to the Development and Reimbursement Agreement for the Village at Leander Station; and authorize the City Manager to execute any and all necessary documents.
25. Discuss and consider an ordinance amending the Council Rules of Procedure to amend procedures related to Council requested agenda items and address charter enforcement procedures; and providing an effective date.
26. Council Member Closing Statements.
27. Adjournment

CERTIFICATION

This meeting will be conducted pursuant to the Texas Government Code Section 55 1.001 et seq. At any time during the meeting the Council reserves the right to adjourn into Executive Session on any of the above posted agenda for which state law authorizes Executive Session to be held, including but not limited to Sections 55 1.071 [litigation and certain Consultation with attorney], 551.072 [acquisition of interest in real property], 55 1.073 [prospective gift to city], 55 1.074 [certain personnel deliberations], 551.076 [deployment/implementation of security personnel or devices], or 551.087 [Deliberations regarding Economic Development Negotiations]. The City of Leander is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary at (512) 528-2743 for information. Hearing impaired or speech disabled persons equipped with telecommunication devices for the deaf may call (512) 528-2800. I certify that the above agenda for this meeting of the City Council of the City of Leander, Texas, was posted on the bulletin board at City Hall in Leander, Texas, on the 1 day of August 2022 by 5:00 p.m. pursuant to Chapter 551 of the Texas Government Code.


Dara Crabtree, City Secretary, TRMC



EXECUTIVE SUMMARY
08/04/2022

AGENDA SUBJECT:

Approval of the minutes for meetings held on July 14, 2022 and July 21, 2022.

BACKGROUND:

Attached are the minutes for the joint meeting with LISD held on July 14, 2022 and the regular meeting held on July 21, 2022.

PRESENTER:

Dara Crabtree, City Secretary

Attachments

1. Draft Minutes 07.14.2022
2. Draft Minutes 07.21.2022



**AGENDA
JOINT MEETING
CITY OF LEANDER, TEXAS
&**



LEANDER INDEPENDENT SCHOOL DISTRICT

LEO Conference Center
300 West Drive - Leander, Texas
Thursday - July 14, 2022 at 6:15 PM

Mayor – Christine DeLisle
Place 1 – Kathryn Pantalion-Parker
Place 2 – Esme Mattke Longoria
Place 3 – David McDonald

Place 4 – Na'Cole Thompson, Mayor Pro Tem
Place 5 – Chris Czernek
Place 6 – Becki Ross
City Manager – Rick Beverlin

The meeting will also be live-streamed at the following link: <https://youtu.be/K2TV5LTmuyA>.

The subjects to be discussed or considered or upon which any formal action may be taken are as listed below. Items do not have to be taken in the order shown on this meeting notice. Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

1. CALL TO ORDER AT 6:15 p.m. AND DECLARATION OF QUORUM. Roll call reflected all City Council present with the exception of Councilmember Czernek.
2. CITIZEN COMMENTS
 - Speaker 1, Avani Handy Bosma - commented on roles and responsibilities - safety in student voice.
 - Speaker 2, Kalia Handy Bosma - commented roles and responsibilities - student voice.
 - Speaker 3, Mike Sanders - commented on growth projections for the North and Northern portions of the district.
 - Speaker 4, John Handy Bosma - commented on respective roles of government in protecting 13th Amendment rights in public meetings and the larger public sphere.
 - Speaker 5, Noah Schwartz - commented on roles and responsibilities of the district.
3. DISCUSSION / ACTION ITEMS
 - A. Discussion: Roles and Responsibilities included: moral; vision; deliverables that should appear in graduating files; incorporated student voice; strategic plan; introductions; LISD core beliefs; if desire to tour campus arrange with Superintendent; campus connection videos; city council creating a new mission and vision statement; taking care of residents; and introductions of city council.
 - B. Discussion: Growth projections for the North and Northeast portions of the districts included: current and future residential and multi-family projects; city staff works with LISD demographer on each project; lining up timelines of projections; information found on website; development process; LISD demographer following in real time with city; timeline when projects complete (1-5 years); larger projects have phasing involved; LISD long range facility plan; city and LISD working together; demographic update over a 1,000 students a year; majority of district's students reside in Leander; projecting in 10 years over 40,000 new households in district; LISD reviewing facilities to determine if using efficiently; demographics determined need for 4 new schools; growth is everywhere; housing movement hit LISD hard; and next elementary will be built in northwest part of district.
 - C. Discussion: Safety in Schools, Disaster Response and Emergency Management Plans included: school resource officers; challenges with growth of district and city; city officers trained extensively in ALERT programming; stop the killing first then stop the dying; Leander PD has leadership; challenges for police department with multiple jurisdictions within the school district; preparedness and training for incidents;

location of training is not relevant; trends on TikTok; SROs and police department try to stay up to date on these type of activities; parents should talk to kids about the importance of SROs and communicating with them; see something say something to your SRO; how is See Something Say Something being implemented throughout the district; good working relationship between city and LISD safety departments; lock down at school no clear line of communication; the two departments work together to put out the same message; city communication team working with LISD communication team to get message out; social media messages gets out quicker than the official message; confidential way for students to report things; training of police officer versus school resource officer; extra training police officers go through; new legislation; what LISD is doing spotting and helping individuals with mental health issues.

D. Discussion: Support Between the City and District included: water system update; adjusting watering schedules on campuses; lake projections; recent weather has been hot and dry; upcoming projects; conservation efforts; tiered rates; messaging will be conservation and would like LISD to teach students the importance; Raider Way and Legacy Drive is a critical project; acquisition of right-of-way and alignment added to delays; completed 95% acquisition, project is in design phase, final design anticipated in end of August, bid process should close end of the year, utility adjustments built in the schedule, construction schedule is phasing to create the least amount of impact during the school year; roadway impact fee recently approved by city council; students walking need to be safe with the construction; review to determine if areas can be patched; looking at signalization at Collaborative Way and Bagdad Road; how city is managing traffic in areas around campuses; recent traffic counts along San Gabriel Parkway area; county looking to widen Bagdad Road from city limits to Liberty Hill; working with CapMetro; coordination with city for turn lanes in construction of new schools; and sidewalk projects.

4. LEANDER CITY COUNCIL AND LISD BOARD OF TRUSTEES CLOSING COMMENTS

The City Council thanked the LISD Board of Trustees for hosting; LISD Board of Trustees thanked the City Council and Staff for attending; and everyone desired to continue to work together and share vital information.

5. BOARD MEETING DEBRIEF future meetings what would you like to see in the future; hot dot continuing improvement tools

6. ADJOURNMENT 8:15 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY



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

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday - July 21, 2022



**Mayor – Christine DeLisle
Place 1 – Kathryn Pantalion-Parker
Place 2 – Esme Mattke Longoria
Place 3 – David McDonald**

**Place 4 – Na'Cole Thompson, *Mayor Pro Tem*
Place 5 – Chris Czernek
Place 6 – Becki Ross
City Manager – Rick Beverlin**

The meeting will also be live-streamed at the following link: <https://www.leandertx.gov/video>.

BRIEFING WORKSHOP - CONVENE AT 6:00 PM

1. Open Meeting at 6:00 p.m.
2. Roll Call reflected a quorum was present with Mayor Pro Tem Thompson being absent.
3. Old Town Park Update discussion included: project timeline, original scope, reduced scope, alternative items, parking, future master plan from Old Town Committee, costs, intent of the water tower, consideration of one-way streets, input from business owners/developers, additional level to existing parking lot, historic and focal place, shade structure, and alternative items as projects for organizations such as Eagle Scouts..

The briefing session adjourned at 6:33 p.m.

REGULAR MEETING – CONVENE AT 7:00 PM

4. Opened meeting at 7:02 p.m., Councilmember Czernek provided the Invocation and Mayor Christine led the Pledges of Allegiance.
5. Roll Call reflected a quorum was present with Mayor Pro Tem Thompson being absent.
6. Public comments on items not listed in the agenda.

Bill Turner, 600 Mist Flower Springs Dr. commented on San Gabriel Parkway drainage issue, thanked council and staff for providing a study for correction, and future widening of San Gabriel Parkway.

Public comments on items listed in the agenda will be heard at the time each item is discussed by Council.

[All comments are limited to no more than 3 minutes (6 minutes if translation is needed) per

individual.]

7. Staff Reports
 - Water Update
8. Leander History included: 1904 Leander Baseball team, 1954 Leander Little League team one strike from going to Little League World Series, digitalization of Leander history items, cost of property taxes in 1884, and school stocks for funding.

CONSENT AGENDA: ACTION

Mayor Christine announced Item 10 was pulled from the agenda and Item 12 will be considered separately.

Motion by Councilmember Kathryn Pantalion-Parker, Seconded by Councilmember Esme Mattke Longoria to approve consent items 9 through 11, 13 and 14 as amended.

Vote: 6 - 0

9. Approval of the minutes for meeting held on July 7, 2022.
10. Acceptance of public infrastructure improvements for Travisso Phase 3 Section 5, Phase 4 Sections 1, 2 and 3 reclaimed water irrigation and landscape improvements, and Alta Leander Station.
11. Approval of the Second Reading of an Ordinance regarding the Gabriel Tract Annexation Case 22-A-002 regarding the voluntary annexation of 17.821 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R500871; and generally located to the west of the western terminus of Gabriels Horn Road, west of the intersection of Ronald W Reagan Blvd and Gabriels Horn Road, Leander, Williamson County, Texas.
12. Approval of the Second Reading of an Ordinance regarding the 500 Heritage Grove Road Annexation Case 22-A-004 regarding the voluntary annexation of 44.385 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031642 and R031640; and commonly known as 500 Heritage Grove Road, Leander, Williamson County, Texas.

Motion by Mayor Christine DeLisle, Seconded by Councilmember Esme Mattke Longoria to table until after zoning request Item 18 appearing on the posted agenda.

Vote: 6 - 0

Motion by Councilmember Becki Ross, Seconded by Councilmember Kathryn Pantalion-Parker to approve an Ordinance regarding the 500 Heritage Grove Road Annexation Case 22-A-004 regarding the voluntary annexation of 44.385 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031642 and R031640; and commonly known as 500 Heritage Grove Road, Leander, Williamson County, Texas.

Vote: 6 - 0

13. Approval of the 15000 Faubion Trail Letter Agreement Case 22-DA-015 regarding the approval of a letter agreement regarding the platting process; located at 15000 Faubion Trail; Leander, Travis County, Texas.

14. Approval of the QuikTrip at Crystal Village Phase 1, Lot 5 License Agreement, Case 22-LA-003, to allow for the installation and maintenance of landscaping and irrigation within portions of the right-of-way of Crystal Falls Parkway, Leander, Williamson County, Texas.

PUBLIC HEARING: ACTION

15. Mayor Christine opened a Public Hearing at 7:25 p.m. regarding Comprehensive Plan Case 22-CPA-003 to amend Transportation Master Plan to change the classification of CR 267 between Kauffman Loop and Bar W Ranch Blvd from an arterial class roadway to a collector class roadway, Leander, Williamson County, Texas. No one spoke in favor of the request. Barkley Wedemeyer, 5773 Woodway #207, Houston, Texas and Geoff Guerrero, 5501 W. William Cannon, Austin, Texas spoke in opposition of the request. The Public Hearing closed at 7:32 p.m.

- Discuss and consider action regarding Comprehensive Plan Case 22-CPA-003 as described above.

Motion by Councilmember Kathryn Pantalion-Parker, Seconded by Councilmember Esme Mattke Longoria to approve Comprehensive Plan Case 22-CPA-003 to amend Transportation Master Plan to change the classification of CR 267 between Kauffman Loop and Bar W Ranch Blvd from an arterial class roadway to a collector class roadway, Leander, Williamson County, Texas following discussion.

Vote: 5 - 1

NAY: Councilmember David McDonald

16. Mayor Christine opened a Public Hearing at 7:38 p.m. regarding Subdivision Case 22-CP-003 to adopt the Borho aka Barksdale Concept Plan on one parcel of land approximately 44 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R031542; generally located north on Journey Parkway, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The Public Hearing closed at 7:38 p.m.

- Discuss and consider action regarding Subdivision Case 22-CP-003 as described above.

Motion by Councilmember Kathryn Pantalion-Parker, Seconded by Councilmember Esme Mattke Longoria to approve Subdivision Case 22-CP-003 to adopt the Borho aka Barksdale Concept Plan on one parcel of land approximately 44 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R031542; generally located north on Journey Parkway, Leander, Williamson County, Texas following discussion.

Vote: 6 - 0

17. Mayor Christine opened a Public Hearing at 7:42 p.m. regarding Ordinance Case 22-OR-002 to amend the Composite Zoning Ordinance to adopt amendments to the landscape ordinance requirements to promote water conservation, and to provide for related matters; Leander, Williamson & Travis Counties, Texas. No one spoke in favor or opposition of the request. The Public Hearing closed at 7:42 p.m.

- Discuss and consider action regarding Ordinance Case 22-OR-002 as described above.

Motion by Councilmember Kathryn Pantalion-Parker, Seconded by Councilmember Becki Ross to approve Ordinance Case 22-OR-002 to amend the Composite Zoning Ordinance to adopt amendments to the landscape ordinance requirements to promote water conservation, and to provide for related matters; Leander, Williamson & Travis Counties, Texas. with additional provision suggested following discussion.

Vote: 6 - 0

REGULAR AGENDA

18. Discuss and consider action on the Second Reading of an Ordinance regarding Zoning Case 22-Z-012 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to adopt the 500 Heritage Grove Road PUD (Planned Unit Development) with the base zoning district of HC-4-D (Heavy Commercial) and approval of Masonry Development Agreement Case 22-DA-013 on two parcels of land approximately 44.385 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031642 and R031640; and commonly known as 500 Heritage Grove Road, Leander, Williamson County, Texas.

Motion by Mayor Christine DeLisle, Seconded by Councilmember Esme Mattke Longoria to table until after applicant confers with partner following discussion.

Vote: 6 - 0

Motion by Mayor Christine DeLisle, Seconded by Councilmember Chris Czernek to table until after action is taken regarding Item 12, Annexation Case 22-A-004 following discussion.

Vote: 6 - 0

Motion by Councilmember Kathryn Pantalion-Parker, Seconded by Councilmember Becki Ross to approve an Ordinance regarding Zoning Case 22-Z-012 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to adopt the 500 Heritage Grove Road PUD (Planned Unit Development) with the base zoning district of HC-4-D (Heavy Commercial) and approval of Masonry Development Agreement Case 22-DA-013 on two parcels of land approximately 44.385 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031642 and R031640; and commonly known as 500 Heritage Grove Road, Leander, Williamson County, Texas with the following amendments: the PUD as is with the addition of restriction of building height of 35 feet within 100 feet of the northern property line and a no-disturbance zone of 20 feet deep in line with the railroad tracks following discussion.

Vote: 6 - 0

19. Discuss and consider action on Tree Removal Case 22-CIP-TRP-004 regarding removal of Significant and Heritage Trees associated with the eastward expansion of San Gabriel Parkway from Palmera Bluff subdivision to the intersection of Ronald Reagan Boulevard generally located north of Palmera Ridge Section 9 and runs southwest of the intersection of Ronald Reagan Boulevard and current CR 274, Leander, Williamson County, Texas.

Motion by Councilmember Kathryn Pantalion-Parker, Seconded by Councilmember Chris Czernek to approve Tree Removal Case 22-CIP-TRP-004 regarding removal of Significant and Heritage Trees associated with the eastward expansion of San Gabriel Parkway from Palmera Bluff subdivision to the intersection of Ronald Reagan Boulevard generally located north of Palmera Ridge Section 9 and runs southwest of the intersection of Ronald Reagan Boulevard and current CR 274, Leander, Williamson County, Texas.

Vote: 6 - 0

20. Discuss and consider action on a Resolution supporting the design of Brushy Creek Regional Utility Authority (BCRUA) Phase 2A, as well as construction of the BCRUA parallel raw water line and clearwell projects, and providing for related matters.

Motion by Councilmember Chris Czernek, Seconded by Councilmember Kathryn Pantalion-Parker to approve a Resolution supporting the design of Brushy Creek Regional Utility Authority (BCRUA) Phase 2A, as well as construction of the BCRUA parallel raw water line and clearwell projects, and providing for related matters.

Vote: 6 - 0

21. Discuss and consider action on the amended and restated Solicitation S20-052, Pre-Qualified Engineering Consulting Services list approved by the City Council at the December 16, 2021 regular meeting.

Motion by Councilmember Esme Mattke Longoria, Seconded by Councilmember Kathryn Pantalion-Parker to approve the amended and restated Solicitation S20-052, Pre-Qualified Engineering Consulting Services list approved by the City Council at the December 16, 2021 regular meeting.

Vote: 6 - 0

22. Discuss and consider action on Amendment 1 to Task Order GEMC-1 with GarzaEMC, in the amount of \$62,925.71, increasing the cost of services from \$564,137.68 to \$627,063.39, for the engineering services related to the design and construction of extending new waterline into the Ridgmar neighborhood from the new RM 2243 waterline (CIP W.18); and authorize the City Manager to execute any and all necessary documents.

Motion by Councilmember Kathryn Pantalion-Parker, Seconded by Councilmember Esme Mattke Longoria to approve Amendment 1 to Task Order GEMC-1 with GarzaEMC, in the amount of \$62,925.71, increasing the cost of services from \$564,137.68 to \$627,063.39, for the engineering services related to the design and construction of extending new waterline into the Ridgmar neighborhood from the new RM 2243 waterline (CIP W.18); and authorize the City Manager to execute any and all necessary documents following discussion.

Vote: 6 - 0

23. Discuss and consider moving the October 6, 2022 regular meeting due to the Texas Municipal League Annual Conference.

Motion by Mayor Christine DeLisle, Seconded by Councilmember Kathryn Pantalion-Parker to move the October 6, 2022 regular meeting, due to the Texas Municipal League Annual conference, to Monday, October 10, 2022 at the regular time.

Vote: 6 - 0

24. Council Member Closing Statements.

Kathryn Pantalione-Parker commented that life is great, thanked everyone and good night.

Esme Mattke Longoria wished all a good evening.

David McDonald welcomed newly hired police officers to the City and looking forward to meeting them.

Becki Ross commented the Old Town Committee is looking for input from citizens and to fill out an online survey.

Chris Czernek commented have a great night

Mayor Christine stated dinner was provided by Domino's Pizza, the economy is tough on everyone, keep money local when eating out and appreciate our local businesses.

25. Adjourned at 8:13 p.m.

APPROVED:

MAYOR

ATTEST:

SR. DEPUTY CITY SECRETARY



EXECUTIVE SUMMARY
08/04/2022

AGENDA SUBJECT:

Approval of a Resolution authorizing the City Manager to execute a Master Interlocal Cooperative Purchasing Agreement between the City of Leander, Texas and The Interlocal Purchasing System (TIPS) Program for the purchase of goods and services; and providing for an effective date.

BACKGROUND:

Chapter 791, § 271.102 of the Texas Government Code states; "a local government may participate in a Cooperative Purchasing Program with another local government or a local cooperative organization. A local government that purchases goods or services under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods or services".

When local governments purchase goods or services, they have three (3) options in order to complete those purchases: requesting invitations to bid; soliciting requests for proposals; or by utilizing the cooperative purchasing program established by the State of Texas.

A Master Interlocal Agreement permits the city to utilize the cooperative organization's current and/or future contracts for goods and services without having to seek competitive bids.

PRESENTER:

Robert Powers, Executive Director of Finance

Attachments

1. Resolution with Exhibit

A RESOLUTION OF THE CITY OF LEANDER, TEXAS

RESOLUTION NO.

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A MASTER INTERLOCAL COOPERATIVE PURCHASING AGREEMENT BETWEEN THE CITY OF LEANDER, TEXAS AND THE INTERLOCAL PURCHASING SYSTEM (TIPS) PROGRAM FOR THE PURCHASE OF GOODS AND SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Leander, Texas desires to enter into an Interlocal Agreement with The Interlocal Purchasing System (TIPS) Program for the purchase of goods and services; and

WHEREAS, Chapter 791 of the Texas Government Code, as amended, provides authorization for local governments to enter into Interlocal Agreements; and

WHEREAS, the City Council has reviewed the Agreement and finds it to be in the best interest of the citizens of Leander;

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

SECTION 1: The City Manager is hereby authorized, on behalf of the City of Leander, Texas to sign an Interlocal Agreement for the purchase of goods and service attached hereto and incorporated herein as Exhibit "A".

SECTION 2: This Resolution shall take effect immediately from and after its passage and it is accordingly resolved.

DULY ORDERED by the City Council of the City of Leander, Texas, this the 4th day of August, 2022.

APPROVED:

Christine DeLisle, Mayor

ATTEST:

Dara Crabtree, City Secretary

**AN INTERLOCAL AGREEMENT Between
Region 8 Education Service Center and a
TEXAS PUBLIC ENTITY OR LOCAL GOVERNMENT
(School, College, University, State, City, County, or Other Political Subdivision)**

City of Leander, Texas

TEXAS PUBLIC ENTITY NAME

Control Number (TIPS will Assign)
Schools enter County-District Number

Region 8 Education Service Center
Pittsburg, Texas

225 - 950
County-District Number

Texas Education Code §8.002 permits regional education service centers, at the direction of the Commissioner of Education, to provide services to assist school districts, colleges and universities in improving student performance and increasing the efficiency and effectiveness of school, college and university operations. Authority for an Interlocal agreement to provide such services is granted under Texas Government Code § 791 *et seq* as amended. Cooperative Purchasing Services under this agreement are extended to all Texas State, City or County Government Agencies, or any other legally eligible Local Government Entity as defined in the Texas Government Code § 791.003.

This Interlocal Agreement (hereinafter the "Agreement") is effective August 4, 2022 and shall be automatically renewed unless either party gives sixty (60) days prior written notice of non-renewal. This Agreement may be terminated without cause by either party upon (60) days prior written notice, or may also be determined for cause at any time upon written notice stating the reason for and effective date of such terminations and after giving the affected party a thirty (30) day period to cure any breach.

Statement of Services to be Performed:

Region 8 Education Service Center, by this Agreement, agrees to provide cooperative purchasing services to the above-named public entity through a Program known as The Interlocal Purchasing System (TIPS) Program.

The purpose of the TIPS Program shall be to improve procurement process efficiencies and assist in achieving best value for participating School District, University, College, Community College, City, County or Other Public Agencies through cooperative purchasing.

Roles of the TIPS Purchasing Cooperative:

- ✓ Provide for the organizational structure of the program.
- ✓ Provide staff for efficient operation of the program.
- ✓ Promote marketing of the TIPS Program.
- ✓ Coordinate the Competitively Bid Process for all Vendor Awarded Contracts.
- ✓ Provide members with procedures for placing orders through TIPS PO System.
- ✓ Maintain filing system for Due Diligence Documentation.
- ✓ Collect fees from vendors to support the costs of operations of TIPS.

Role of the Public Entity:

- ✓ Commit to participate in the program by an authorized signature on membership forms.
- ✓ Designate a Primary Contact and Secondary Contact for entity.

- ✓ Commit to purchase products and services from TIPS Vendors when in the best interest of the entity.
- ✓ Submit Purchase Orders and/or Vendor Contracts through the TIPS PO System by emailing the pdf document to tipspo@tips-usa.com.
- ✓ Accept shipments of products ordered from Awarded Vendors.
- ✓ Process Payments to Awarded Vendors in a timely manner.

General Provisions:

The Parties agree to comply fully with all applicable federal, state, and local statutes, ordinances, rules, and regulations in connection with the programs contemplated under this Agreement. This Agreement is subject to all applicable present and future valid laws governing such programs.

This Agreement shall be governed by the law of the State of Texas and venue shall be in the county in which the administrative offices of RESC 8 are located which is Camp County, Texas.

This Agreement contains the entire agreement of the Parties hereto with respect to the matters covered by its terms, and it may not be modified in any manner without the express written consent of the Parties.

If any term(s) or provision(s) of this Agreement are held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions of this Agreement shall remain in full force and effect.

The Parties to this Agreement expressly acknowledge and agree that all monies paid pursuant to this Agreement shall be paid from legally appropriated and budgeted available funds for the current fiscal year of each such entity.

No jointly owned property shall be created by this agreement and, therefore, no provision to dispose of jointly held property is required.

Before any party may resort to litigation, any claims, disputes or other matters in question between the Parties to this Agreement shall be submitted to nonbinding mediation. The site of the mediation shall be in Camp County, Texas or a site mutually agreed by the parties. The selection of the mediator shall be mutually agreed. The cost of mediation shall be shared equally.

No Party to this Agreement waives or relinquishes any immunity or defense on behalf of themselves, their directors, officers, employees, and agents as a result of its execution of this Agreement and performance of the functions and obligations described herein.

This Agreement may be negotiated and transmitted between the Parties by electronic means and the terms and conditions agreed to are binding upon the Parties.

Authorization:

Region 8 Education Service Center and The Interlocal Purchasing System (TIPS) Program have entered

into an Agreement to provide cooperative purchasing opportunities to public agencies.
This Agreement was approved by the governing boards of the respective parties at meetings that were posted and held in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.
(If required by the entity.)

The individuals signing below are authorized to do so by the respective parties to this Agreement.

Member Entity:

City of Leander, Texas
Entity or District Name

By: _____
Authorized Signature

Print Name: Richard B. Beverlin, III

Title: City Manager

August 4, 2022
Date

Purchasing Cooperative Lead Agency:

Region 8 Education Service Center

By: _____
Authorized Signature

Dr. David Fitts
Title: Executive Director Region 8 ESC

Date

Public Entity Contact Information

Kay Johnson
Primary Purchasing Person Name

105 N. Brushy Street
Street Address

Leander, TX 78641
City, State Zip

512.528.2730
Telephone Number

Fax Number

Primary Person Email Address

Secondary Person Name

Secondary Person Email Address

The state of Texas requires an Interlocal Agreement be approved by the respective entities governing board. You may email completed Interlocal Agreement to tips@tips-usa.com.



EXECUTIVE SUMMARY
08/04/2022

AGENDA SUBJECT:

Approval of a Resolution permitting a variance to Bright Restaurant and Bar located at 901 Crystal Falls Parkway, Suite 101 pursuant to Chapter 4, Article 4.06, Section 4.06.005 to sell alcoholic beverages.

BACKGROUND:

The City of Leander Ordinance Chapter 4, Article 4.06, Section 4.06.005 prohibits the sale of alcoholic beverages within three hundred (300') feet of a church, public school, or public hospital. Section 4.06.005 established a variance procedure allowed by V.T.C.A., Alcoholic Beverage Code 109.33(e) that allows variances in particular instances where the regulation is not in the best interests of the public, constitutes waste or inefficient use of land or other resources, creates undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation required, determines the variance is in the best interest of the community.

Bright Restaurant and Bar and Abacus School of Austin share a property line. Abacus School of Austin has submitted a letter stating they have no objection to Bright Restaurant and Bar serving/selling alcohol at the 901 Crystal Falls Parkway, Suite 101.

Attachments

1. Letter from Abacus School of Austin
2. Resolution



July 18, 2022

To Whom It May Concern:

Abacus School of Austin, located at 1720. S. Bagdad Road, Leander, TX, 78641, has no objection to Bright Restaurant and Bar LLC., serving/selling alcohol.

Please do not hesitate to reach out with any questions or if any additional information is needed.

Best regards,

A handwritten signature in blue ink that reads "Jacque Unzicker". The signature is fluid and cursive.

Jacque Unzicker

A RESOLUTION OF THE CITY OF LEANDER, TEXAS

RESOLUTION NO.

**A RESOLUTION OF THE CITY OF LEANDER, TEXAS, PERMITTING A
VARIANCE PURSUANT TO CHAPTER 4, ARTICLE 4.06, SECTION 4.06.005.**

Whereas, the City of Leander Ordinance Chapter 4, Article 4.06, Section 4.06.005 prohibits the sale of alcoholic beverages within 300 feet of a church, public school, or public hospital; and

Whereas, Section 4.06.005 established a variance procedure allowed by V.T.C.A., Alcoholic Beverage Code 109.33(e);

Whereas, The V.T.C.A. Alcoholic Beverage Code 109.33(e) allows variances in particular instances where the regulation is not in the best interests of the public, constitutes waste or inefficient use of land or other resources, creates undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation require, determines the variance is in the best interest of the community; and

Whereas, Bright Restaurant and Bar, LLC, has requested a variance for the property located at 901 Crystal Falls, Suite 101; and

Whereas, the City Council has found after consideration of the health, safety, and welfare of the public and the equities of the situation that the restriction in Section 4.06.005 is not in the best interests of the public, constitutes waste or inefficient use of land or other resources, creates undue hardship on an applicant for a license or permit, does not serve its intended purpose, and is not effective or necessary as it applies to public or private school and the property located at 901 Crystal Falls Parkway, Suite 101.

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Variance granted. Bright Restaurant and Bar, LLC, is hereby granted a variance for the property located at 901 Crystal Falls Parkway, Suite 101.

Section 3. Expiration and transfer. The variance granted herein may not be transferred to any other properties, persons, or entities, and expires upon the expiration, lapse, or revocation of the license or permit of Mixed Beverage Restaurant Permit with Food Certificate to sell alcoholic beverages.

Section 4. Effective date. This resolution shall take effect immediately from and after its passage in accordance with the provisions of the Tex. Loc. Gov't. Code and City Charter.

Section 5. 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.

PASSED AND APPROVED on the 4 day of August, 2022.

THE CITY OF LEANDER, TEXAS

Christine DeLisle, Mayor

ATTEST:

Dara Crabtree, City Secretary

**EXECUTIVE SUMMARY**
08/04/2022

AGENDA SUBJECT:

Approval of the proposed Brushy Creek Regional Utility Authority FY 2023 Budget.

BACKGROUND:

On June 22, 2022 the BCRUA Board of Directors approved the proposed FY 2023 Budget. Some of the highlights include:

(1) The Operations budget increased by \$440,000.00, primarily driven by a \$300,000.00 increase in chemicals (chlorine unit price doubled) and the addition of two (2) entry level operators (\$180,000.00). These operators will allow BCRUA to have two (2) operators on the night shift, as recommended by the EPA required Risk and Resiliency Study. This will provide additional safety for the operators and allow better staffing at night when the plant is at its highest use and when lightning strikes often occur.

(2) Other smaller increases include inspection of the thirty-six (36")- inch underwater pipeline (\$32,000.00), fuel and oil (\$15,000.00), legal costs (\$35,000.00).

(3) These increases have been offset somewhat by about \$200,000.00 decreases in other operations costs, such as plans we had budgeted for last year that will not be needed this year - TCEQ's Senate Bill 3 Emergency Preparedness Plan, EPA's Risk and Resiliency Study.

(4) The Operations Budget (operations, capital outlay, reserve adjustment) increased by 7.9%. Debt service increased by \$0.57%, resulting in an overall increase of 1.9%.

The City of Leander's share of the Operating Budget is sixty-one (61%) percent based upon its pro rata share of the estimated usage during the year. At the end of each year, a true-up is performed to account for actual usage and each cities' contributions are adjusted accordingly. Leander's estimated daily take on an annual basis 8 mgd. Leander's current capacity in the plant before expansion is slightly over 15 mgd.

Partner City	O&M Share	% Share	MGD
Cedar Park	658,050.00	15%	1.80
Leander	2,719,217.00	61%	8.00
Round Rock	1,052,789.00	24%	2.50
Total	4,430,056.00	100%	12.30
Debt Service			
Cedar Park	5,736,607.00	32%	
Leander	8,175,739.00	45%	
Round Rock	4,253,246.00	23%	
Total	18,165,591.00	100%	
Grand Total	22,595,647.00		

Fiscal Impact

Amount requested: \$10,933,706.00

Approved in current budget (Yes / No): FY 2023

Expenditure (New / Amended): New

Recurring or one-time: Recurring

Fund source (Operating / Utility / etc.): Utility

Attachments

1. BCRUA FY23 Budget

FY 2023 Operating Budget (12.3 MGD)

Account Code	Account Description	Non-Operating Expenses	Fixed Operating Expenses for Cities Receiving Water	Variable Operating Expenses	FY 2022 Budget	FY22 1st and 2nd Quarters Actuals	FY 2023 Budget	Difference	Percent of Change	Cedar Park	Leander	Round Rock
5820	Insurance	100%			\$55,000	15,453	\$55,000	\$0	0%	8,234	25,960	20,807
5420	Power-Security & Lighting	100%			\$35,000	2,466	\$20,000	-\$15,000	-43%	2,994	9,440	7,566
5191	Gen Manager & Admin Services	100%			\$179,650	82,632	\$190,150	\$10,500	6%	28,465	89,751	71,934
68xx	Capital Outlay	100%			\$92,000	40,901	\$83,000	-\$9,000	-10%	12,425	39,176	31,399
5255	Desks, Files, Kitchen Appliances, etc.	100%			\$2,500	-	\$2,500	\$0	0%	374	1,180	946
5325	Grounds and Building Maintenance	100%			\$16,000	2,925	\$16,000	\$0	0%	2,395	7,552	6,053
5415	Irrigation at Plant/Solid Waste	100%			\$8,500	3,811	\$9,500	\$1,000	12%	1,422	4,484	3,594
5815	TCEQ Administration Fee	100%			\$125	125	\$125	\$0	0%	19	59	47
5245	Safety Equipment	100%			\$4,500	1,621	\$4,500	\$0	0%	674	2,124	1,702
5355	Treated/Raw Main Maintenance	100%			\$7,500	250	\$40,000	\$32,500	433%	5,988	18,880	15,132
5520	Audit Fees/Invest/Bank	100%			\$86,900	46,900	\$79,000	-\$7,900	-9%	11,826	37,288	29,886
5525	Legal Services	100%			\$25,000	25,626	\$52,000	\$27,000	108%	7,784	24,544	19,672
5540	Legal Services-Construction	100%			\$0	12,613	\$18,000	\$18,000		4,801	8,399	4,801
5335	Computers & Equipment	33%	67%		\$32,000	1,803	\$12,000	-\$20,000	-63%	1,769	7,098	3,132
5330	SCADA Maintenance	33%	67%		\$60,000	5,758	\$60,000	\$0	0%	8,847	35,492	15,661
5425	Communication/Phones	33%	67%		\$18,500	9,482	\$20,000	\$1,500	8%	2,949	11,831	5,220
5350	Intake Barge Repair & Maintenance	33%	67%		\$42,500	58,650	\$42,500	\$0	0%	6,267	25,140	11,093
5195	Accounting Services	33%	67%		\$99,000	50,362	\$99,000	\$0	0%	14,598	58,562	25,841
5192	Plant Superintendent & Chief Op		100%		\$270,000	101,890	\$249,000	-\$21,000	-8%	36,439	161,951	50,610
5194	Administration Assistant		100%		\$26,000	12,636	\$28,000	\$2,000	8%	4,098	18,211	5,691
5230	Small Tools and Equipment		100%		\$5,000	1,127	\$7,500	\$2,500	50%	1,098	4,878	1,524
5235	General Supplies		100%		\$8,000	3,112	\$8,000	\$0	0%	1,171	5,203	1,626
5320	Plant Winterization		100%		\$2,000	344	\$3,000	\$1,000	50%	439	1,951	610
5890	Miscellaneous Expense		100%		\$153,000	52,776	\$50,000	-\$103,000	-67%	7,317	32,520	10,163
5193	Plant Operators		100%		\$568,500	273,508	\$748,000	\$179,500	32%	109,463	486,504	152,033
5196	Maintenance Technician		100%		\$40,000	24,615	\$50,000	\$10,000	25%	7,317	32,520	10,163
5210	Treatment Materials and Supplies		100%		\$30,000	10,968	\$35,000	\$5,000	17%	5,122	22,764	7,114
5310	Vehicle Repair and Maintenance		100%		\$4,000	782	\$2,500	-\$1,500	-38%	366	1,626	508
5510	Contract Services		100%		\$18,000	1,659	\$18,000	\$0	0%	2,634	11,707	3,659
5215	Laboratory Supplies		100%		\$35,000	14,737	\$35,000	\$0	0%	5,122	22,764	7,114
5220	Fuel and Oil		100%		\$5,000	70	\$20,000	\$15,000	300%	2,927	13,008	4,065
5530	Janitorial Services		100%		\$2,000	-	\$3,000	\$1,000	50%	439	1,951	610
5315	Equipment and Facility Maintenance		100%		\$25,000	29,378	\$35,000	\$10,000	40%	5,122	22,764	7,114
5710	Schools and Training		100%		\$4,000	2,368	\$6,000	\$2,000	50%	878	3,902	1,220
5715	Licenses and Memberships		100%		\$5,000	469	\$5,000	\$0	0%	732	3,252	1,016
5225	Uniforms		100%		\$7,000	3,276	\$10,000	\$3,000	43%	1,463	6,504	2,033
5410	Electric Power - Pumping & Lift Stations			100%	\$1,195,920	369,148	\$1,173,000	-\$22,920	-2%	171,659	762,927	238,415
5240	Chemicals			100%	\$553,080	195,114	\$850,000	\$296,920	54%	124,390	552,846	172,764
5515	Sludge Disposal			100%	\$56,100	7,664	\$57,000	\$900	2%	8,341	37,073	11,585
	Subtotal				\$ 3,777,275		\$ 4,196,275	\$419,000	11%			
5895	Contingency				\$ 113,318	57,947	\$ 125,888	\$12,570	11%	17,850.95	59,494.79	48,542.51
	Total				\$ 3,890,593	1,524,967	\$4,322,163	\$431,570	11%	\$ 636,218	\$ 2,673,283	\$1,012,661

Estimated FY 2023 MGD	
Cedar Park	1.80
Leander	8.00
Round Rock	2.50
Total	12.30

Reserve Operating Account

LESS: FY22 Reserve Budget

Additional Reserve for FY23

Total FY2022 Operating Budget

Total FY2023 Operating Budget

FY 2022 Debt Service Budget

FY 2023 Debt Service Budget

Total FY 2022 Operating and Debt Service Budget

Total FY 2023 Operating and Debt Service Budget

\$ 1,080,541			\$ 159,055	\$ 668,321	\$ 253,165
(972,648)			(\$137,223)	(\$622,387)	(\$213,038)
107,893			21,832	45,934	40,127
4,104,344	325,713	7.94%	567,650	2,558,868	977,826
\$ 4,430,056			\$ 658,050	\$ 2,719,217	\$1,052,789
18,165,591	102,954	0.57%	5,736,607	8,175,739	4,253,246
\$ 18,268,545			\$ 5,779,811	\$ 8,214,489	\$ 4,274,246
\$ 22,269,935	428,666	1.92%	\$ 6,304,257	\$10,734,606	\$5,231,072
\$22,698,601			\$6,437,860	\$10,933,706	\$5,327,035

BCRUA Project Reserved Capacity Allocation		Capacity Allocation for Cities Receiving Water		Ultimate Capacity Allocation	
Cedar Park	14.97%	Cedar Park	14.63%	Cedar Park	14.18%
Leander	47.20%	Leander	65.04%	Leander	47.26%
Round Rock	37.83%	Round Rock	20.33%	Round Rock	38.56%

Non-Operating and Fixed Operating Expenses Percentage *For Blackbaud Software		Legal Fee-Construction	
Cedar Park	14.745%	Cedar Park	26.67%
Leander	59.153%	Leander	46.66%
Round Rock	26.102%	Round Rock	26.67%



EXECUTIVE SUMMARY
08/04/2022

AGENDA SUBJECT:

Approval of the Second Reading of an Ordinance regarding Ordinance Case 22-OR-002 to amend the Composite Zoning Ordinance to adopt amendments to the landscape ordinance requirements to promote water conservation, and to provide for related matters; Williamson & Travis Counties, Texas.

BACKGROUND:

This request is the first step in the ordinance process. The City Council adopted the Comprehensive Plan in 2021. The Plan was later updated April 8, 2022 to incorporate the following goal. The City of Leander has concerns about availability of water and water conservation. The purpose in this amendment is to implement updates to the ordinances to promote water conservation.

GOAL #11 UTILITIES – INTEGRATED AND WELL-PLANNED UTILITY INFRASTRUCTURE TO SERVE DESIRED GROWTH

Strategy 11.2 – Prioritize the long-term strategic planning and system health of the water and utilities.

Action 11.2.6 – Pursue and implement updates to the ordinances to promote water conservation.

The following updates are included:

1. Add definitions
2. Prohibit turf grass in narrow strips of land
3. Reduce landscaping for non-residential and multi-family
4. Reduce turf requirements for residential
5. Remove landscape requirements for commercial projects when they are not adjacent to residential
6. Update disturbance zone requirements

The Planning & Zoning Commission unanimously recommended to postpone the ordinance amendment and requested that staff update the ordinance to reduce the amount of turf permitted in parkland and modified the overhead door screening requirements.

The Planning & Zoning Commission unanimously approved the amendment during the July 14, 2022 meeting.

HISTORY/TIMELINE:

06/23/2022 - Planning & Zoning Commission - 1st Public Hearing

07/14/2022 - Planning & Zoning Commission - Action

APPLICANT/AGENT:

City of Leander

RECOMMENDATION:

The City Council approved this request during the July 21, 2022 meeting.

PRESENTER:

Robin M. Griffin, AICP, Executive Director of Development Services

1. Draft Amendments
2. Ordinance
3. P&Z Draft Minutes

COMPOSITE ZONING ORDINANCE

ARTICLE I - GENERAL

SECTION 6: DEFINITIONS

Decorative Groundcover means associated aggregate materials that are intended to create decorative, pervious or semi-pervious areas within the landscape. Typical materials used as decorative groundcover are: decomposed granite, crushed granite gravel, river rock, pea gravel, tumbled glass and bark mulch. Decorative groundcover shall be shown graphically by a delineated boundary of the area to be covered and an associated call-out that includes the name of the material, depth of material and square footage of area to be covered.

Drip Irrigation means a method of irrigation which is typically installed below ground and consists of porous piping that allows the application of water at a slow and constant rate.

Groundcover means plants, other than turf grasses, that have a growth habit ranging from six (6) inches to eighteen (18) inches in height at maturity and is intended to completely cover an area with no bare earth visible between plants when established.

Xeriscaping is the practice of designing landscapes to reduce or eliminate the need for irrigation. This means xeriscaped landscapes need little or no water beyond what the natural climate provides. The term "xeriscape" is registered trademark of the National Xeriscape Council and means water-conserving, drought-tolerant landscaping.

ARTICLE VI – SITE STANDARDS

SECTION 1: LANDSCAPING, TREE PRESERVATION AND PROTECTION, AND SCREENING REQUIREMENTS

(b) Landscape Requirements.

- (1) Installation: All landscape materials shall be installed and maintained according to generally accepted landscape practices for the region. Low water demanding landscapes, are encouraged and should include plants from the preferred plant list and included in the Grow Green Guide ~~recommended by the Lower Colorado River Authority's Texas Hill Country Landscape Option Specifications, a copy of which is available in the City Planning Department.~~

-
- (4) Turfgrass.
 - (i) All turfgrass installed shall have summer dormancy capabilities and shall be one of the varieties set forth in the preferred plant list maintained by the Planning

Department or the Grow Green Guide. Buffalo grass, zoysia grass or non-seeding varieties of Bermuda grass are recommended for sunny sections of the landscape.

- (ii) Turfgrass shall be limited to ~~two thirds~~one half (21/2/3) of the lot after subtracting the impervious cover for single-family and two-family lots. Alternative options to turfgrass can include native and adaptive landscape plants as specified in the Grow Green Guide, mulch, crushed granite, Decorative Groundcover, or similar material. No more than fifty (50%) percent of the lot may consist of non-plant material.
- (iii) The maximum landscape that may be planted in turfgrass for the types of development listed in Article VI, Section 1 (b)(9)(i) through (iv) and (vi) below shall be limited to fifty (50%) percent of ~~any the required~~ landscape area.
- ~~(iii)~~(iv) Turf grass shall be prohibited in strips of land less than six (6') feet wide in parking areas or between sidewalks and pavement.
- ~~(iv)~~(v) Turf grass shall be limited to fifty (50%) percent landscape lots, open space lots, greenspace, and Home Owners Association (HOA) lots.

- (7) Any approved ~~Ddecorative aggregate~~Decorative Groundcover or pervious brick pavers shall qualify for up to ten percent (10%) of the required landscaping if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces.

(11) Landscape material requirements:

- (i) Trees and shrubs identified on the preferred plant list and included in the Grow Green Guide, shall be utilized within the required landscaping as described below.
- (ii) At least seventy-five percent (75%) of the planted trees are required to be large trees/shade trees (as defined in the Grow Green Guide), the remaining trees may be small trees or ornamental trees all of which shall be selected from the preferred plant list or Grow Green Guide.
- (iii) Two (2) – ten (10) gallon ornamental trees may be substituted for every one (1) required shade tree as long as at least half of the required number of shade trees is installed.
- (iv) Existing significant trees and shrubs that are retained in healthy condition may count toward fulfillment of these requirements. In calculating the credit from existing significant trees and shrubs that are retained, shrubs shall be credited on a one (1) for one (1) basis if such shrub is equivalent or greater in size to a comparable five (5) gallon container grown shrub. Trees shall be credited on a caliper inch basis (for every one (1) caliper inch of a tree that is saved, credit shall be given for one (1) caliper inch of a tree required to be planted), with saved significant trees over eighteen (18) caliper counting on a one for two basis (for every one caliper inch of a significant tree over eighteen (18) caliper that is saved, credit shall be given for two (2) caliper inches of a tree required to be planted).

- (12) The following is for other than single-family or two-family development:

~~(11) Trees and shrubs identified on the preferred plant list and included in the Grow Green Guide, shall be utilized within the required landscaping as described below. At least seventy five percent (75%) of the planted trees are required to be large trees/shade trees (as defined in the Grow Green Guide), the remaining trees may be small trees or ornamental trees all of which shall be selected from the preferred plant list or Grow Green Guide. Existing significant trees and shrubs that are retained in healthy condition may count toward fulfillment of these requirements. In calculating the credit from existing significant trees and shrubs that are retained, shrubs shall be credited on a one for one basis if such shrub is equivalent or greater in size to a comparable five gallon container grown shrub. Trees shall be credited on a caliper inch basis (for every one caliper inch of a tree that is saved, credit shall be given for one caliper inch of a tree required to be planted), with saved significant trees over 18" caliper counting on a one for two basis (for every one caliper inch of a significant tree over 18" caliper that is saved, credit shall be given for two caliper inches of a tree required to be planted).~~

~~(i)~~ For every six hundred (600) square feet of landscape area and setback area required by this ordinance, two (2) shade trees (two (2) inch caliper or larger) and four (4) shrubs (five (5) gallon container size or larger) shall be planted.

~~(13) Two ten gallon ornamental trees may be substituted for every one required shade tree as long as at least half of the required number of shade trees is installed.~~ If the exterior surface area of all walls for non-residential or multi-family buildings / structures are comprised of one hundred (100%) percent Masonry, then the ratio may be reduced to one (1) shade tree per six hundred (600) square feet in the front setback.

~~(14) Side setbacks within a commercial development that are not adjacent to residential properties are not required to include landscaping at the above ratio within the side setback. This provision applies to commercial center developments made up of commercial lots with shared parking lots.~~

~~(i)a.~~ To allow for larger landscaped activity areas at school facilities, for every 600 sq. ft. of landscaping required by this section, 1 tree and 3 shrubs (five gallon container size or larger) shall be planted.

~~(ii)b.~~ To reduce the thermal impact of unshaded parking lots, additional trees shall be planted as necessary so that the center point of each parking space is no more than 50 feet away from the trunk of a tree.

~~(iii)c.~~ If street trees are proposed, the street trees may be planted between the sidewalk and back of curb (or edge of pavement) in accordance with the City's street tree detail. Street trees are not required, but if they are proposed the street tree species shall be consistent on both sides of the street within a block, shall be a street tree species listed in the preferred plant list, and shall be specified in the Construction Plans for the subdivision (if applicable). Street tree spacing shall not exceed thirty (30) feet on center between trees on the same side of the street. Street trees may be counted toward the required tree plantings within the front or street side setback area.

(15) Compatibility buffer for uses other than single-family or two-family development:

- a. Purpose and intent: The purpose of this section is to set forth requirements regarding the design, installation, construction and maintenance of compatibility buffers for uses other than single-family or two-family development. A compatibility buffer shall be composed of a landscape buffer and a compatibility fence as provided Article VI, Section 14 (d) of this ordinance. Compatibility buffering is intended to minimize the effects of non-residential and multi-family uses which share a common lot line with existing or planned single-family or two-family uses.
- b. Applicability: This section shall apply to:
- (i) Any new development or construction requiring a permit;
 - (ii) Any change of land use from a residential use to a nonresidential use; or
 - (iii) Any change, conversion, or addition of a non-residential or multi-family use that increases the parking area.
- c. Landscape buffer: A landscape area of at least eight (8') feet wide shall be provided that includes the following plantings per every six hundred (600) square feet:
- (i) Two (2) shade trees (two (2) inch caliper or larger)
 - (ii) Four (4) shrubs (five (5) gallon container size or larger)
 - 1. Shrubs are not required if when a masonry screening wall is provided as provided in Article VI, Section 14 (d) of this ordinance.

~~(12)~~(16) Minim
um landscape requirements for residential districts other than multi-family ~~shall be~~ three (3) one-gallon shrubs, three (3) five-gallon shrubs and turf grass or an alternative material as defined in this section from the front property line to the front two (2) corners of the structure and a minimum coverage area extending 3' from the slab/foundation to protect water runoff from the roof drip line. If lawn grass is not used in this area, then rain gutter systems shall be in place. Each residential lot or building envelope shall be required to plant at least two (2) trees measuring at least two (2) caliper inches or one (1) tree measuring three and a half (3.5") caliper inches selected from the City's preferred plant list or the Grow Green Guide. For lots zoned with the SFT, SFL, or SFC use component, one of the required trees may be placed in the backyard. Existing trees and shrubs that are retained in healthy condition may count toward fulfillment of these requirements.

(c) Tree Preservation and Protection.

(5) Removal of Heritage or Significant Trees

(iii.) Mitigation for removal of a Heritage or Significant Tree

b. Replacement Trees.

- 1) Replacement Trees shall be a minimum of two (2) inches in caliper measured four (4) feet above finished grade immediately after planting. A list of recommended replacement trees shall be maintained by the Department of Planning and shall include those trees listed in the Grow Green Guide.
 - 2) ~~If the developer chooses to substitute trees not included on the recommended list, those trees shall have an average mature crown greater than fifteen (15) feet in diameter to meet the requirements of this section. Trees having an average mature crown less than fifteen (15) feet in diameter may be substituted by grouping trees so as to create at maturity the equivalent of a fifteen foot (15) diameter crown if the drip line area is maintained.~~
-

- (8) A non-disturbance zone shall be maintained on single-family and two-family lots during the subdivision construction and building permit phases of development. A disturbance area no more than five (5') feet from the foundation necessary for construction and grade transitions shall be permitted. This disturbance area shall be no more than ten (10') feet from the foundation for properties zoned with the SFR (Single-Family Rural) use component. The trees located on the remainder of the lot shall not be removed unless a unique situation is approved by the Director of Planning. During the subdivision construction phase, the developer may plan for removal of the pad trees. If trees are proposed for removal at this stage, mitigation requirements shall apply.

(d) Screening Requirements.

- (1) In addition to the landscaping requirements of this section, all development shall comply with the following screening requirements:
 - (i) The following shall be screened from the view of at least sixty percent (60%) of adjacent single-family or two-family residences and any street or public right-of-way:
 - a. ~~O~~ff-street parking areas;_i
 - b. ~~L~~oading spaces and docks;_i
 - c. ~~T~~rash and storage containers;_i
 - d. ~~O~~utside storage areas;_i
 - e. ~~S~~atellite dishes larger than eighteen (18) inches in diameter;_i
 - f. ~~a~~ntennas;_i
 - g. ~~m~~echanical equipment;_i and-or
 - (~~h~~) ~~m~~etal siding.

- (ii) Above ground utility facilities up to six (6) feet above grade for multi-family and non-residential development are required to be screened from view except for poles, fire hydrants and existing lines.
- (iii) Detention Facilities including detention ponds and/or water quality ponds shall be screened from view.
- (iv) Screening by vegetation that could be removed from adjacent undeveloped or partially developed properties when such property is developed is not considered as screening from view.
- ~~(v) Outside storage areas shall be screened by the use of a privacy fence or wall at least the height of the items to be screened and in conformance with the requirements of this ordinance.~~
- ~~(vi)~~(v) Outside storage areas shall be screened by the use of a privacy fence or wall at least the height of the items to be screened and in conformance with the requirements of this ordinance. If the outdoor storage area is adjacent to an arterial or collector roadway, then the wall is required to be constructed of one or more of the following materials: brick, stone, cast stone, stucco (limited to thirty-five (35%) of the exterior surface area of walls), factory tinted (not painted) split face concrete masonry unit, or other similar material approved by the Director of Planning. In addition to the materials listed above, textured pre-cast concrete (e.g. Woodcrete) is also permitted when the wall is adjacent to collectors.
- ~~(vii)~~(vi) A minimum five-foot (5') landscaped area located on the exterior of the fence shall be provided and landscaped in accordance with paragraph (2) (i) above unless the fence is on a rear boundary line or adjoining a permanent structure on the site.
- ~~(viii) Fuel pumps are required to be screened from view of any street or public right-of-way to at least the height of the fuel pump.~~
- ~~(ix)~~(vii) Lift stations are required to be screened from view of adjacent single-family or two-family residences, or any street or public right-of-way by the use of a wall. The wall is required to be constructed of one or more of the following materials: brick, stone, cast stone, stucco (limited to thirty-five (35%) of the exterior surface area of walls), factory tinted (not painted) split face concrete masonry unit, textured pre-cast concrete (e.g. Woodcrete) or other similar material approved by the Director of Planning.

ARTICLE VIII – ARCHITECTURAL STANDARDS

SECTION 2: WAREHOUSE, MINI-WAREHOUSE AND OVERHEAD DOORS

Warehouse, mini-warehouse and overhead (commercial service) doors shall not be oriented so as to face a street(s) or residential property or shall be screened from view from the street(s) or residential property unless the Director of Planning determines that there is no other feasible alternative. The Director of Planning may also approve decorative overhead doors in lieu of screening when the doors are oriented towards the street on a case by case basis.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING SECTIONS OF ARTICLE 14.02, THE COMPOSITE ZONING ORDINANCE TO AMEND THE COMPOSITE ZONING ORDINANCE TO ADOPT AMENDMENTS TO THE LANDSCAPE ORDINANCE REQUIREMENTS TO PROMOTE WATER CONSERVATION, AND TO PROVIDE FOR RELATED MATTERS; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Planning & Zoning Commission held a public hearing on the proposed amendments to Section 14.02.001, Article 14.02, Chapter 14, Leander Code of Ordinances (the “Composite Zoning Ordinance”), and forwarded its recommendation on the amendments to the City Council; and

WHEREAS, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has considered the proposed amendments and finds that the amendments are reasonable and necessary to protect the health, safety, and welfare of the present and future residents of the City;

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

SECTION 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

SECTION 2. Amendment of Article I, Section 6. Article I, Section 6 of the Composite Zoning Ordinance is hereby amended by adding the following definitions:

Decorative Groundcover means associated aggregate materials that are intended to create decorative, pervious or semi-pervious areas within the landscape. Typical materials used as decorative groundcover are: decomposed granite, crushed granite gravel, river rock, pea gravel, tumbled glass and bark mulch. Decorative groundcover shall be shown graphically by a delineated boundary of the area to be covered and an associated call-out that includes the name of the material, depth of material and square footage of area to be covered.

Drip Irrigation means a method of irrigation which is typically installed below ground and consists of porous piping that allows the application of water at a slow and constant rate.

Groundcover means plants, other than turf grasses, that have a growth habit ranging from

six (6) inches to eighteen (18) inches in height at maturity and is intended to completely cover an area with no bare earth visible between plants when established.

Xeriscaping is the practice of designing landscapes to reduce or eliminate the need for irrigation. This means xeriscaped landscapes need little or no water beyond what the natural climate provides. The term “xeriscape” is registered trademark of the National Xeriscape Council and means water-conserving, drought-tolerant landscaping.

SECTION 3. Amendment of Article VI, Section 1(b)(1). Article VI, Section 1(b)(1) of the Composite Zoning Ordinance is hereby amended as follows:

(b) Landscape Requirements.

- (1) Installation: All landscape materials shall be installed and maintained according to generally accepted landscape practices for the region. Low water demanding landscapes, are encouraged and should include plants from the preferred plant list and included in the Grow Green Guide

SECTION 4. Amendment of Article VI, Section 1(b)(4). Article VI, Section 1(b)(4) of the Composite Zoning Ordinance is hereby amended as follows:

- (4) Turfgrass.
 - (i) All turfgrass installed shall have summer dormancy capabilities and shall be one of the varieties set forth in the preferred plant list maintained by the Planning Department or the Grow Green Guide. Buffalo grass, zoysia grass or non-seeding varieties of Bermuda grass are recommended for sunny sections of the landscape.
 - (ii) Turfgrass shall be limited to one half (1/2) of the lot after subtracting the impervious cover for single-family and two-family lots. Alternative options to turfgrass can include native and adaptive landscape plants as specified in the Grow Green Guide, mulch, crushed granite, Decorative Groundcover, or similar material. No more than fifty (50%) percent of the lot may consist of non-plant material.
 - (iii) The maximum landscape that may be planted in turfgrass for the types of development listed in Article VI, Section 1 (b)(9)(i) through (iv) and (vi) below shall be limited to fifty (50%) percent of any landscape area.
 - (iv) Turf grass shall be prohibited in strips of land less than six (6') feet wide in parking areas or between sidewalks and pavement.
 - (v) Turf grass shall be limited to fifty (50%) percent landscape lots, open space lots, greenspace, and Home Owners Association (HOA) lots.

SECTION 5. Amendment of Article VI, Section 1(b)(7). Article VI, Section 1(b)(7) of the Composite Zoning Ordinance is hereby amended as follows:

- (7) Any approved Decorative Groundcover or pervious brick pavers shall qualify for up to ten percent (10%) of the required landscaping if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces.

SECTION 6. Amendment of Article VI, Section 1(b). Article VI, Sections 1(b)(15) through 1(b)(26) of the Composite Zoning Ordinance are hereby renumbered to be Sections 1(b)(17) through 1(b)(30) and shall remain in full force and effect. Article VI, Sections 1(b)(11) through 1(b)(16) of the Composite Zoning Ordinance (after the renumbering described in the prior sentence) are hereby amended and adopted to read as follows:

- (11) Landscape material requirements:
 - (i) Trees and shrubs identified on the preferred plant list and included in the Grow Green Guide, shall be utilized within the required landscaping as described below.
 - (ii) At least seventy-five percent (75%) of the planted trees are required to be large trees/shade trees (as defined in the Grow Green Guide), the remaining trees may be small trees or ornamental trees all of which shall be selected from the preferred plant list or Grow Green Guide.
 - (iii) Two (2) – ten (10) gallon ornamental trees may be substituted for every one (1) required shade tree as long as at least half of the required number of shade trees is installed.
 - (iv) Existing significant trees and shrubs that are retained in healthy condition may count toward fulfillment of these requirements. In calculating the credit from existing significant trees and shrubs that are retained, shrubs shall be credited on a one (1) for one (1) basis if such shrub is equivalent or greater in size to a comparable five (5) gallon container grown shrub. Trees shall be credited on a caliper inch basis (for every one (1) caliper inch of a tree that is saved, credit shall be given for one (1) caliper inch of a tree required to be planted), with saved significant trees over eighteen (18) caliper counting on a one for two basis (for every one caliper inch of a significant tree over eighteen (18) caliper that is saved, credit shall be given for two (2) caliper inches of a tree required to be planted).
- (12) The following is for other than single-family or two-family development:
 - (i) For every six hundred (600) square feet of landscape area and setback area required by this ordinance, two (2) shade trees (two (2) inch caliper or larger) and four (4) shrubs (five (5) gallon container size or larger) shall be planted.
- (13) If the exterior surface area of all walls for non-residential or multi-family buildings / structures are comprised of one hundred (100%) percent Masonry, then the ratio may be reduced to one (1) shade tree per six hundred (600) square feet in the front setback.
- (14) Side setbacks within a commercial development that are not adjacent to residential properties are not required to include landscaping at the above ratio within the side setback. This provision applies to commercial center developments made up of commercial lots with shared parking lots.
 - a. To allow for larger landscaped activity areas at school facilities, for every 600 sq. ft. of landscaping required by this section, 1 tree and 3 shrubs (five gallon container size or larger) shall be planted.
 - b. To reduce the thermal impact of unshaded parking lots, additional trees shall be planted as necessary so that the center point of each parking space is no more than 50 feet away from the trunk of a tree.
 - c. If street trees are proposed, the street trees may be planted between the sidewalk and back of curb (or edge of pavement) in accordance with the City's street tree

detail. Street trees are not required, but if they are proposed the street tree species shall be consistent on both sides of the street within a block, shall be a street tree species listed in the preferred plant list, and shall be specified in the Construction Plans for the subdivision (if applicable). Street tree spacing shall not exceed thirty (30) feet on center between trees on the same side of the street. Street trees may be counted toward the required tree plantings within the front or street side setback area.

- (15) Compatibility buffer for uses other than single-family or two-family development:
- a. Purpose and intent: The purpose of this section is to set forth requirements regarding the design, installation, construction and maintenance of compatibility buffers for uses other than single-family or two-family development. A compatibility buffer shall be composed of a landscape buffer and a compatibility fence as provided Article VI, Section 14 (d) of this ordinance. Compatibility buffering is intended to minimize the effects of non-residential and multi-family uses which share a common lot line with existing or planned single-family or two-family uses.
 - b. Applicability: This section shall apply to:
 - (i) Any new development or construction requiring a permit;
 - (ii) Any change of land use from a residential use to a nonresidential use; or
 - (iii) Any change, conversion, or addition of a non-residential or multi-family use that increases the parking area.
 - c. Landscape buffer: A landscape area of at least eight (8') feet wide shall be provided that includes the following plantings per every six hundred (600) square feet:
 - (i) Two (2) shade trees (two (2) inch caliper or larger)
 - (ii) Four (4) shrubs (five (5) gallon container size or larger)
 - 1. Shrubs are not required if when a masonry screening wall is provided as provided in Article VI, Section 14 (d) of this ordinance.
- (16) Minimum landscape requirements for residential districts other than multi-family shall be three (3) one-gallon shrubs, three (3) five-gallon shrubs and turf grass or an alternative material as defined in this section from the front property line to the front two (2) corners of the structure and a minimum coverage area extending 3' from the slab/foundation to protect water runoff from the roof drip line. If lawn grass is not used in this area, then rain gutter systems shall be in place. Each residential lot or building envelope shall be required to plant at least two (2) trees measuring at least two (2) caliper inches or one (1) tree measuring three and a half (3.5") caliper inches selected from the City's preferred plant list or the Grow Green Guide. For lots zoned with the SFT, SFL, or SFC use component, one of the required trees may be placed in the backyard. Existing trees and shrubs that are retained in healthy condition may count toward fulfillment of these requirements.

SECTION 7. Amendment of Article VI, Section 1(c)(5)(iii)(b). Article VI, Section 1 (c)(5)(iii)(b) of the Composite Zoning Ordinance is hereby amended by removing Subsection 2.

SECTION 8. Amendment of Article VI, Section 1(c)(8). Article VI, Section 1(c)(8) of the Composite Zoning Ordinance is hereby amended as follows:

- (8) A non-disturbance zone shall be maintained on single-family and two-family lots during the subdivision construction and building permit phases of development. A disturbance area no more than five (5') feet from the foundation necessary for construction and grade transitions shall be permitted. This disturbance area shall be no more than ten (10') feet from the foundation for properties zoned with the SFR (Single-Family Rural) use component. The trees located on the remainder of the lot shall not be removed unless a unique situation is approved by the Director of Planning. During the subdivision construction phase, the developer may plan for removal of the pad trees. If trees are proposed for removal at this stage, mitigation requirements shall apply.

SECTION 9. Amendment of Article VI, Section 1(d)(1). Article VI, Section 1(d)(1) of the Composite Zoning Ordinance is hereby amended as follows:

(d) Screening Requirements.

- (1) In addition to the landscaping requirements of this section, all development shall comply with the following screening requirements:
- (i) The following shall be screened from the view of at least sixty percent (60%) of adjacent single-family or two-family residences and any street or public right-of-way:
 - a. Off-street parking areas;
 - b. Loading spaces and docks;
 - c. Trash and storage containers;
 - d. Outside storage areas;
 - e. Satellite dishes larger than eighteen (18) inches in diameter;
 - f. Antennas;
 - g. Mechanical equipment; or
 - h. Metal siding
 - (ii) Above ground utility facilities up to six (6) feet above grade for multi-family and non-residential development are required to be screened from view except for poles, fire hydrants and existing lines.
 - (iii) Detention Facilities including detention ponds and/or water quality ponds shall be screened from view.
 - (iv) Screening by vegetation that could be removed from adjacent undeveloped or partially developed properties when such property is developed is not considered as screening from view.
 - (v) Outside storage areas shall be screened by the use of a privacy fence or wall at least the height of the items to be screened and in conformance with the requirements of this ordinance. If the outdoor storage area is adjacent to an arterial or collector roadway, then the wall is required to be constructed of one or more of the following materials: brick, stone, cast stone, stucco (limited to thirty-five (35%) of the exterior surface area of walls), factory tinted (not painted) split face concrete masonry unit, or other similar material approved by the Director of

Planning. In addition to the materials listed above, textured pre-cast concrete (e.g. Woodcrete) is also permitted when the wall is adjacent to collectors.

- (vi) A minimum five-foot (5') landscaped area located on the exterior of the fence shall be provided and landscaped in accordance with paragraph (2) (i) above unless the fence is on a rear boundary line or adjoining a permanent structure on the site.
- (vii) Lift stations are required to be screened from view of adjacent single-family or two-family residences, or any street or public right-of-way by the use of a wall. The wall is required to be constructed of one or more of the following materials: brick, stone, cast stone, stucco (limited to thirty-five (35%) of the exterior surface area of walls), factory tinted (not painted) split face concrete masonry unit, textured pre-cast concrete (e.g. Woodcrete) or other similar material approved by the Director of Planning.

SECTION 10. Amendment of Article VIII, Section 2. Article VIII, Section 2 of the Composite Zoning Ordinance is hereby amended as follows:

Warehouse, mini-warehouse and overhead (commercial service) doors shall not be oriented so as to face a street(s) or residential property or shall be screened from view from the street(s) or residential property unless the Director of Planning determines that there is no other feasible alternative. The Director of Planning may also approve decorative overhead doors in lieu of screening when the doors are oriented towards the street on a case by case basis.

SECTION 11. Conflicting Ordinances. Exhibit "A", Chapter 14, Leander Code of Ordinances is amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

SECTION 12. 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 subdivision 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 13. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

SECTION 14. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the

remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 15. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading this the 21st day of July, 2022.
FINALLY PASSED AND APPROVED on this the 4th day of August, 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



**MINUTES
PLANNING & ZONING COMMISSION
CITY OF LEANDER, TEXAS**

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

July 14, 2022 at 7:00 PM



Place 1 – Donnie Mahan, *Vice Chair*
Place 2 – John Cosgrove, *Chair*
Place 3 – Ron May
Place 4 – Deirdre Moss

Place 5 – Gary Hampton, Jr.
Place 6 – Laura Lantrip
Place 7 – Rick Carpenter

The meeting will be live-streamed at the following link: <https://www.leandertx.gov/video>.

1. Call to Order at 7:00 p.m.

2. Roll Call.

All Commissioners were present except Commissioner Moss, Commissioner Hampton Jr. and Commissioner Lantrip.

3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the July 7, 2022, meeting

4. Review of meeting protocol.

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

CONSENT AGENDA: ACTION

6. Re-approval of Subdivision Case 20-TOD-FP-033 regarding The Cottages at San Gabriel Final Plat on one parcel of land approximately 13.8709 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R576406; generally located east of 183A Toll Rd. and north of Huddleston Rd., Leander, Williamson County, Texas.

7. Approval of Subdivision Case 21-FP-007 regarding Bluffview Ph 3 Final Plat on two parcels of land approximately 40.266 acres ± in size, more particularly described by Williamson Central Appraisal District R031231 and R339021; generally located to the southeast of the intersection Ronald W Reagan Blvd and Bradley Ranch Road, Leander, Williamson County, Texas.

8. Approval of Subdivision Case 21-SFP-013 regarding The Square at Crystal Falls Short Form Final Plat on two parcels of land approximately 2.768 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R332046 and R083628; more commonly known as 1900 and 1902 S. Bagdad Road, Leander, Williamson County, Texas.

9. Approval of Minutes.

A motion made by Commissioner May to approve the consent agenda items 6 through 9, seconded by Commissioner Carpenter.

4 - 0 Passed

PUBLIC HEARING: ACTION

10. Conduct a Public Hearing and consider action regarding Comprehensive Plan Case 22-CPA-003 to amend Transportation Master Plan to change the classification of CR 267 between Kauffman Loop and Bar W Ranch Blvd from an arterial class roadway to a collector class roadway, Leander, Williamson County, Texas.

- Discuss and consider action regarding Comprehensive Plan Case 22-CPA-003 as described above.

Phil King spoke for.

Geoff Guerrero spoke against.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Rick Carpenter to recommend approval of the Comprehensive Plan Amendment.

AYE: Chair John Cosgrove, Commissioner Rick Carpenter, Commissioner Ron May, Vice Chair Donnie Mahan

4 - 0 Passed

11. Conduct a Public Hearing regarding Subdivision Case 22-CP-003 to adopt the Borho aka Barksdale Concept Plan on one parcel of land approximately 44 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R031542; generally located north on Journey Parkway, Leander, Williamson County, Texas.

- Discuss and consider action regarding Subdivision Case 22-CP-003 as described above.

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to recommend approval of the concept plan.

AYE: Chair John Cosgrove, Commissioner Rick Carpenter, Commissioner Ron May, Vice Chair Donnie Mahan

4 - 0 Passed

12. Conduct a Public Hearing and consider action regarding Comprehensive Plan Case 21-CPA-009 to amend the Comprehensive Plan land use category from Multi-Use Corridor to Neighborhood Residential and to amend Transportation Master Plan to change the classification of Live Oak Road to a local street and consider action regarding Zoning Case 21-Z-030 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to SFR-2-B (Single-Family Rural) and LO-2-B (Local Office) on nine parcels of land approximately 308.288 acres ± in size, more particularly described

by Williamson Central Appraisal District Parcels R356046, R473837, R022920-R022923, R473838, R473839, and R022941; and generally located to the west of the intersection of Oak Creek Road and N Bagdad Road, Leander, Williamson County, Texas.

- Discuss and consider action regarding Comprehensive Plan Case 21-CPA-009
- Discuss and consider action regarding Zoning Case 21-Z-030 as described above

Motion made by Commissioner Rick Carpenter, seconded by Vice Chair Donnie Mahan to approve the Comprehensive Plan Amendment and Zoning case.

AYE: Chair John Cosgrove, Commissioner Rick Carpenter, Vice Chair Donnie Mahan

NAY: Commissioner Ron May

3 - 1 Passed

REGULAR AGENDA

13. Discuss and consider action on Tree Removal Case 22-TRP-003 regarding removal of Significant Trees associated with the Maple Ranch Apartment Site Development Project generally located at the southwest corner of Ronald Reagan Boulevard and Palmera Ridge Boulevard, Leander, Williamson County, Texas.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Rick Carpenter to approve the tree removal request associated with the Maple Ranch Apartments.

AYE: Chair John Cosgrove, Commissioner Rick Carpenter, Commissioner Ron May, Vice Chair Donnie Mahan

4 - 0 Passed

14. Discuss and consider action on Tree Removal Case 22-CIP-TRP-004 regarding removal of Significant and Heritage Trees associated with the eastward expansion of San Gabriel Parkway from Palmera Bluff subdivision to the intersection of Ronald Reagan Boulevard generally located north of Palmera Ridge Section 9 and runs southwest of the intersection of Ronald Reagan Boulevard and current CR 274, Leander, Williamson County, Texas.

Motion made by Commissioner Ron May, seconded by Commissioner Rick Carpenter to approve the tree removal request of associated with the eastward expansion of San Gabriel Parkway and Palmera Bluff subdivision.

AYE: Chair John Cosgrove, Commissioner Rick Carpenter, Commissioner Ron May, Vice Chair Donnie Mahan

4 - 0 Passed

15. Discuss and consider action regarding Ordinance Case 22-OR-002 to amend the Composite Zoning Ordinance to adopt amendments to the landscape ordinance requirements to promote water conservation, and to provide for related matters; Williamson & Travis Counties, Texas.

Motion made by Commissioner Ron May, seconded by Commissioner Rick Carpenter to recommend approval of the ordinance.

AYE: Chair John Cosgrove, Commissioner Rick Carpenter, Commissioner Ron May, Vice
Chair Donnie Mahan

4 - 0 Passed

16. Adjournment at 7:44 p.m.

APPROVED:

CHAIRMAN COSGROVE

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
08/04/2022

AGENDA SUBJECT:

Approval of the extension of the application expiration for Subdivision Case 20-FP-027 Palmera Bluff Section 2 Final Plat; generally located to the north of the intersection of Logan Del Way and E San Gabriel Parkway, Leander, Williamson County, Texas.

BACKGROUND:

This request is for an extension of the expiration date for the Palmera Bluff Section 2 Final Plat.

Subdivision Ordinance, Article II, Section 24 (g) includes the following provisions.

g. Application Expiration.

1. The Final Plat application shall expire nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the final plat is not approved due to the applicant's failure to cause the application to comply with applicable city regulations.
2. The Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the final plat. Substantial progress shall consist of, at a minimum, a resubmission of the final plat and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.

HISTORY/TIMELINE:

02/06/2022 - Palmera Bluff Section 2 Final Plat Staff Extension Expires

08/06/2022 - Palmera Bluff Section 2 Final Plat Council Extension Expires

APPLICANT/AGENT:

Randall Jones & Associates Engineering, LLC

RECOMMENDATION:

The Subdivision Ordinance includes timelines for application approvals. The timeline/history section of this summary above includes the key dates for this request. The final plat application expires nine (9) months after the first review comment letter for the final plat is sent to the applicant.

Staff recommends approval of an additional six (6)- month extension. Approving this extension would grant an extension to February 6, 2023 and will allow the developer to finalize the plat requirements and schedule the plat for review by the Planning & Zoning Commission.

PRESENTER:

Robin M. Griffin, AICP, Executive Director of Development Services

Attachments

1. Extension Request Letter
2. Location Map

3. Ordinance



RANDALL JONES & ASSOCIATES
ENGINEERING, LLC

2900 JAZZ STREET • ROUND ROCK, TEXAS 78664

July 11, 2022

Robin Griffin
City of Leander
201 N. Brushy St.
Leander, TX 78641

RE: Palmera Bluff Section 2 (20-FP-027) – Final Plat Application Extension Request
RJE Job# 2868

Dear Ms. Griffin,

It is our understanding that the final plat application for the referenced project expired 08/06/22. Therefore, please accept our request, on behalf of the owner, for a six-month extension on the final plat application for the above referenced project. Once construction is either further along or complete, we will proceed with an update/recordation of the final plat. Thank you for your consideration in this matter. Please do not hesitate to contact this office if you have any questions or comments.

Very truly yours,


Jenny Pollard

T: fpeht2

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS GRANTING
AN EXTENSION OF THE EXPIRATION OF FINAL PLAT
APPLICATION FOR THE PALMERA BLUFF SECTION 2
SUBDIVISION.**

WHEREAS, Section 24 (g) (1) of the City's Subdivision Ordinance provides that the final plat application expires nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the final plat are not approved due to the applicant's failure to cause the application to comply with applicable city regulations;

WHEREAS, Section 24 (g) (2) of the City's Subdivision Ordinance provides that the Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the final plat;

WHEREAS, the Planning Department granted one six (6) month extension for the Palmera Bluff Section 2 final plat application (the "Final Plat Application");

WHEREAS, the City Council granted one six (6) month extension for the Palmera Bluff Section 2 final plat application;

WHEREAS, the City Council of the City of Leander, Texas (the "City") finds that there is good reason to grant an extension of the expiration date for the Final Plat Application because the applicant is actively working to address the final plat comments and move forward with final plat within a reasonable timeframe;

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

SECTION 1. Findings of Fact. The forgoing recitals are incorporated into this Ordinance as true and correct findings of fact.

SECTION 2. Extension Granted. The City hereby grants an extension of the expiration date for the Final Plat Application to February 6, 2023. In the event that the Final Plat Applications is not approved by the new expiration dates, the applications shall expire.

SECTION 3. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the City Charter.

SECTION 4. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was considered 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, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on this the 4th day of August, 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



EXECUTIVE SUMMARY
08/04/2022

AGENDA SUBJECT:

Approval of Task Order RPS-18 with RPS Infrastructure, Inc. for the design and construction phase services of a traffic signal at the intersection of County Road 175 and Journey Parkway in the amount of \$59,160.00; and authorize the City Manager to execute any and all necessary documentation.

BACKGROUND:

The City has conducted a traffic signal warrant study for the intersection of Journey Parkway and CR 175, and it has come back warranted. Staff has requested a proposal for the design of the traffic signal at that location, and RPS responded with the attached.

They have requested \$59,160.00 to perform the design and construction phase services and expect the total project to take fifty-two (52) weeks to complete.

RECOMMENDATION:

Staff recommends approval of Task Order RPS-18 with RPS Infrastructure, Inc. for the design and construction phase services for a traffic signal at the intersection of County Road 175 and Journey Parkway and authorize the City Manager to execute all appropriate documentation.

PRESENTER:

Ross E. Blackketter, PE, City Engineer

Fiscal Impact

Amount requested: \$59,160.00
Approved in current budget (Yes / No): Yes
Expenditure (New / Amended): New
Recurring or one-time: One-Time
Fund source (Operating / Utility / etc.): Intersection Impr 58-01-8398

Attachments

1. Task Order RPS-18 & Proposal
2. Signal Warrant

TASK ORDER FOR PROFESSIONAL SERVICES

TASK ORDER NO. RPS-18

This will constitute authorization by the City of Leander, Texas (Owner), for RPS Infrastructure, Inc. (Engineer), to proceed with the following described engineering services.

Traffic Signal – Intersection of CR 175 and Journey Pkwy

A. PROJECT DESCRIPTION

This Task Order provides for professional services for the development of traffic signal design plans and Construction Phase Services for the intersection of CR 175 and Journey Pkwy in Leander, Texas.

B. SCOPE OF SERVICES

The scope of services includes design, bidding and construction phase services for the proposed traffic signal at the intersection of CR 175 and Journey Pkwy. Details of these services are provided in the attached proposal.

C. DELIVERABLES

RPS will provide deliverables as described in the attached Scope of Services.

D. BASIS OF COMPENSATION

The total compensation for the Traffic Signal Improvements at the CR 175 and Journey Pkwy intersection will be billed at an hourly not to exceed total of \$59,160.

Topo Survey (Subconsultant)	\$13,550
Traffic Counts (Subconsultant)	\$ 760
Meetings/Coordination/Site Visit	\$ 5,740
Signal Design/Cost Estimate	\$25,640
Signal Timing	\$ 2,130
Expenses	\$ 350
Bidding Phase	\$ 4,990
Construction Phase Services	\$ 6,000
Total	\$59,160

The City shall make payments to the Engineer for performing the engineering services described on a monthly billing basis in accordance with monthly statements submitted by the Engineer and approved by the City. Final payment shall be due upon completion of the services described.

E. TIME FOR COMPLETION

The Engineer will work expeditiously to complete the services described herein. Design phase services are anticipated to take approximately thirteen (13) weeks.

Design and construction phase services are anticipated to be completed within 52 weeks after notice to proceed.

RPS will begin work as soon as authorized to proceed.

APPROVED:

CITY OF LEANDER, TEXAS

By _____

Title _____

Attest _____

Date _____

ACCEPTED:

RPS INFRASTRUCTURE, INC.

By James Schwerdtfeger

Title Team Leader

Attest K. J. Hill

Date 6/16/22

June 15, 2022

4801 Southwest Parkway,
Parkway 2, Suite 150
Austin TX 78735
T +1 512 328 5771

Ross Blackketter, P.E.
City Engineer
City of Leander
201 N. Brushy Street
Leander, Texas 78641
(512) 528-2797
rblackketter@leandertx.gov

Dear Mr. Blackketter,

**Re: Proposal for Traffic Signal Design at the intersection of CR 175 and Journey Pkwy,
City of Leander, Texas**

1 Introduction

Thank you for the opportunity to submit RPS Infrastructure's proposal for a Traffic Signal Design at the intersection of CR 175 and Journey Pkwy. Below are details of the basic scope of services, deliverables, fee and schedule to complete the work. Additional data collection or design beyond what is described below may require additional fees.

2 Scope of Work

RPS will provide services that include design, bidding and construction phase services for the proposed traffic signal design at the intersection of CR 175 and Journey Pkwy. Details of these services are provided in the following sections.

2.1 Topographic Survey

2.1.1 RPS will engage a surveyor to perform a topographic survey of the project intersection. The surveyor will identify utilities, roadway, pavement markings, and ROW on the topographic survey. The intersection base sheet(s) for the project will be developed from the topographic survey.

2.2 Meetings, Coordination and Site Visit

2.2.1 RPS anticipates two meetings (in-person or virtual).

- A Kick-off meeting with staff from both Engineering and Public Works
- A meeting after first design submittal to review comments and verify pole locations and potential conflicts with utilities

2.2.2 A site visit will be completed to verify survey and observe existing conditions and traffic patterns.

2.3 Data Collection

2.3.1 RPS will collect 14-hour turning movement counts (TMC) from 6AM to 8PM at the intersection.

2.4 Traffic Signal Modification Design and Cost Estimate

The signal design services include the design of a fully actuated, mast-arm configured traffic signal in accordance with City of Leander and TxDOT standards and specifications. RPS will prepare plans, bid documents, and construction cost estimates for the proposed traffic signal.

2.4.1 RPS will prepare traffic signal design plans comprising of the following sheets: title sheet, general notes, signal notes, basis of estimate, existing conditions, signal layout, striping layout (300 ft from intersection), SW3P, and TxDOT/City of Leander standard details. The layouts will include configuration and location of proposed traffic signal heads, presence and advance vehicle detection, signal poles, pedestrian equipment, controller cabinet, electrical service, red light indicators, luminaries, pull boxes, conduit and cable size (electrical schedule), street name signage, pavement markings with pedestrian crosswalk locations, stop bar lines, ADA ramps, and other required signal-related traffic signs.

2.4.2 RPS will use TxDOT standards for traffic control. A site specific traffic control plan is not anticipated to be necessary for this project. Impact to existing sidewalk and ramps are not anticipated; therefore, temporary sidewalk design is not included in this scope of work.

2.4.3 RPS will provide a construction cost estimate for the traffic signal design.

2.5 Signal Timing

2.5.1 RPS will develop preliminary signal timing phasing for the AM peak, mid-day peak and PM peak during a typical weekday based on traffic counts from Data Collection. It is assumed the signal will run free during non-peak hours.

2.6 Bidding Phase Services

2.6.1 RPS will prepare the construction drawings, bid form and specification list for the traffic signal installation. Pay items will be according to TxDOT specifications, unless otherwise noted.

2.6.2 RPS will attend one pre-bid meeting, address formally submitted questions from contractors, write the advertisement, and prepare addenda for the City of Leander as appropriate.

2.6.3 RPS will review and tabulate bids received and perform bid analysis and provide a recommendation letter. City of Leander will coordinate with local newspaper and pay for advertisement. Bid Documents will be available through the City website. RPS will not provide bid documents to contractors directly.

2.7 Construction Phase Services and Record Drawings

2.7.1 The construction phase services will include attendance at one pre-construction meeting, address technical questions from the meeting, review of shop drawings for equipment, respond to Request for Information (RFI), and attend a substantial completion walk-through. RPS will provide a letter providing 'punch list' items to be completed by the contractor.

2.7.2 RPS will prepare record drawings upon receipt of the contractor's marked-up construction plans. The signed and sealed drawings will be revised to reflect changes made during construction as noted by the contractor.

2.8 Deliverables

RPS will provide two review submittals (95% and 100%) and a Final Submittal to the City of Leander.

2.8.1 The 95% review submittal will include 11" x 17" signal design plans (i.e., title sheet, basis of estimate, existing conditions sheet, signal layout, and striping layout) at a 95% level of completion. A meeting to discuss comments and utility conflicts will be held after the 95% submittal.

2.8.2 The 100% review submittal will include 11" x 17" signal design plans noted above with the addition of general notes, traffic signal notes, and all applicable standards and specifications at a 100% level of completion.

In addition, a construction cost estimate will be submitted with the 95% and 100% packages. All review comments will be addressed prior to the next submittal.

2.8.3 The last submittal will be final 11" x 17" plans, specifications, and a construction cost estimate. Signal design plans will be signed, sealed, and dated by the licensed State of Texas Professional Engineer responsible for the drawings. RPS will provide to the City of Leander the following:

- PDF of plans, bid form and specifications via email,
- One printed set of plans, bid form and specifications.

3 Personnel

James Schwerdtfeger	RPS Team Leader
Tony Do	RPS Associate Engineer

4 Additional Services

Additional services, if necessary, are considered outside the scope of the basic fee. RPS will provide a proposal to accomplish any additional services (if required). Though not all inclusive, the following items are considered additional services and are not a part of the fee:

- Additional data collection not specified in the basic scope of services,
- Changes in scope requested by the Client or any other agency,
- Coordination with any agency beyond the City of Leander,
- More than two (2) meetings one (1) site visit, one (1) pre-bid and one (1) pre-con,
- Attending Council and/or Commission meetings,
- Any public involvement or public meetings,
- Traffic control plans beyond TxDOT standards,
- Any analysis and/or design beyond the listed tasks,
- Revisions to design standards,
- Fees required by reviewing agencies,
- Advertising for Bid,
- Subsurface Utility Engineering (SUE)
- Signal timing for periods other than AM peak, PM peak and mid-day for typical weekday,
- Utility Modifications,
- Any other item not specifically listed in the Scope of Services,
- Reimbursable expenses associated with any additional services provided.

5 Project Schedule

RPS anticipates obtaining the topographic survey within three weeks of executed contract and notice to proceed. RPS will complete the 95% submittal within four weeks of receipt of survey. The 100% submittal shall be made within four weeks after receipt of 95% review comments and review

meeting with City Staff. The final submittal shall be made within two weeks after receipt of 100% review comments.

6 Summary of Cost

The work described above will be completed based on an hourly not-to-exceed amount of \$59,160:

Topo Survey (Subconsultant)	\$13,550
Traffic Counts (Subconsultant)	\$ 760
Meetings/Coordination/Site Visit	\$ 5,740
Signal Design/Cost Estimate	\$25,640
Signal Timing	\$ 2,130
Expenses	\$ 350
Bidding Phase	\$ 4,990
Construction Phase Services	\$ 6,000
Total Not to Exceed Fee	\$59,160

In closing, we appreciate the opportunity to work with you on this project and are available at your convenience to answer any questions.

Yours sincerely,
for RPS Infrastructure, Inc



James Schwerdtfeger, PE

Team Leader

james.schwerdtfeger@rpsgroup.com

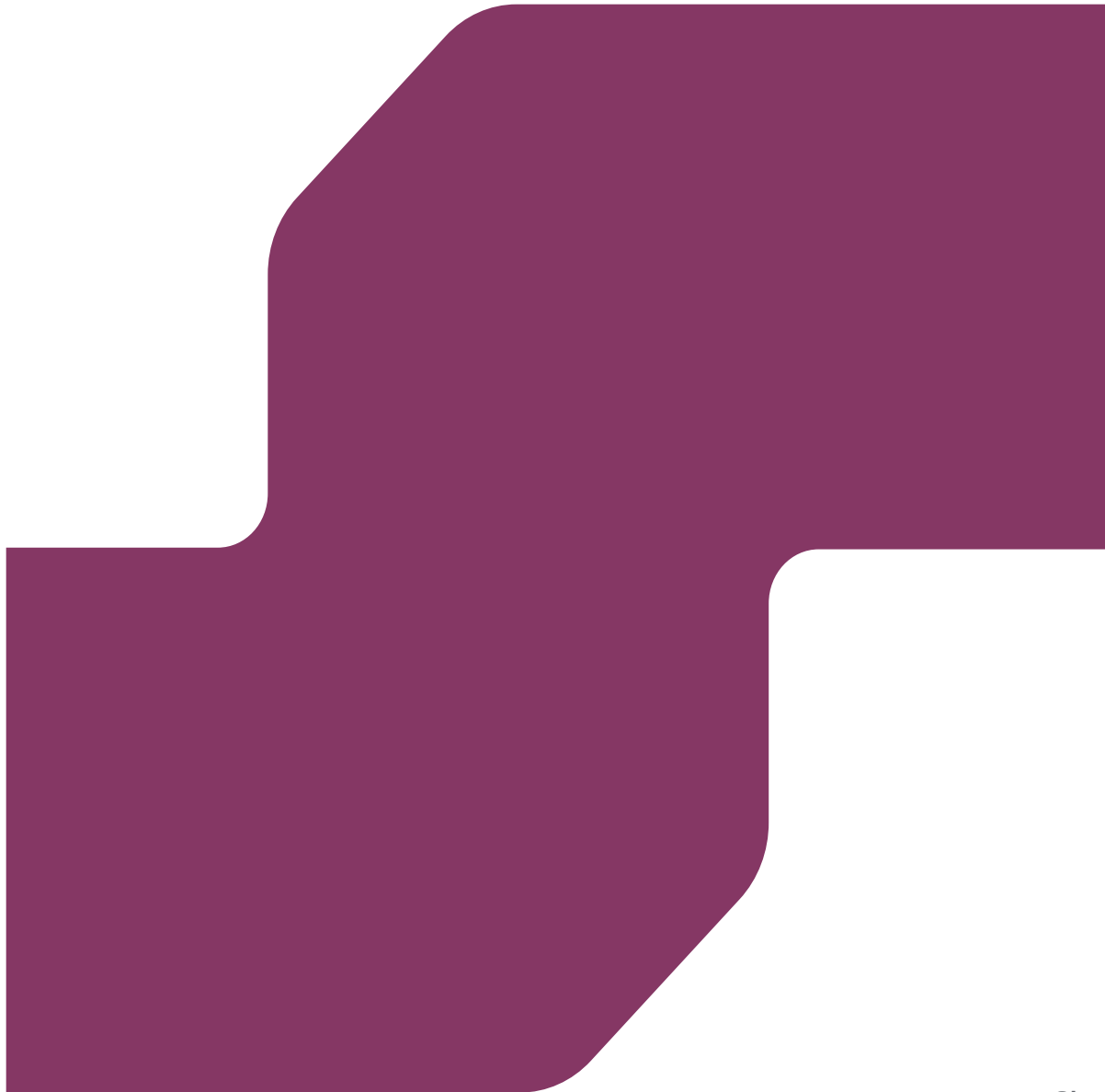
+1 512 579 3309

Task 18 - CR 175 and Journey Pkwy Signal Design

DESCRIPTION OF WORK TASK		Sheet Count	Principals	Team Leader	Senior Project Manager	Project Manager	Senior Project Engineer	Project Engineer	Associate Engineer I/II	Associate Engineer III	Clerical	Total Labor Hours	Total Labor Cost per Task
			\$320.00	\$290.00	\$240.00	\$185.00	\$175.00	\$145.00	\$135.00	\$125.00	\$100.00		
BASE SERVICES													
	Task 18												
2.2	Meetings, Coordination and Site Visit			16						8	1	25	\$5,740.00
2.4	Signal Design and Cost Estimate		1	18						160	1	180	\$25,640.00
2.5	Signal Timing			4				6			1	11	\$2,130.00
2.6	Bidding Phase Services		1	8						18	1	28	\$4,990.00
2.7	CPS			10						24	1	35	\$6,000.00
	Subtotal												\$44,500.00
LABOR TOTAL													\$44,500.00
EXPENSES													\$350.00
SURVEY													\$13,550.00
TRAFFIC COUNTS													\$760.00
TOTAL													\$59,160.00

TRAFFIC SIGNAL WARRANT ANALYSIS

CR 175 at Journey Parkway and Heritage Woods Avenue



Signal Warrant
Analysis
Task Order RPS-17
Final Submittal
May 19, 2022

May 19, 2022



Ross Blackketter, P.E.
City Engineer
City of Leander
201 N. Brushy Street
Leander, Texas 78641
(512) 528-2797
rblackketter@leandertx.gov

4801 Southwest Parkway,
Parkway 2, Suite 150
Austin TX 78735
T +1 512 328 5771

**RE: CR 175 at Journey Parkway and Heritage Woods Avenue Signal Warrant Analysis
Leander, Texas
RPS Project No. 008181**

Dear Mr. Blackketter,

RPS is pleased to present the results of the traffic signal warrant analysis for the CR 175 and Journey Parkway / Heritage Woods Avenue intersection. A 14-hour turning movement count was performed on April 27, 2022. The Traffic Signal Warrant Analyses was performed per the Texas Manual on Uniform Traffic Control Devices (TMUTCD).

TRAFFIC SIGNAL WARRANT ANALYSIS

A traffic signal warrant analysis was completed for the CR 175 at Journey Parkway and Heritage Woods Avenue intersection. The signal warrant evaluation was based on warrant criteria as defined in the TMUTCD Chapter 4C, which provides nine warrant criteria. While meeting one or more of the warrants could justify signalization of the intersection, it should be noted that the satisfaction of a traffic signal warrant does not in itself require the installation of a traffic control signal.

Traffic count data obtained on April 27, 2022, was used for the quantitative signal warrants. Count data specific to this traffic signal warrant analysis is attached in **Attachment A**.

Table 1 presents a summary of the traffic signal warrant analysis and is followed by a brief discussion of each warrant. Traffic signal warrant analyses are provided in **Attachment B**.

TABLE 1: TRAFFIC SIGNAL WARRANT ANALYSIS SUMMARY

Warrant	CR 175 at Journey Parkway and Heritage Woods Avenue
Signal Warrant 1: Eight-Hour Vehicular Volume	Satisfied
Signal Warrant 2: Four-Hour Vehicular Volume	Satisfied
Signal Warrant 3: Peak Hour	Satisfied
Signal Warrant 4: Pedestrian Volume	Not Satisfied
Signal Warrant 5: School Crossing	Not Satisfied
Signal Warrant 6: Coordinated Signal System	Not Satisfied
Signal Warrant 7: Crash Experience	Not Satisfied
Signal Warrant 8: Roadway Network	Satisfied
Signal Warrant 9: Intersection Near a Grade Crossing	Not Applicable

WARRANT 1 – EIGHT-HOUR VEHICULAR VOLUME

This warrant considers the installation of a traffic signal based on two conditions: Warrant 1A examines the total intersection volume, and Warrant 1B examines the volume on the major street where it causes excessive delay or conflict to vehicles approaching the intersection from the minor street. Warrant 1B also considers the 85th percentile speed along the major street, which may increase minor street delay if speeds exceed 40 miles per hour. Warrant 1 may be satisfied if either condition is met. In some cases, Warrant 1 may also meet if Warrants 1A and 1B both meet 80 percent of their stated criteria.

CR 175 has a posted speed of 45 mph. Journey Parkway and Heritage Woods Avenue have posted speed limits of 30 mph. Since the major street speed typically exceeds 40 mph, the traffic volumes in the 70 percent columns in Table 4C-1 were used to evaluate this intersection.

The traffic volumes at the CR 175 at Journey Parkway and Heritage Woods Avenue intersection are sufficient to satisfy Warrant Condition 1A or 1B. Therefore, this intersection does satisfy Warrant 1.

WARRANT 2 - FOUR-HOUR VEHICULAR VOLUME

Warrant 2 examines vehicular volumes for the major and minor street approaches to determine if a specified minimum is met for any four or more hours of an average day.

Since the posted speed on the major street exceeds 40 mph, Figure 4C-2 was used for the evaluation of this warrant. Based on analysis of vehicular volumes for the four hours with the greatest traffic

demand, the intersection at CR 175 and Journey Parkway / Heritage Woods Avenue does satisfy the criteria for this warrant.

WARRANT 3 – PEAK HOUR DELAY AND VOLUME

This warrant examines peak hour conditions at the intersection to determine if the minor street traffic suffers undue delay when entering or crossing the major street for a minimum of one hour of an average day. Warrant 3B examines the interaction of the major street volume and the higher volume minor street approach.

The warrant states that this signal warrant shall be applied only in unusual cases or facilities that attract or discharge larger numbers of vehicles over a short time.

At the CR 175 and Journey Parkway / Heritage Woods Avenue intersection, Warrant 3B is satisfied per Figure 4C-4 from the TMUTCD. Therefore, CR 175 at Journey Parkway and Heritage Woods Avenue does satisfy the criteria for this warrant.

WARRANT 4 – PEDESTRIAN VOLUME

The pedestrian volume warrant is satisfied when there are more than 107 pedestrian crossings per hour for a total of four hours or more than 133 pedestrians in one hour, and the total of major street vehicles per hour exceeds certain limits.

The CR 175 at Journey Parkway and Heritage Woods Avenue intersection data shows 20 pedestrians crossing during a fourteen-hour period. Therefore, there are not sufficient pedestrian volumes at the intersection to meet the pedestrian volume warrant.

WARRANT 5 – SCHOOL CROSSING

Warrant 5 is intended to justify the installation of a traffic signal due to school children crossing the major street. The number of gaps in the traffic stream and the number of students during the highest crossing hour determine whether this warrant is met, but prior to installing a traffic signal other remedial measures should be considered.

The closest schools from the CR 175 and Journey Parkway / Heritage Woods Avenue intersection includes Monta Akin Elementary School, Stiles Middle School and the PREP school of Journey Parkway; all located on Journey Parkway. All schools have driveways on Journey Parkway. The PREP school of Journey Parkway driveway is 3,800-ft from the CR 175 at Journey Parkway and Heritage Woods Avenue intersection. Monta Akin Elementary School and Stiles Middle School driveway is 4,200-ft from the CR 175 at Journey Parkway and Heritage Woods Avenue intersection.

Based on the number of pedestrian movements observed at the studied intersection, as well as the surrounding land uses and transportation network, this intersection is not likely to be used for school pedestrian travel. As a result, this warrant is not satisfied at this intersection.

WARRANT 6 – COORDINATED SIGNAL SYSTEM

Warrant 6 considers the installation of a traffic signal to maintain proper platooning of vehicles in a coordinated system. The warrant is met if adjacent traffic signals do not provide the necessary degree of vehicular platooning, and if the combination of adjacent and proposed traffic control signals will provide a progressive operation.

The nearest signalized intersection to the south is located approximately 3,500-ft away at the CR 175 and Perry Mayfield Blvd intersection. There is not a signalized intersection to the north. Installing a signal at the CR 175 and Journey Parkway / Heritage Woods Avenue intersection will not help provide a coordinated signal system. Therefore, this warrant is not satisfied at this location.

WARRANT 7 – CRASH EXPERIENCE

Warrant 7 considers the installation of a traffic signal based on the severity and frequency of crashes analyzed under three conditions – an adequate trial of alternatives to reduce the number of crashes has failed (Warrant 7A), five or more crashes that could be mitigated through the installation of a traffic signal occurred over a 12-month period (Warrant 7B), and an examination of major and minor street vehicular and pedestrian volumes (Warrant 7C).

Data from the years 2017 to 2021 was obtained from the TxDOT Crash Record Information System (C.R.I.S). C.R.I.S. reported a total of 6 crashes at this intersection. All 6 crashes were determined to be intersection related.

During the year 2018 a total of 2 intersection related crashes were reported at the study intersection. During the year 2020 a total of 2 intersection related crashes were reported at the study intersection. During the year 2021 a total of 2 intersection related crashes were reported at the study intersection.

There have been less than 5 crashes in a 12-month period. Therefore, this warrant is not satisfied at this intersection.

WARRANT 8 – ROADWAY NETWORK

This warrant is intended to justify the installation of traffic signals that would encourage concentration and organization of traffic flow on a roadway network at a common intersection of two or more major routes, as defined by the TMUTCD.

The intersection has a total entering volume of at least 1,000 vehicles per hour during the peak hours. Based on City of Leander Transportation Plan, CR 175 is classified as an Arterial and Journey Parkway is classified as a Collector which are both considered major routes based on criteria established in the TMUTCD Section 4C.09. Therefore, this warrant is satisfied.

WARRANT 9 – INTERSECTION NEAR A GRADE CROSSING

This warrant is intended to justify the installation of traffic signals where none of the other eight signal warrants are met, but the proximity to the intersection of a railroad grade crossing on an intersection approach with a stop or yield sign is the principal reason to install a traffic control signal. The warrant would be met if a grade crossing exists on a stop- or yield-controlled approach and the center of the track nearest to the intersection is within 140-feet of the stop line or yield line on the approach and must meet minor street volume minimums.

The closest railroad grade crossing is approximately 3.93 miles away from the CR 175 at Journey Parkway and Heritage Woods Avenue intersection. Therefore, the warrant is not applicable.

SUMMARY

TMUTCD Warrants 1, 2, 3, and 8 were satisfied. Therefore, a signal is warranted at the intersection of CR 175 and Journey Parkway / Heritage Woods Avenue.

I appreciate the opportunity to work with you on this project. Please feel free to contact me or Dafne Valle if you have any questions or need further clarification.

Sincerely,



James Schwerdtfeger, P.E.

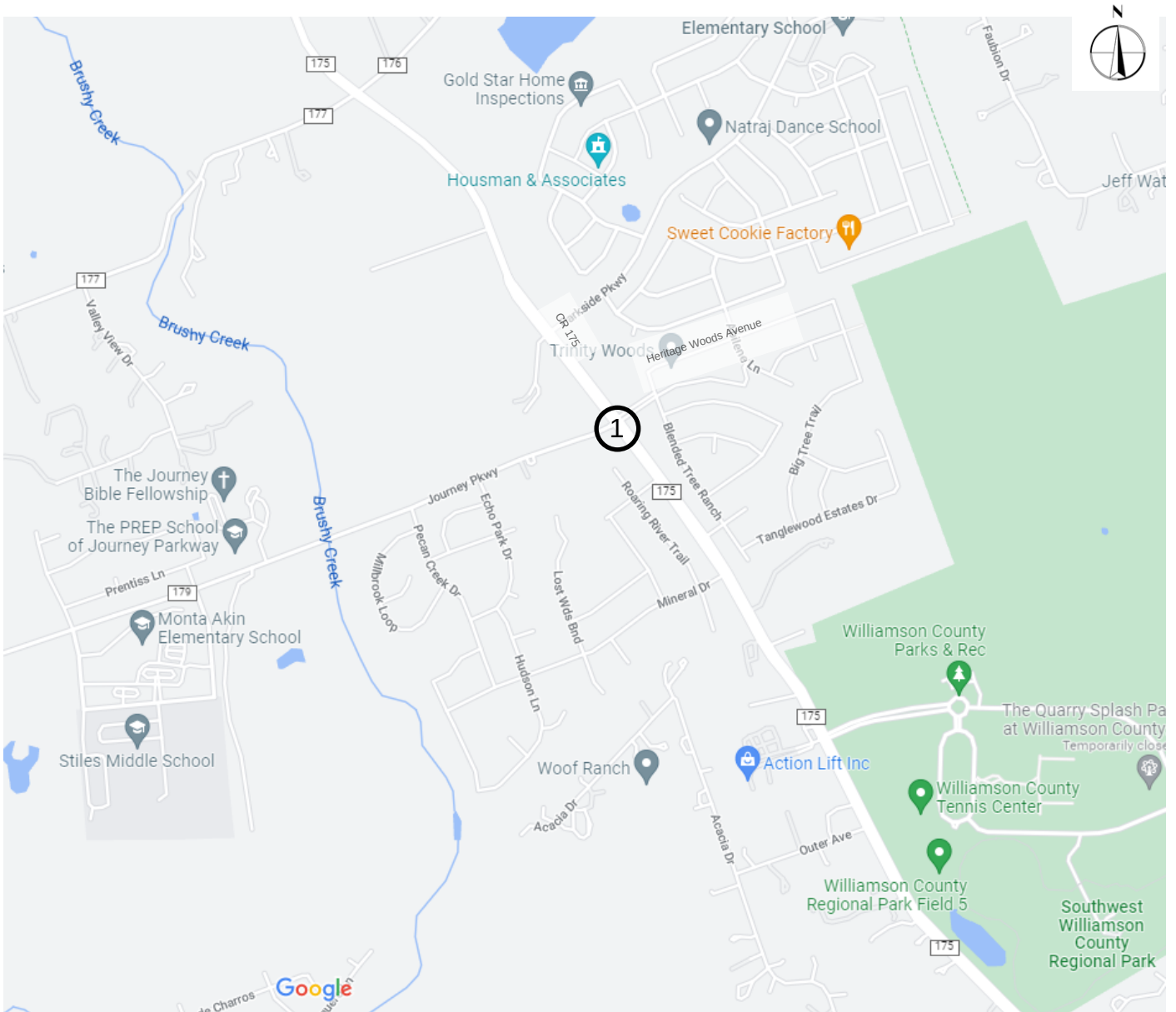
Team Leader – Traffic Engineering and Transportation Planning
RPS Infrastructure, Inc., Texas PE Firm #F-929



Attachments:

- A – Location and Traffic Counts
- B – Signal Warrant Analysis
- C – Photos

Attachment A
Counts

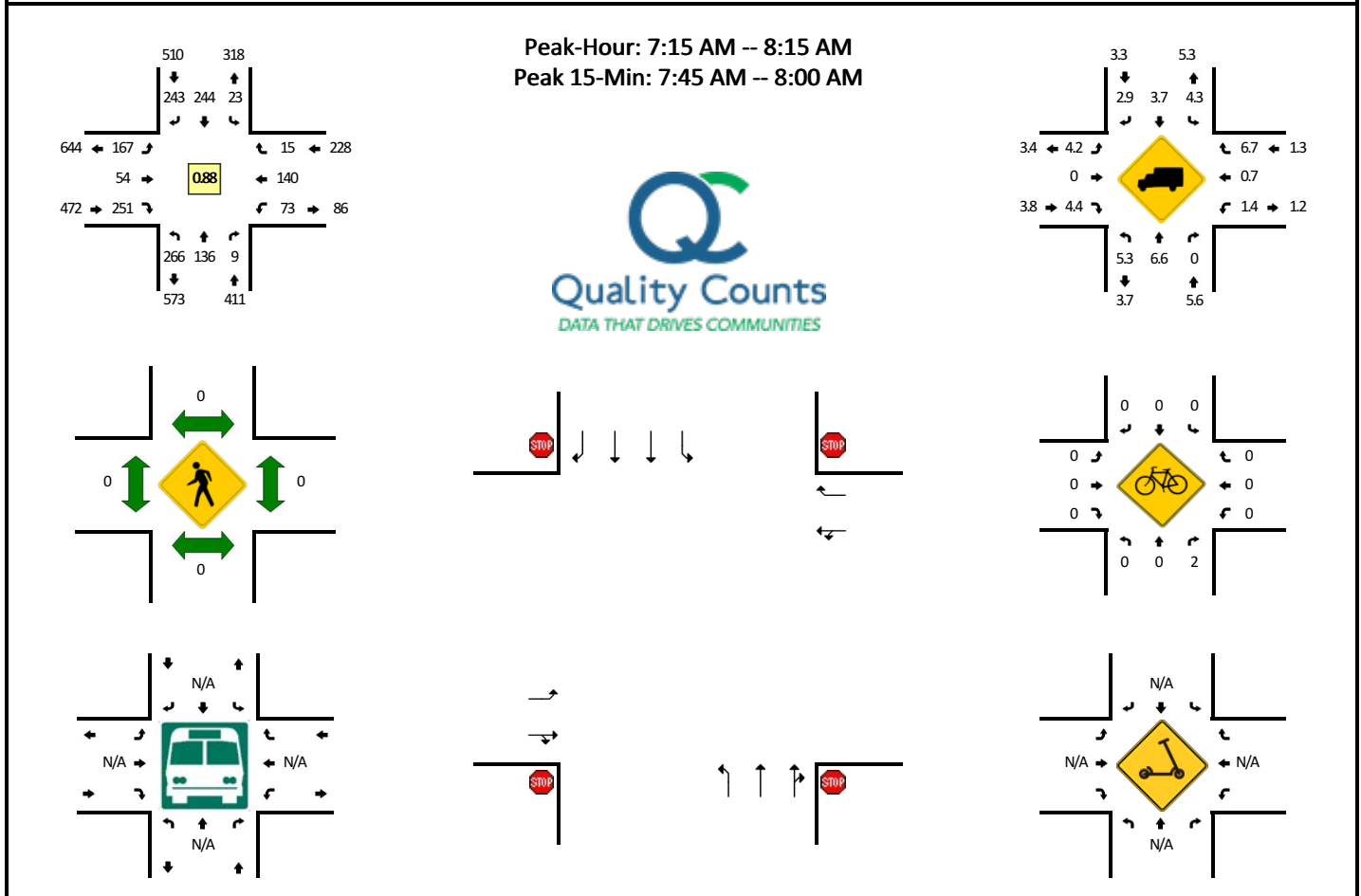


Key:  Study Intersection

Source: Google Maps, 2022

LOCATION: CR 175 -- Journey Pkwy/Heritage Woods Ave
CITY/STATE: Leander, TX

QC JOB #: 15798401
DATE: Wed, Apr 27 2022



15-Min Count Period Beginning At	CR 175 (Northbound)				CR 175 (Southbound)				Journey Pkwy/Heritage Woods Ave (Eastbound)				Journey Pkwy/Heritage Woods Ave (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
6:00 AM	8	4	0	0	0	12	8	0	4	0	15	0	2	6	0	0	59	
6:15 AM	17	9	1	1	1	9	15	0	6	1	10	0	3	8	0	0	81	
6:30 AM	11	4	0	0	0	17	16	0	6	2	16	0	5	6	1	0	84	
6:45 AM	15	23	2	3	3	24	29	0	11	2	13	0	10	11	4	0	150	374
7:00 AM	39	33	0	1	3	40	36	0	15	3	25	0	10	15	1	0	221	536
7:15 AM	79	34	2	1	0	63	35	0	22	5	43	0	17	18	7	0	326	781
7:30 AM	67	35	3	3	9	61	76	0	24	4	82	0	18	46	3	0	431	1128
7:45 AM	56	30	2	1	8	61	74	0	61	20	71	0	24	50	4	0	462	1440
8:00 AM	59	37	2	0	6	59	58	0	60	25	55	0	14	26	1	0	402	1621
8:15 AM	49	41	8	5	2	32	46	0	29	10	27	0	10	20	1	0	280	1575
8:30 AM	27	32	5	2	3	33	33	0	26	15	22	0	4	14	0	0	216	1360
8:45 AM	31	17	3	1	1	34	36	0	18	6	21	0	7	16	0	0	191	1089
9:00 AM	24	30	1	0	0	33	24	0	30	10	27	0	4	10	0	0	193	880
9:15 AM	25	27	4	2	0	28	20	0	13	4	13	0	4	5	0	0	145	745
9:30 AM	26	21	2	0	0	31	25	0	15	7	18	0	10	11	0	0	166	695
9:45 AM	22	20	3	0	0	23	26	0	20	7	16	0	3	8	0	0	148	652
10:00 AM	18	14	0	1	0	28	27	0	12	6	10	0	5	14	2	0	137	596
10:15 AM	15	26	2	0	1	18	25	0	16	3	18	0	2	10	0	0	136	587
10:30 AM	12	19	0	1	1	23	22	0	7	7	9	0	1	4	1	0	107	528
10:45 AM	14	29	2	0	1	23	32	0	21	7	14	0	3	12	0	0	158	538
11:00 AM	21	28	6	0	1	26	16	0	18	5	13	0	8	7	0	0	149	550
11:15 AM	16	26	4	0	2	16	27	0	17	6	15	0	2	13	1	0	145	559
11:30 AM	22	19	1	0	6	27	25	0	19	10	6	0	4	6	3	0	148	600
11:45 AM	12	30	2	1	1	25	22	0	20	8	14	0	5	6	1	0	147	589
12:00 PM	17	30	2	3	0	16	20	0	20	7	18	0	2	6	2	0	143	583
12:15 PM	24	26	6	1	1	19	17	0	26	6	9	0	5	10	1	0	151	589
12:30 PM	28	19	4	0	1	35	16	0	21	12	17	0	5	5	3	0	166	607
12:45 PM	23	30	7	0	3	37	18	0	31	11	30	0	6	8	1	0	205	665
1:00 PM	31	26	2	1	3	27	18	0	40	12	12	0	6	8	4	0	190	712
1:15 PM	52	52	10	0	4	24	38	0	35	12	13	0	4	12	4	0	260	821
1:30 PM	36	31	4	1	14	39	53	0	33	9	73	0	4	23	3	0	323	978
1:45 PM	33	37	4	1	0	41	52	0	25	10	18	0	5	23	1	0	250	1023
2:00 PM	32	22	2	5	1	35	37	0	78	33	63	0	5	22	2	0	337	1170
2:15 PM	44	36	3	1	1	46	20	0	52	16	54	0	8	8	1	0	290	1200
2:30 PM	25	24	2	2	1	27	24	1	25	15	42	0	4	7	1	0	200	1077
2:45 PM	14	26	10	1	4	21	16	0	30	15	26	0	6	9	0	0	178	1005
3:00 PM	20	25	4	0	2	19	21	0	22	13	14	0	10	15	0	0	165	833

15-Min Count Period Beginning At	CR 175 (Northbound)				CR 175 (Southbound)				Journey Pkwy/Heritage Woods Ave (Eastbound)				Journey Pkwy/Heritage Woods Ave (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
3:15 PM	24	32	5	1	0	41	24	0	38	13	23	0	6	9	0	0	216	759
3:30 PM	18	29	6	0	1	39	26	0	30	10	21	0	7	7	3	0	197	756
3:45 PM	28	36	2	1	1	36	30	0	36	13	21	0	3	14	0	0	221	799
4:00 PM	32	39	5	5	1	36	27	0	52	17	39	0	6	9	2	0	270	904
4:15 PM	22	43	3	2	2	32	34	0	42	21	34	0	6	10	0	0	251	939
4:30 PM	28	43	5	5	0	47	36	0	54	16	26	0	6	16	2	0	284	1026
4:45 PM	42	51	4	4	2	47	40	0	35	23	36	0	11	22	0	0	317	1122
5:00 PM	29	60	4	2	1	52	36	0	45	17	36	0	4	18	3	0	307	1159
5:15 PM	37	42	6	1	1	42	32	0	54	14	33	0	10	15	0	0	287	1195
5:30 PM	38	48	5	2	2	58	42	0	48	19	26	0	11	14	0	0	313	1224
5:45 PM	33	44	10	2	3	59	41	0	49	17	42	0	3	19	4	0	326	1233
6:00 PM	33	44	6	0	1	46	38	0	44	15	41	0	6	12	0	0	286	1212
6:15 PM	31	42	4	2	1	51	28	2	38	21	35	0	11	16	0	0	282	1207
6:30 PM	40	32	12	0	1	39	21	0	44	14	37	0	9	20	2	0	271	1165
6:45 PM	24	31	4	4	1	44	31	0	46	11	28	0	6	15	0	0	245	1084
7:00 PM	20	28	5	0	1	25	27	0	26	27	23	0	5	9	0	0	196	994
7:15 PM	16	38	3	0	0	28	28	0	29	13	25	0	7	10	0	0	197	909
7:30 PM	26	36	6	0	1	25	18	0	35	18	13	0	4	10	0	0	192	830
7:45 PM	23	30	0	1	2	14	18	0	31	15	19	0	2	7	0	0	162	747
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	224	120	8	4	32	244	296	0	244	80	284	0	96	200	16	0	1848	
Heavy Trucks	8	8	0		0	4	8		0	0	4		4	4	0		40	
Buses																		
Pedestrians		0				0				0				0			0	
Bicycles	0	0	8		0	0	0		0	0	0		0	0	0		8	
Scooters																		
Comments:																		

Report generated on 5/4/2022 2:55 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

Attachment B
Signal Warrant

TRAFFIC SIGNAL WARRANTS
(TEXAS MUTCD)

City of Leander, Texas

Location: CR 175 at Journey Pkwy

Major	<u>CR 175</u>	85 Percentile Speed
Minor	<u>Journey Pkwy</u>	<u>45</u> <u>mph</u>
		<u>30</u> <u>mph</u>

For each condition, the major and minor streets shall be the same 8 hours. Lowest volume of 8 hour study is the 8th highest hour. Major and minor 8th high hours may not be the same hour.

	Time Ends	Major Street Both Approaches		Minor Street High Volume Approach		Comments:
		Vehicles	Peds	Vehicles	Peds	
1.	<u>8:00 AM</u>	<u>852</u>	<u>0</u>	<u>375</u>	<u>3</u>	
2.	<u>5:00 PM</u>	<u>637</u>	<u>2</u>	<u>395</u>	<u>0</u>	
3.	<u>5:00 PM</u>	<u>637</u>	<u>2</u>	<u>395</u>	<u>0</u>	
4.	<u>7:00 PM</u>	<u>613</u>	<u>1</u>	<u>374</u>	<u>0</u>	
5.	<u>9:00 AM</u>	<u>662</u>	<u>2</u>	<u>314</u>	<u>0</u>	
6.	<u>3:00 PM</u>	<u>483</u>	<u>0</u>	<u>449</u>	<u>0</u>	
7.	<u>2:00 PM</u>	<u>634</u>	<u>3</u>	<u>292</u>	<u>1</u>	
8.	<u>4:00 PM</u>	<u>471</u>	<u>3</u>	<u>254</u>	<u>0</u>	

Warrant 1: Eight-Hour Vehicular Volume - Satisfied

100% (70%): One of the following conditions exists for each of any 8 hours of an average day.

80%: Both of the following conditions exist for each of any 8 hours of an average day (note Guidance, pg 4C-6).

Condition A - Minimum Vehicular Volume - Satisfied

Major St - Both Approaches					Minor St - High Volume Approach				
Number of Lanes		8th Highest Hour			8th Highest Hour				
Major	Minor	Required			Existing	Required			Existing
		100%	80%	70%	112%	100%	80%	70%	242%
1	1	500	400	350		150	120	105	
2 or more	1	600	480	420	471	150	120	105	254
2 or more	2 or more	600	480	420		200	160	140	
1	2 or more	500	400	350		200	160	140	

Condition B - Interruption of Continuous Traffic - Not Satisfied

Major St - Both Approaches					Minor St - High Volume Approach				
Number of Lanes		8th Highest Hour			8th Highest Hour				
Major	Minor	Required			Existing	Required			Existing
		100%	80%	70%	75%	100%	80%	70%	484%
1	1	750	600	525		75	61	53	
2 or more	1	900	720	630	471	75	60	53	254
2 or more	2 or more	900	720	630		100	80	70	
1	2 or more	750	600	525		100	80	70	

Warrant 2: Four-Hour Vehicular Volume - Satisfied

Attach Graph 4C-1 (4C-2 for speeds > 40 mph)

For each of any 4 hours of an average day, the plotted points representing the vehicles per hour on the major street (total of both approaches) and the corresponding vehicles per hour on the higher-volume minor-street approach (one direction only) all fall above the applicable curve in Figure 4C-1 (4C-2) for the existing combination of approach lanes. On the minor street, the higher volume shall not be required to be on the same approach during each of these 4 hours.

☒ Yes

☐ No

Warrant 2: Four-Hour Volumes (Figure 4C-1, 4C-2)

TRAFFIC SIGNAL WARRANTS (TEXAS MUTCD)

Warrant 3: Peak Hour - Satisfied

Attach Graph 4C-3 (4C-4 for speeds > 40 mph)

The Peak Hour signal warrant is intended for use at a location where traffic conditions are such that for a minimum of 1 hour of an average day, the minor-street traffic suffers undue delay when entering or crossing the major street. This warrant is to be applied only in unusual cases, such as office complexes, manufacturing plants, vehicle facilities that attract or discharge large numbers of vehicles over a short time.

Either A: Must meet all three of the following conditions for the same 1 hour

1. Minor Street Approach Delay (one direction only; controlled by a stop):

Yes	No	One-lane approach	>4 vehicle hours
Yes	No	Two-lane approach	> 5 vehicle hours

2. Minor Street Approach Volume (one direction only)

Yes	No	One moving lane	> 100 vehicles per hour or
Yes	No	Two moving lanes	> 150 vehicles per hour

3. The total entering volume serviced during the hour equals or exceeds

Yes	No	650 vehicles per hour (three approaches) or
Yes	No	800 vehicles per hour (four or more approaches)

Or B:

The plotted point representing the vehicles per hour on the major street (total of both approaches) and the corresponding vehicles per hour on the higher-volume minor-street approach (one direction only) for 1 hour (any four consecutive 15-minute periods) of an average day falls above the applicable curve in Figure 4C-3 (4C-4).

Yes

No

Warrant 3: Peak Hour (Figure 4C-3, 4C-4)

Warrant 4: Pedestrian Volume - Not Satisfied

The Pedestrian Volume signal warrant is intended for application where traffic volume on a major street is so heavy that pedestrians experience excessive delay in crossing the major street. Both of the following criteria should be met.

A) *Pedestrian volume* crossing the major street at an intersection or mid-block location during an average day is 107 or more for each of any 4 hours (or 133 or more during any 1 hour);

Yes

No

Volume 20 pedestrian in a 14-hour period

B) *Fewer than 60 gaps per hour* in the traffic stream of adequate length to allow pedestrians to cross during the same period when the pedestrian volume criterion is met. (With a divided street, the requirement applies separately to each direction of vehicular traffic).

Yes

No

Gaps

Distance to the nearest traffic control signal along the major street must be more than 300 ft, unless progressive movement of traffic is not restricted.

Yes

No

Warrant 5: School Crossing - Not Satisfied

The School Crossing signal warrant is intended for application where the fact that school children cross the major street is the principal reason to consider installing a traffic control sign.

Number of gaps in the crossing traffic stream while children are using the crossing is less than the number of minutes in the same period.

Yes

No

20 or more students during the highest crossing hour.

Yes

No

Distance to the nearest traffic control signal along the major street must be more than 300 ft, unless progressive movement of traffic is not restricted.

Yes

No

Note: Guidance for mid-block ped signals (Page 4C-12)

TRAFFIC SIGNAL WARRANTS (TEXAS MUTCD)

Warrant 6: Coordinated Signal System - Not Satisfied

Progressive movement in a coordinated signal system sometimes necessitates installing traffic control signals at intersections where they would not otherwise be needed in order to maintain proper platooning of vehicles. Guidance recommends spacing >1000 ft. One of the following

- | | | |
|-----|--------------------------|--|
| Yes | No | |
| Yes | ☐ | On a one-way street, spacing of adjacent signals do not provide vehicular platooning. |
| | ☐ | On a two-way street, adjacent signals do not provide necessary platooning and the proposed and adjacent traffic control signals will collectively provide a progressive operation. |

Warrant 7: Crash Experience - Not Satisfied

Engineering study finds that all of the following criteria are met:

- | | | | |
|--------------------------|-----|--------------------------|---|
| ☐ | Yes | No | A) Adequate trail of alternatives with satisfactory observance and enforcement has failed to reduce the crash frequency; and |
| | Yes | ☐ | B) There have been more than five accidents susceptible to correction by a traffic signal in 12 months, including only personal injury and property damage on a filed report. |
| | Yes | ☐ | C) For each of any 8 hours, vph in both of the 80 percent columns of Condition A or vph in both of 80 percent columns of Condition B, exists on the major street and the higher-volume minor-street approach; or the volume of pedestrian traffic is not less than 80% of the requirements specified in the Ped Volume warrant. (For the same 8 hours; on the minor street, the higher volume shall not be required to be on the same approach during each of the 8 hours.) |

Warrant 8: Roadway Network - Satisfied

May be justified to encourage concentration and organization of traffic flow on a network. Common intersection of 2 or more major roads meet one or both of the following criteria:

- | | | | |
|--------------------------|-----|----|---|
| ☐ | Yes | No | A) The intersection has a total existing, or immediately projected, entering volume greater than 1000 vehicles for the peak hour of a typical weekday, and the five year projected traffic volumes meet one or more of Warrants 1, 2 and 3 during an average weekday; |
| | Yes | No | B) The intersection has a total existing or immediately projected entering volume of a least 1,000 vehicles per hour for each of any 5 hours of a non-normal business day (Saturday or Sunday). |

Required: applicable characteristics of each road:

- | | | | | |
|---|---|--------------------------|---|--|
| A | B | ☐ | C | Note: Based on City of Leander Transportation Plan, CR 175 is classified as Arterial and Journey Pkwy is classified as Collector which are both considered major routes since they do meet the characteristic C Therefore, the warrant is not satisfied. |
|---|---|--------------------------|---|--|

Definition of characteristics:

A It is a part of street or highway system that serves as the principal network for through traffic.

B It includes rural or suburban highways outside, entering or traversing a city.

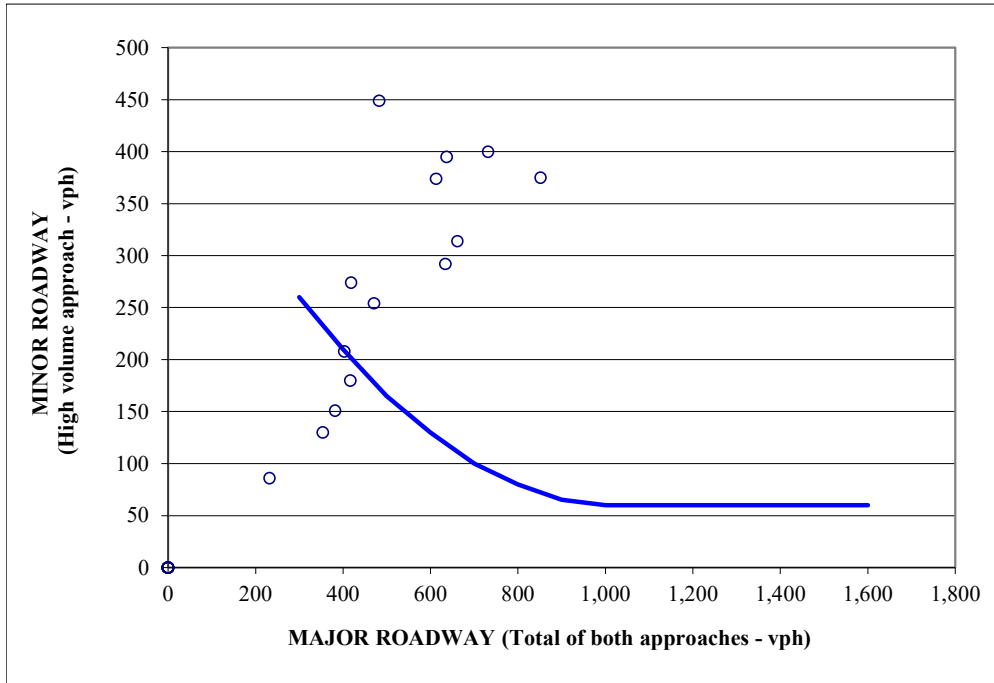
C It appears as a major route on an official plan such as a major street plan in an urban area traffic and transportation study.

Warrant 9: Intersection Near a Grade Crossing - Not Applicable

Engineering study finds that both criteria are met:

- | | | | |
|-----|--------------------------|----|---|
| Yes | ☐ | No | A) A grade crossing exists on an approach controlled by a stop or yield sign and the center of the track nearest to the intersection is within 140 feet of the stop line or yield line on the approach; |
| Yes | ☐ | No | B) During the highest traffic volume hour during which rail traffic uses the crossing, the plotted point representing the vehicles per hour on the major street (total of both approaches) and the corresponding vehicles per hour on the minor-street approach that crosses the track (one direction only, approaching the intersection) falls above the applicable curve in Figure 4C-9 or 4C-10 for the existing combination of approach lanes over the track and the distance D, which is the clear storage distance as defined in Section 1A.13. |

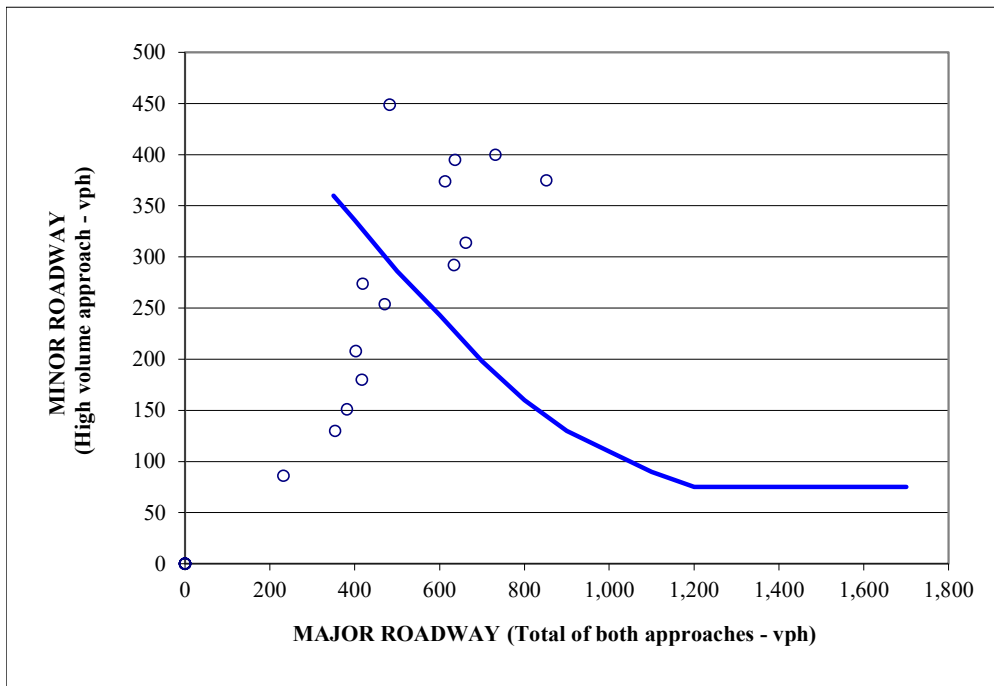
Figure 4C-2 - Warrant 2, Four-Hour Vehicular Volume (70% Factor)



Does it meet Warrant 2?

YES

Figure 4C-4 - Warrant 3, Peak Hour (70% Factor)



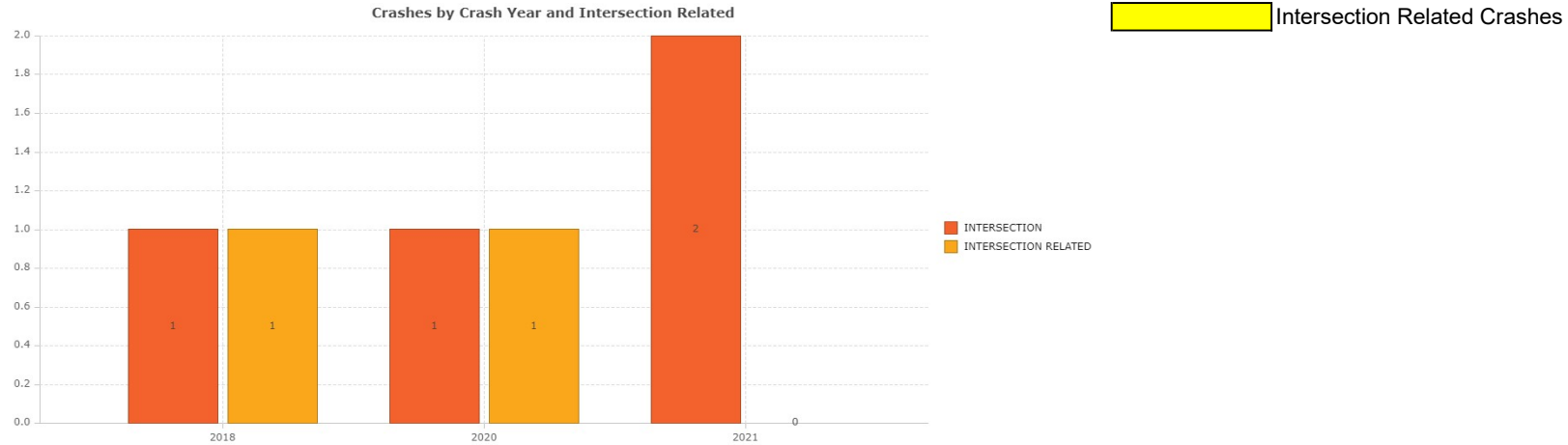
Does it meet Warrant 3?

YES



Project	CR 175 at Journey Pkwy Signal Warrant Analysis
Location	CR 175 at Journey Pkwy
City	Leander

Crash ID	Crash Date	Crash Severity	Crash Year	Day of Week	First Harmful Event	Intersection Related	Light Condition	Contributing Factor
16330631	3/30/2018	N - NOT INJURED	2018	FRIDAY	MOTOR VEHICLE IN TRANSPORT	INTERSECTION RELATED	1 - DAYLIGHT	FAILED TO CONTROL SPEED
16750296	11/16/2018	N - NOT INJURED	2018	FRIDAY	MOTOR VEHICLE IN TRANSPORT	INTERSECTION	1 - DAYLIGHT	DISREGARD STOP SIGN OR LIGHT
17515212	1/15/2020	N - NOT INJURED	2020	WEDNESDAY	MOTOR VEHICLE IN TRANSPORT	INTERSECTION	1 - DAYLIGHT	DRIVER INATTENTION;FAILED TO YIELD RIGHT OF WAY - STOP SIGN
18011186	12/11/2020	N - NOT INJURED	2020	FRIDAY	MOTOR VEHICLE IN TRANSPORT	INTERSECTION RELATED	1 - DAYLIGHT	FAILED TO CONTROL SPEED
18418280	8/14/2021	N - NOT INJURED	2021	SATURDAY	MOTOR VEHICLE IN TRANSPORT	INTERSECTION	1 - DAYLIGHT	DISREGARD STOP SIGN OR LIGHT
18472727	9/14/2021	N - NOT INJURED	2021	TUESDAY	MOTOR VEHICLE IN TRANSPORT	INTERSECTION	1 - DAYLIGHT	DRIVER INATTENTION



Attachment C
Photos



Figure 1: Southbound Approach – CR 175



Figure 2: Westbound Approach – Heritage Woods Avenue



Figure 3: Eastbound Approach – Journey Parkway



Figure 4: Northbound Approach – CR 175



EXECUTIVE SUMMARY

08/04/2022

AGENDA SUBJECT:

Approval of Amendment No. 4 to Agreement for Professional Services with BGE, Inc., for additional engineering service support in the amount of \$95,500.00; and authorize the City Manager to negotiate and execute any and all necessary documents.

BACKGROUND:

Due to the continued need for engineering staff, and lack of suitable candidates, Staff reached out to BGE, Inc. for engineering support in August 2021. BGE provided a proposal to supplement City staff by providing engineering support at our location to assist in reviewing plan submissions. The original proposal in the amount of \$47,750.00, and the subsequent three (3) amendments, have since expired. Staff has recently been able to hire two (2) full-time employees; one starting in April, 2022 and the other starting at the end of May. The Engineering Department lost two(2) full-time staff engineers in January and February of this year. This still leaves a vacancy for two (2) additional engineers on staff. The Engineering Department has also initiated a separate task order with GBA Engineering to supplement the review temporarily to assist with the increased development services application reviews recently. The department also has an additional Project Manager position and the City Engineer position currently open for applications.

Staff, having discussed the need for continued engineering support with BGE, has negotiated that BGE personnel will work from their office partially due to space limitation.

BGE has submitted an Amendment 4 to the task order in a not-to-exceed amount of \$95,500.00, for a total increase of the contract from \$286,000.00 to \$381,500.00, to continue to provide staffing support for engineering plan reviews. Funding for this contract comes from unspent salaries due to vacancies in the department.

HISTORY/TIMELINE:

08/11/2021 - Task Order BGE-1, \$47,750.00 signed by City Manager
11/18/2021 - Council approved Amendment 1 to Task Order BGE-1 for additional \$47,750.00
02/07/2022 - Council approved Amendment 2 to Task Order BGE-1 for additional \$95,500.00
05/19/2022 - Council approved Amendment 3 to Task Order BGE-1 for additional \$95,500.00

RECOMMENDATION:

Staff recommends approval of the amendment 4 to Task Order BGE-1, increasing the budget by \$95,500.00, and authorize the City Manager to negotiate and execute all appropriate documentation.

PRESENTER:

Ross E. Blackketter, P. E., City Engineer

Fiscal Impact

<u>Amount requested:</u>	\$95,500.00
<u>Approved in current budget (Yes / No):</u>	Yes
<u>Expenditure (New / Amended):</u>	Amended
<u>Recurring or one-time:</u>	One-Time

Fund source (Operating / Utility / etc.): Operating 01-22-5600

Attachments

1. Amendment 4 to Task Order BGE-1

TASK ORDER FOR PROFESSIONAL SERVICES

Amendment 4 to TASK ORDER BGE-1

This Task Order is issued pursuant to that Professional Services Agreement (Agreement) between the City of Leander, Texas (Owner) and BGE, Inc. (Engineer) effective 8/11/2021 and constitutes authorization by Owner, for Engineer to proceed with the following described engineering services.

General Engineering Support Services

A. PROJECT DESCRIPTION

The scope of the Agreement is to provide professional engineering services required for Engineer to perform project support for the Owner in an on-call capacity. Professional services may include reviewing submittals for compliance with City codes and criteria; researching, analyzing, and providing technical recommendations; planning; generating plans, specifications and estimates; and providing general consulting services in the areas identified herein.

B. SCOPE OF SERVICES

BGE Inc. will provide design services as described in the attached Scope of Services.

C. DELIVERABLES

BGE Inc. will provide deliverables as described in the attached Scope of Services.

D. BASIS OF COMPENSATION

The total compensation for the General Engineering Support Services shall be based on an hourly rate as defined in the Hourly Rate Table. We propose to perform this work on an hourly basis not to exceed \$95,500.00 without prior authorization. City shall make payments to the Engineer for performing the engineering services described on a monthly billing basis in accordance with monthly statements submitted by the Engineer and approved by the City. Final payment shall be due upon completion of the services described.

E. TIME FOR COMPLETION

The Engineer will work expeditiously to complete the services described herein. Services will be provided on an as-needed basis.

BGE Inc. will begin work as soon as authorized and as services are requested.

APPROVED:

CITY OF LEANDER, TEXAS

By _____

Title: City Manager

Attest _____

Date _____

ACCEPTED:

BGE, INC.

By Brian D. Kie

Title Director

Attest [Signature]

Date 7/26/22

SCOPE OF SERVICES

BGE, Inc. (BGE) will provide staff to support the City of Leander (City) with general engineering services. Specific tasks will include, but are not limited to, the following:

- Review of plat, site development and site plan applications for residential and commercial development to verify compliance with the City's Unified Development Code and other applicable regulatory documents;
- Review of public improvement projects including studies, analyses and construction plans for infrastructure projects (including, but not limited to, water, wastewater, utilities, drainage, traffic and transportation);
- Modeling support for water, wastewater, drainage, and transportation systems to evaluate existing and future developments;
- Preparation of technical memorandums and reports to support requests by the City Engineer;
- Consulting services for the planning, analysis, design or construction administration services of public infrastructure projects.

These services will be provided to the City on an as-needed basis. This can include providing staff to be co-located within the City's Engineering Department offices.

ASSUMPTIONS:

- The Engineer will provide staff support at the City's offices, when requested.
- The Engineer will provide a laptop, computer screens, keyboard, etc. for the staff to be co-located at the City's offices.
- The City will provide access to the City's Engineering Department computer network, as needed.
- Mileage will be compensated as a reimbursable expense at IRS rates for travel to the City offices, project sites etc. Mileage to the City offices based on the distance from the BGE North Austin office.

COMPENSATION

The hourly fee schedule is provided below. All compensation will be on an hourly, not to exceed, basis in accordance with the terms of the Professional Services Agreement.

Professional Staff	Hourly Bill Rate	Example Staff
ENG I (EIT I)	\$105	Layne Perry
ENG II (EIT II)	\$120	Daniel Lacour
ENG III (EIT III)	\$130	Lizzie Wilson
Sr. Engineering Technician	\$135	Shana Dollery, Melody Strozewski
ENG IV (Project Engineer I)	\$145	Brittany Johs-Gori, Niki Lambrou
ENG V (Project Engineer II)	\$160	Thomas Pharr, Ted Schneider
ENG VI (Sr. Engineer I)	\$180	Eren Ulusoy,
ENG VI (Sr. Engineer II, PM)	\$220	Stacey Gould, Greg Calkins, Shawn Spivey
ENG VII (Sr. Engineer III, Sr. PM)	\$240	Francisco Arce, John Colquhoun
ENG VIII (Principal / Director)	\$260	Roman Grijalva, Brian Rice

Note: Billing Rates are subject to adjustments annually in January of each year.



EXECUTIVE SUMMARY
08/04/2022

AGENDA SUBJECT:

Approval of Amendment No. 1 to Task Order HCI-2018-02 with Haynie Consulting, Inc. for engineering services for the San Gabriel Parkway Eastbound at US Highway 183 Right-Turn Lane project (CIP T.20), increasing the task order amount by \$14,600.00 to a new total of \$62,530.00; and authorize the City Manager to negotiate and execute any and all necessary documents.

BACKGROUND:

The City of Leander had previously engaged Haynie Consulting, Inc. for engineering services related to the design and construction of a right-turn lane from eastbound San Gabriel Parkway to southbound US 183. The task order, HCI-2018-02, was approved by the City Manager in the amount of \$47,930.00. The project was then placed on hold pending the results of the Transportation Master Plan (TMP) that was underway at the time.

In the process of designing the project, HCI was tasked with modifying the Edwards Aquifer Contributing Zone Plan (CZP) for limiting any pollutants going into the environmentally sensitive Edwards Aquifer. The project was placed on hold during this time frame. Haynie Consulting has submitted a request for an additional \$14,600.00 to revise the CZP so that the project can move forward.

The current estimate for the construction of this project is \$362,954.10.

HISTORY/TIMELINE:

12/17/2018 - Task Order HCI-2018-02 approved for \$47,930.00

02/2022 - decision made to move forward with the project, and Amendment 1 to the task order was submitted for review by the City

07/2022 - The CapMetro funding was received, and the project could move ahead

RECOMMENDATION:

Staff recommends approval of Amendment No. 1 to Task Order HCI-2018-02 with Haynie Consulting, Inc. for engineering services for the San Gabriel Parkway Eastbound at US Highway 183 Right-Turn Lane project, increasing the amount of the task order by \$14,600.00 to a new total of \$62,530.00, and authorize the City Manager to negotiate and execute all appropriate documentation.

PRESENTER:

Ross E. Blackketter, P. E., City Engineer

Fiscal Impact

<u>Amount requested:</u>	\$14,600.00
<u>Approved in current budget (Yes / No):</u>	Yes
<u>Expenditure (New / Amended):</u>	Amended
<u>Recurring or one-time:</u>	One-Time
<u>Fund source (Operating / Utility / etc.):</u>	CIP 40-04-8042

Attachments

1. Amendment 1 to to HCI-2018-02
2. Task Order HCI-2018-02
3. Cost Estimate

**TASK ORDER FOR PROFESSIONAL SERVICES
AMENDMENT NO. 1 TO TASK ORDER NO. HCI-2018-02**

February 14, 2022

This Amendment to the Task Order will constitute authorization by the City of Leander, Texas (Owner), for Haynie Consulting, Inc. (HCI), Round Rock, Texas (Engineer & Surveyor), to proceed with the following described engineering and surveying services.

**SAN GABRIEL PARKWAY EASTBOUND AT U.S. HIGHWAY 183
RIGHT-TURN LANE PROJECT**

A. PROJECT DESCRIPTION

Design Phase Services: Creation, submittal and securing new Contributing Zone Permit (CZP) through TCEQ for the additional pavement being added to the project for the right-hand turn lane from eastbound San Gabriel Parkway on to southbound U.S. Highway 183.

B. SCOPE OF SERVICES

HCI to provide the following:

1. Meetings, Calls and Emails (Correspondence) with City Staff, TCEQ & TxDOT regarding new CZP, includes preparation and documentation.
2. CZP Design/Drafting/Calculations: as necessary for CZP packet to TCEQ for review/comments/approvals.
3. Deliverables: Provide TxDOT with approved CZP for their review/comments/approval and records.
4. Update Construction Plans, Technical Specifications, Contract Documents & Opinion of Probable Costs (estimate of construction costs) to include CZP items.

C. ENGINEERING & SURVEYING FEES AND PAYMENT

The City shall make monthly payments to the Engineer/Surveyor for performing the engineering and surveying services described herein on an hourly basis per the attached hourly rate schedule.

Payment Schedule:

- | | |
|---|----------|
| 1. Meetings, Calls & Emails (Correspondence -hourly budget) | \$ 1,200 |
| 2. CZP Design/Drafting/Calculations | \$ 9,200 |
| 3. Deliverables and Update Construction Plans, Technical Specifications,
Contract Documents, and Opinion of Probable Costs | \$ 4,200 |

Services described in Sections B & C above **TOTAL \$14,600**

D. TASK ORDER SCHEDULE

This Task Order shall become effective on the date of final acceptance (signature execution) of the parties hereto and shall terminate 180-days from acceptance date, unless extended by a supplemental Task Order.

E. SERVICES EXCLUDED FROM THIS TASK ORDER

- a. Any and all fees associated with submitting and processing the CZP.
- b. RAS/ADA or Traffic Controls Engineering coordination.
- c. Surveying associated with SUE, SUE coordination or SUE investigation/work.
- d. Geotechnical soil testing.
- e. Construction materials testing.
- f. Permitting: City, County, State or Federal, unless otherwise specifically noted in the Scope of Services section.
- g. Traffic signal or pedestrian signal design, modifications or programming.
- h. Electrical or Controls design or re-design or plan preparation.
- i. Coordination and preparation of easement(s).
- j. TIA Study.
- k. Advertising fees.
- l. Change orders related to change in scope or unidentified/undisclosed circumstances.

F. SERVICES PROVIDED BY CITY

- a. Contracts and payments with/to SUE, RAS/ADA, Traffic Controls Engineer, and other Sub-Consultants.

G. HOURLY FEE SCHEDULE

Hourly fee schedule for authorized hourly work, per attached Exhibit A.

H. TERMS AND CONDITIONS

This proposal is good for thirty days from the above-mentioned date.

Deliverables are anticipated to be complete as jointly determined between Haynie Consulting and the City of Leander Engineering Department.

This agreement shall be effective upon execution by the Owner and the Engineer/Surveyor and shall remain in force until terminated under provisions hereinafter provided.

Agreement to the terms and conditions herein stated shall be acknowledged and agreed to by signature of this Amendment to this Task Order.

Should you have any questions or need additional information, please feel free to call me at 512-837-2446, extension 205.

Sincerely,

Haynie Consulting, Inc.

Texas Registered Engineering Firm # F-2411

Texas Licensed Surveying Firm # 10025000

Tim Haynie, P.E.

Professional Engineer (Civil) License No. 91819

HAYNIE CONSULTING INC.

By: _____



Printed Name: Timothy E. Haynie

Date: 11 FEB 2022

CITY OF LEANDER

By: _____

Printed Name: _____

Date: _____

HOURLY RATE SCHEDULE

**as of
January 2022**

- | | | |
|-----|---|--------|
| 1. | REGISTERED PROFESSIONAL ENGINEER/
LAND SURVEYOR | \$ 200 |
| 2. | PROJECT MANAGER | \$ 170 |
| 3. | ENGINEER-IN-TRAINING, SURVEYOR-IN-TRAINING,
SENIOR ENGINEERING TECHNICIAN AND
SENIOR SURVEYING TECHNICIAN | \$ 150 |
| 4. | FIELD REPRESENTATIVE/INSPECTOR* | \$ 135 |
| 5. | ENGINEERING TECHNICIAN AND
SURVEYING TECHNICIAN | \$ 135 |
| 6. | DRAFTING TECHNICIAN | \$ 110 |
| 7. | TECHNICAL WRITER | \$ 100 |
| 8. | CLERICAL & DELIVERY SERVICE | \$ 85 |
| 9. | SURVEY CREW WITH GPS EQUIPMENT,
TOTAL STATION AND DATA COLLECTOR* | \$ 175 |
| 10. | REIMBURSEMENT FOR DIRECT NON-LABOR EXPENSE
AND SUBCONTRACT EXPENSE - COST PLUS 20% | |

***INCLUDES VEHICLE AND EQUIPMENT**

TASK ORDER FOR PROFESSIONAL SERVICES

TASK ORDER NO. HCI-2018-02

December 14, 2018

This Task Order will constitute authorization by the City of Leander, Texas (Owner), for Haynie Consulting, Inc. (HCI), Round Rock, Texas (Engineer & Surveyor), to proceed with the following described engineering and surveying services.

SAN GABRIEL PARKWAY EASTBOUND AT U.S. HIGHWAY 183 RIGHT-TURN LANE PROJECT

A. PROJECT DESCRIPTION

Design Phase Services for the addition of a right-hand turn lane from eastbound San Gabriel Parkway on to southbound U.S. Highway 183.

B. SCOPE OF SERVICES

HCI to provide the following:

1. Meetings with City Staff and Contractors (design review, plans approval, etc.)
2. Design Survey: determine limits of survey, verify ROW, notify "One-Call", survey existing limits of proposed work, surveying and engineering review/analysis and drafting.
3. TxDOT Driveway Permitting.
4. Turn Lane Design:
 - a. Analyze existing utilities
 - b. Analyze existing drainage
 - c. Analyze existing and proposed pedestrian routes
 - d. 12-ft wide deceleration and turn lane (approximately 450 ft in total length) with striping and signage
5. Provide construction plans, technical specifications and contract documents.
6. Provide preliminary estimate of construction costs.
7. Advertise, Bid and Award Services.
8. Construction Phase Services (review pay requests, change orders, consultations with City and Contractor as needed).
9. Contract close out through City (review Contractor As-Built Drawings, prepare Record Drawings).

C. ENGINEERING & SURVEYING FEES AND PAYMENT

The City shall make monthly payments to the Engineer/Surveyor for performing the engineering and surveying services described herein on an hourly basis per the attached hourly rate schedule.

Payment Schedule:

1. Meetings (preparation and meeting - hourly budget)	\$ 1,900
2. Design Survey (field work, analysis, drafting, review)	\$ 9,200
3. TxDOT Driveway Permitting	\$ 3,790
4. Engineering Design (\$17,960)	
Preliminary at 30%	\$ 5,388
Final Layout at 50%	\$ 3,592
Review Submittal at 70%	\$ 3,592
Review Submittal at 90%	\$ 3,592
Bid Set Submittal at 100%	\$ 1,796

5. Plans, Technical Specifications & Contract Documents	\$ 3,660
6. Estimate of Construction Costs	\$ 940
7. Advertise, Bid and Award Services	\$ 3,440
8. Construction Phase Services	\$ 4,960
9. Contract Close Out	\$ 2,080

Services described in Sections B & C above **TOTAL \$ 47,930**

D. TASK ORDER SCHEDULE

This Task Order shall become effective on the date of final acceptance of the parties hereto and shall terminate 150-days from acceptance, unless extended by a supplemental Task Order.

E. SERVICES EXCLUDED FROM THIS TASK ORDER

- a. RAS/ADA or Traffic Controls Engineering coordination.
- b. Surveying associated with SUE, SUE coordination or SUE investigation/work.
- c. Edwards Aquifer Contributing Zone update (labor and fees).
- d. Geotechnical soil testing.
- e. Construction materials testing.
- f. Permitting: City, County, State or Federal, unless otherwise specifically noted in the Scope of Services section.
- g. Traffic signal or pedestrian signal design, modifications or programming.
- h. Electrical or Controls design or re-design or plan preparation.
- i. Coordination and preparation of easement(s).
- j. TIA Study.
- k. Advertising fees.
- l. Change orders related to change in scope or unidentified/undisclosed circumstances.

F. SERVICES PROVIDED BY CITY

- a. As-built/record drawings of roadway and utility plans covering the full scope of work.
- b. Contracts and payments with/to SUE, RAS/ADA, Traffic Controls Engineer, and other Sub-Consultants.

G. HOURLY FEE SCHEDULE

Hourly fee schedule for authorized hourly work, per attached Exhibit A.

H. TERMS AND CONDITIONS

This proposal is good for thirty days from the above-mentioned date.

Deliverables are anticipated to be complete as jointly determined between Haynie Consulting and the City of Leander Engineering Department.

This agreement shall be effective upon execution by the Owner and the Engineer/Surveyor and shall remain in force until terminated under provisions hereinafter provided.

Agreement to the terms and conditions herein stated shall be acknowledged and agreed to by signature of the Professional Services Agreement.

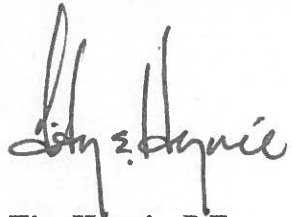
Should you have any questions or need additional information, please feel free to call me at 512-837-2446, extension 205.

Sincerely,

Haynie Consulting, Inc.

Texas Registered Engineering Firm # F-2411

Texas Licensed Surveying Firm # 10025000

A handwritten signature in black ink, appearing to read "Tim Haynie". The signature is written in a cursive, flowing style with a large initial "T" and "H".

Tim Haynie, P.E.

Professional Engineer (Civil) License No. 91819

For Authorization, see Professional Services Agreement herein.

PROFESSIONAL SERVICES AGREEMENT

City of Leander, as CLIENT, engages Haynie Consulting, Inc. as ENGINEER (ENG) to perform professional services for the assignment described as follows: (site location.) See attached proposal Task Order HCI-2018-02 dated: 12-14-2018.

- I. **SERVICES:** ENG agrees to perform Basic Services and Additional Services in conformance with the following descriptions, definitions terms and conditions.
 - A. **BASIC SERVICES:**
See attached letter proposal dated 12-14-2018.
 - B. **ADDITIONAL SERVICES:** All work performed by ENG which is either described in this paragraph or not included in the Basic Services defined above, shall constitute Additional Services. These shall include:
 1. Travel and subsistence to points other than ENG's or CLIENTS's offices and project site.
 2. Copies of final reports, studies, drawings and other data in excess of one (1) set or that specified in letter proposal.
 3. Revisions to approved reports, studies, drawings and other data.
 4. Other services not otherwise included in this Agreement or not customarily furnished in accordance with generally accepted engineering practice.
- II. **COMPENSATION:** CLIENT agrees to pay ENG for above described services in accordance with the following descriptions, definitions, terms and conditions.
 - A. **BASIC SERVICES:** Compensation will be on a fixed fee plus reimbursable basis for: See attached letter proposal dated 12-14-2018
 - B. **ADDITIONAL SERVICES:** ENG compensation will be on an hourly-charge basis for personnel services plus Reimbursable Expenses (defined below):
 1. **HOURLY CHARGE:** Hourly charges are to be based on the attached Standard Rate Schedule dated 12-14-2018.
 2. **REIMBURSABLE EXPENSES:** Expenses in connection with Additional Services shall include transportation and subsistence, reproduction, subcontracts and similar items. Such expenses shall be reimbursed at the following rates:
 - a. Transportation by ENG vehicles: at ENG standard rates.
 - b. Reproduction performed in ENG office: at prevailing commercial rates.
 - c. All others: actual cost to ENG plus 15% service charge.
- III. **PAYMENTS:** ENG will invoice CLIENT monthly in amounts based on ENG estimate of the portion of the Basic Services completed, plus charges for Additional Services performed. CLIENT agrees to promptly pay ENG at his office in Williamson County, Texas, the full amount of each such invoice upon receipt. A charge of 1.5% per month may be added to the unpaid balance of invoices not paid within 30 days after date of invoice. If the invoice is not paid within 60 days, ENG may, without waiving any claim or right against Client, and without liability whatsoever to the Client, terminate the performance of the services. Retainers shall be credited on the final invoice.
- IV. **OWNERSHIP OF DOCUMENTS:** All documents, including original drawings, CAD files, estimates, specifications, field notes and data are and shall remain the property of ENG, however, Client will be furnished, upon request duplicate copies of original drawings, CAD files and other documents, but agrees that he will use such copies solely in connection with the project covered by this Agreement and for no other purpose.
- V. **OPINION OF PROBABLE CONSTRUCTION COST:** Opinion of probable construction cost prepared by the ENG represents his reasonable skill as a design professional familiar with the construction industry. It is recognized, however, that the ENG has no control over the cost of labor, materials or equipment, over the Contractor's methods of determining bid prices, or over competitive bidding or market conditions. Accordingly, the ENG cannot and does not guarantee that bids will not vary from any cost estimate prepared by him.
- VI. **INSURANCE:** ENG agrees to maintain workers' compensation insurance to cover all of its own personnel engaged in performing services for CLIENT under this Agreement. ENG also agrees to maintain public liability insurance covering claims against ENG for damages resulting from bodily injury, death or property damage from accidents arising in the course of services performed under this Agreement.
- VII. **LIABILITY LIMITATION:** ENG shall have no liability to CLIENT or to others for any reasons beyond use of reasonable skill in performing the services for the assignment covered by this Agreement. In no event shall ENG professional liability exceed the amount of the total compensation received by ENG under this Agreement, limited to value of services provided.

VIII. DISPUTE RESOLUTION: In an effort to resolve any conflicts that arise during the design or construction of the project or following the completion of the project, the CLIENT and the ENG agree that all disputes between them arising out of, or relating to this Agreement shall be submitted to nonbinding mediation and, if necessary, followed by binding arbitration. The CLIENT and the ENG further agree to include a similar mediation/arbitration provision in all agreements with independent contractors and consultants retained for the project and to require all independent contractors and consultants also to include a similar mediation/arbitration provision in all agreements with subcontractors, sub consultants, suppliers or fabricators so retained, thereby providing for mediation as the primary method for dispute resolution between the parties to those agreements and, if necessary, followed by binding arbitration.

IX. TERMINATION:

A. CONDITIONS OF TERMINATION: This Agreement may be terminated without cause at any time prior to completion of ENG services either by CLIENT or by ENG, upon seven days written notice to the other at the address of record. Termination shall release each party from all obligations of this Agreement, except as specified in paragraph IX. B below.

B. COMPENSATION PAYABLE ON TERMINATION: On Termination, by either CLIENT or ENG, CLIENT shall pay ENG with respect to Basic Engineering Services which have been completed an amount fixed by applying the rate specified for Additional Services in paragraph II.B to all Basic Services performed to the date of termination, plus an amount fixed by applying the rate specified in paragraph II.B to all Additional Services performed to date of termination (including all Reimbursable Expenses incurred).

X. SUCCESSORS AND ASSIGNS: CLIENT and ENG each binds himself, and his partners, successors, executors, administrators and assigns to the other party of this Agreement and to partners, successors, executors, administrators and assigns of such other party in respect to all covenants of this Agreement. Neither CLIENT nor ENG shall assign, sublet, or transfer his interest in this Agreement without the written consent of the other. Nothing herein shall be construed as giving any rights or benefits hereunder to anyone other than CLIENT and ENG.

XI. SPECIAL PROVISION: This instrument contains the entire Agreement between CLIENT and ENG, except as additionally stated below:

Attached letter proposal dated 12-14-2018 forms a part of this agreement, as well as attached Standard Rate Schedule that my change without notice in consideration of changes in price indices and pay scales applicable to the period when services are in fact being rendered.

XII. INVALIDATION: If CLIENT does not execute this Agreement within 30 days of the date tendered, it shall become invalid unless ENG extends the time in writing.

XIII. MODIFICATIONS: No one has authority to make variations in, or additions to the terms of this Agreement on behalf of ENG other than one of its Officers, and then only in writing signed by him.

HAYNIE CONSULTING INC.

By: [Signature]

Printed Name: TIMOTHY E. HAYNIE

Date: 14 DEC 2018

CLIENT:

By: [Signature]

Printed Name Kent Cagle

Date: 17 Dec 2018

Billing Address: P.O. 319

Leander, TX 78641

Phone: 512-528-2700

Email Address: Kcagle@leander.tx.gov

ESTIMATE OF PROBABLE COST OF CONSTRUCTION

TXDOT 2014 EDITION SPECS (WITH ALL CURRENT REVISIONS) RIGHT TURN LANE FROM SAN GABRIEL PARKWAY ONTO U.S. HWY. 183						
Bid Item	Tech Spec	Description	Unit	Quantity	Unit Price	Amount
1	TxDOT 100	PREP ROW	LS	1	\$ 7,000.00	\$7,000.00
2	TxDOT 104	REMOVE CONCRETE (CURB & GUTTER)	LF	520.5	\$ 40.00	\$20,820.00
3	TxDOT 110	EXCAVATION / EMBANKMENT	CY	918	\$ 7.00	\$6,426.00
4	TxDOT 160	FURNISH AND PLACING TOPSOIL (6-INCHES)	SY	1986	\$ 8.50	\$16,881.00
5	TxDOT 164	SEEDING FOR EROSION CONTROL	SY	4115	\$ 0.80	\$3,292.00
6	TxDOT 168	VEGETATIVE WATERING (69,260 GAL.)	MG	0.0692	\$ 4,000.00	\$276.80
7	TxDOT 247	FLEXIBLE BASE 24 IN	SY	1227	\$ 65.00	\$79,755.00
8	TxDOT 340	ASPH CONC (TY C)(SURF)(PG70-22)(2.0 IN)	SY	896	\$ 40.00	\$35,840.00
9	TxDOT 340	ASPH CONC (TY B)(SURF)(PG70-22)(3.0 IN)	SY	896	\$ 40.00	\$35,840.00
10	TxDOT 500	MOBILIZATION	LS	1	\$ 10,000.00	\$10,000.00
11	TxDOT 502	BARRICADES, SIGNS, AND TRAFFIC HANDLING - INCLUDING: CTB, CONSTRUCTION DETOURS, PROJECT SIGNS, SIDEWALK CLOSURE SIGNS, INSTALLATION, MAINTENANCE, AND REMOVAL OF ALL DEVICES	DAYS	90	\$ 250.00	\$22,500.00
12	TxDOT 506	SILT FENCING (INSTALL/MAINTAIN/REMOVAL)	LF	825	\$ 5.50	\$4,537.50
13	TxDOT XXX	STABILIZED CONSTRUCTION ENTRANCE (INSTALL/REMOVAL)	EA	1	\$ 3,000.00	\$3,000.00
14	TxDOT 529	CONC CURB AND GUTTER (TY II) (MOD) (W/ THREE #3 REBAR AND 3 DOWLES)	LF	730	\$ 41.00	\$29,930.00
15	TxDOT 531	CURB RAMPS AND LANDING (PED-18)	EA	2	\$ 3,000.00	\$6,000.00
16	TxDOT 531	CONCRETE PAVING TO INCLUDE: DRAINAGE CHANNEL AND FLATWORK AROUND CURB RAMPS AND LANDINGS	SY	54	\$ 120.00	\$6,480.00
17	TxDOT 666	REMOVE R3-8 SIGN	EA	1	\$ 300.00	\$300.00
18	TxDOT 644	SM RD SGN ASSM R3-7R	EA	1	\$ 710.00	\$710.00
19	TxDOT 687	RELOCATE PED POLE ASSEMBLY AND APS UNIT	EA	1	\$ 3,500.00	\$3,500.00
20	TxDOT 687	INSTALL PED POLE ASSEMBLY AND APS UNIT	EA	1	\$ 10,000.00	\$10,000.00
21	TxDOT 677	REMOVE (W) (24 IN) (SLD); STOP BAR	LF	61	\$ 3.00	\$183.00
22	TxDOT 666	REFL PAV MRK TY I (W) (24 IN) (SLD); STOP BAR (HOT APPLIED THERMOPLASTIC)	LF	75	\$ 3.00	\$225.00
23	TxDOT 677	REMOVE PAV MRK DOUBLE YELLOW (4 IN SOLID)	LF	551	\$ 3.00	\$1,653.00
24	TxDOT 666	PAV MRK DOUBLE YELLOW (4 IN SOLID)	LF	540	\$ 3.00	\$1,620.00
25	TxDOT 677	REMOVE PAV MRK WHITE (8 IN SOLID)	LF	150	\$ 3.00	\$450.00

ESTIMATE OF PROBABLE COST OF CONSTRUCTION

Bid Item	Tech Spec	Description	Unit	Quantity	Unit Price	Amount
26	TxDOT 666	PAV MRK LANE LINE (4 IN SOLID)	LF	145	\$ 3.00	\$435.00
27	TxDOT 677	REMOVE COMBINATION RIGHT TURN / STRAIGHT ARROW	EA	2	\$ 700.00	\$1,400.00
28	TxDOT 666	REFL PAV MARK TY I (WHITE) COMBINATION RIGHT TURN / STRAIGHT ARROW	EA	2	\$ 2,000.00	\$4,000.00
29	TxDOT 666	REFL PAV MRK TY I (WHITE) RIGHT TURN ARROW, (HOT APPLIED THERMOPLASTIC)	EA	2	\$ 150.00	\$300.00
30	TxDOT 677	REMOVE FOG LINE (4 IN SOLID)	LF	519	\$ 3.00	\$1,557.00
31	TxDOT 666	REFL PAV MARK TY I (WHITE) FOG LINE (4 IN SOLID)	LF	514	\$ 5.00	\$2,570.00
32	TxDOT 677	REMOVE (W) (WORD) "ONLY"	EA	1	\$ 700.00	\$700.00
33	TxDOT 666	REFL PAV MRK TY I (W) (WORD) "ONLY" (HOT APPLIED THERMOPLASTIC)	EA	3	\$ 300.00	\$900.00
34	TxDOT 666	REFL PAV MRK TY I DASHED (CAT TRACKS) (HOT APPLIED THERMOPLASTIC)	LF	78	\$ 5.00	\$390.00
35	SPECIAL	SAW CUT EXISTING PAVEMENT	LF	604	\$ 2.50	\$1,510.00
36	SPECIAL	3 IN. X 5 IN. RIVER ROCK MIN. 8 IN DEEP	SF	288	\$ 9.35	\$2,692.80
37	SPECIAL	6 IN. x 36 IN. CONCRETE FLUME INCLUDING 6" MIN. BASE	LF	654	\$ 10.00	\$6,540.00
38	SPECIAL	5 IN. X 8 IN. BULL ROCK MIN. 16 IN DEEP	SF	364	\$ 35.00	\$12,740.00
39	SPECIAL	STORMWATER VEGETATIVE FILTER STRIP ON SOUTH SIDE OF ROW - (110-FT X 15-FT), TO INCLUDE RASISED CURB OPENINGS, GRADING, TOPSOIL, SEEDING AND WATERING	LS	1	\$ 20,000.00	\$20,000.00
TOTAL (in Dollars): TOTAL (in Words):						\$362,954.10





EXECUTIVE SUMMARY
08/04/2022

AGENDA SUBJECT:

Approval of Amendment to Task Order HAI-2 with Halff Associates for correcting the required soil mitigation and compensatory cut to comply with the requirements of the Upper Brushy Creek Water Control Improvements District (UBCWCID) at Lakewood Park; increasing the contract amount by \$41,530.00 for a new total contract amount of \$934,017.00; and authorize the City Manager to execute any and all necessary documents.

BACKGROUND:

The construction of the new Lakewood Park was designed by Halff Associates, as City of Leander project 18-CIP-002. The general construction contract was awarded to Prime Construction Company Inc, on July 19, 2018 in the amount of \$8,086,921.10 to construct the new park. Construction required excavation within areas of the UBCWCID inundation easement of Dam #3. As part of the construction closeout. The City received correspondence from Halff Associates that the volume of required excavation conducted by the contractor did not conform to the amounts as specified in the approved construction documents and UBCWCID permit. The park's grand opening was September 4, 2020. Since the opening of the park, the City and Prime Construction Company have been in discussions on mitigation of the required volume excavation in accordance with the UBCWCID permit. To prevent permitting issues for other City projects within the UBCWCID jurisdiction, the City requested a proposal from Halff Associates for professional services for anticipated City procurement of a new general contractor to conduct the required additional excavation associated with the Lakewood Park project. Halff Associates submitted a proposal for survey, design, monitor excavation, UBCWICD coordination, bid assistance, and final survey to confirm the excavation requirements for Lakewood Park in accordance with the UBCWCID existing permit. Halff Associates' proposal of \$41,530.00, will be added to the current contract amount of \$892,487.00 for a total contractual amount of \$934,017.00.

HISTORY/TIMELINE:

Contract/Change Orders	Award Date	Increase	Total Contract Amount
Initial Contract related to Grants	11/11/15	\$72,900.00	\$72,900.00
Base Contract after Bond Election	06/07/16	\$564,800.00	\$564,800.00
Total Combined Contracts	11/16/16		\$637,700.00
Change Order - 2nd Restroom near kayak launch	05/07/18	\$65,390.00	\$703,090.00
Change Order - Performance Stage Concept	07/08/19	\$3,000.00	\$706,090.00
Change Order - design & drawings - Performance Stage	11/06/19	\$125,230.00	\$831,320.00
Change Order - additional construction observation	11/06/19	\$19,667.00	\$850,987.00
Change Order T&M - Assist City as needed to complete construction	01/20/20	\$41,500.00	\$892,487.00

Amendment - correcting the required soil mitigation and compensatory cut to comply with the requirements of the Upper Brushy Creek Water Control Improvements District (UBCWCID)	08/08/22	\$41,530.00	\$934,017.00
--	----------	-------------	--------------

RECOMMENDATION:

Staff recommends approval of Amendment to Task Order HAI-2, for \$41,530.00, for a total contractual amount of \$934,017.00; and authorize the City Manager to execute all appropriate documentation.

PRESENTER:

Ross E. Blackketter, PE, City Engineer

Fiscal Impact

Amount requested: \$41,530.00
Approved in current budget (Yes / No): Yes
Expenditure (New / Amended): Amended
Recurring or one-time: One-Time
Fund source (Operating / Utility / etc.): CIP 512-01-8208

Attachments

1. Amendment to Task Order HAI-2
2. Additional Services

TASK ORDER FOR PROFESSIONAL SERVICES

AMENDMENT TO TASK ORDER HAI-2

This will constitute authorization by the City of Leander, Texas (Owner), for Halff Associates Inc. (Engineer), to proceed with the following described engineering services.

LAKEWOOD PARK

A. PROJECT DESCRIPTION

The construction of the new Lakewood Park was designed by Halff Associates, Inc. starting November 16, 2016. The general construction contract was awarded to Prime Construction Company Inc, on July 19, 2018, to construct the new park. Construction required excavation within areas of the UBCWCID (Upper Brushy Creek Water Control and Improvement District) inundation easement of dam #3. As part of the construction closeout, City received correspondence from Halff Associates that the volume of required excavation conducted by the contractor did not conform to the amounts as specified in the approved construction documents and the UBCWCID permit. The park's grand opening was September 4, 2020. Since the opening of the park, the City and Prime Construction Company have been in discussions on mitigation of the required volume excavation in accordance with the UBCWCID permit. To prevent permitting issues for other City projects within the UBCWCID jurisdiction, the City requested a proposal from Halff Associates for professional services for an anticipated City procurement of a new general contractor to conduct the required additional excavation associated with the Lakewood Park project, to bring it into compliance.

B. SCOPE OF SERVICES

EXHIBIT "A" - Halff Associates, Inc. shall provide surveying, design, monitoring of excavation, UBCWCID coordination, bid assistance, and final survey to confirm the excavation requirements for Lakewood Park comply in accordance with the UBCWCID existing permit, as noted in their attached Additional Services Proposal #7.

C. DELIVERABLES

EXHIBIT "A" - Halff Associates, Inc. will provide deliverables as described in the attached Additional Services Proposal #7.

D. BASIS OF COMPENSATION

The total compensation for the additional work at Lakewood Park shall be based on a unit hourly fee of \$41,530.00. The City shall make payments to the Engineer for performing the engineering services described on a monthly billing basis in accordance with monthly statements submitted by the Engineer and approved by the City. Final payment shall be due upon completion of the services described.

E. TIME FOR COMPLETION

The Engineer will work expeditiously to complete the services described herein. Design phase services are anticipated to take approximately 6 months.

Halff Associates, Inc. will begin work as soon as authorized and as services are requested. Design and construction phase services are anticipated to be completed within 8 months after notice to proceed.

APPROVED:

CITY OF LEANDER, TEXAS

By _____
Richard B. Beverlin III

Title _____
City Manager

Attest _____

Date _____

ACCEPTED:

HALFF ASSOCIATES, INC.

By _____

Title _____

Attest _____

Date _____



13620 Briarwick Dr.
Suite 100
Austin, Texas 78729
(512) 777-4600

ADDITIONAL SERVICES CONFIRMATION

TO: Ross Blacketter
City of Leander
City Engineer

DATE: May 10, 2022

AVO: 31886

FROM: Dan Franz
Email: dfranz@halff.com

PROJECT: Lakewood Park

VIA:

As per our previous conversations we understand that you would like Halff Associates to provide additional design services for mitigation of compensatory cut within the Lake Lakewood Project. Detailed scope and fee is outlined in the following pages.

The following scope will be added to Task Order HAI-2:

- Permitting requirements with Upper Brushy Creek Water Control Improvements District.

The proposed fee of \$41,530 shall be considered time and materials and will not be exceeded without your prior approval. Our services will be invoiced monthly based on a percent of completion.

We request your signature below to confirm the scope and fee as outlined on the following pages. If you have any questions or require additional information, please do not hesitate to email or call me at 512-777-4606.

By: _____
(Print name)

Title: _____

Signature: _____

Date: _____

☐ Attachments: Scope and Fee description

EXHIBIT “A”

Additional Services Proposal #7

LAKEWOOD PARK

CITY of Leander, Texas

General Scope

The purpose of the additional services proposed herein is provided by Halff Associates, Inc. (Consultant) to provide professional consulting services at the request of the City of Leander (City) from April 11, 2022 meeting with Mr. Mark Tummons and Mr. Ross Blackketter. This requested scope will serve as additional services to the original contract executed by the City and Consultant dated June 17, 2016 and subsequent contract amendments. It is the understanding of the Consultant that the City previously filed with the Surety Company on behalf of the General Contractor for the Lake Lakewood Park Project (Project). To date, formal implementation of permitted requirements with the Upper Brushy Creek Water Control Improvement District (UBCWCID) have not been addressed for the Project as a result of construction work previously completed by the General Contractor. It is also the understanding of the Consultant, that limited site or construction improvements have occurred to the limits of the site by the City, solely consisting of drainage outlet channel on the western portion of the property. No work has occurred by the General Contractor or a third-party contractor within the previous contractual obligation of the General Contractor. City has requested assistance of the Consultant for coordination efforts with the City and UBCWCID for formal completion and closure of the Project.

Program

Consultant shall provide additional services for the following program items:

- Obtain survey of drainage outlet on the western portion of the property. This topographic information will be incorporated into the previous topographic elevation information utilized for the Project design and construction.
- Prepare an updated set of construction plans for General Contractor bid. Construction plans will include Cover, general notes, details and grading plans and specifications required for mitigation of UBCWCID compensatory cut requirements.
- Assist the City in bidding and selecting a qualified contractor. Consultant will formally post the project to CivcastUSA.
- Assist City with Construction Phase Services.
- Obtain post-construction survey to document the required compensatory cut has been performed by the contractor and to serve as the basis of providing a concurrence memo to UBCWCID for closure of the project.
- Assist current City staff and City Management in research and provision of formal documented information for the Project as previously prepared by Consultant as of April 30, 2021.
- Assist the City with coordination and closeout with UBCWCID.

Process of Services

Given the above stated general scope and program we will provide the following services:

Phase 1: Existing and Post-Construction Topographic Survey

The Consultant will obtain the services of a Registered Professional Land Surveyor to perform field surveys for the Project. All survey services will comply with the latest revision of the

Professional Land Surveying Practice Act of the State of Texas and will be accomplished under the direct supervision of a currently licensed State of Texas Registered Professional Land Surveyor.

Surveying Services will include the following:

- The Consultant will establish control for the site in NAD 83 horizontal datum, Texas State Plane Coordinate System surface coordinates and NAVD 88 vertical datum;
- The Consultant will perform a topographic survey of the existing site where compensatory cut is proposed.
- The Consultant will perform a post-construction topographic survey of the site where compensatory cut was performed for comparison versus the existing topographic survey.
- Topography elements within the proposed and post-construction limits of construction, including but not limited to surface features such as pavement edges, concrete curb, driveways, sidewalks and ramps, handrails, fences, street signs, trees, ground boxes, fire hydrants, manholes, valves, meters, utility risers, utility poles, mail boxes, etc.;
- The Consultant will survey elevations at key points, pipe sizes, and the locations of structures at all existing driveways (as applicable);
- The Consultant will survey existing visible utility facilities (e.g., manholes, valve boxes, any available ground markings showing horizontal location, etc.);
- The Consultant will prepare in Microstation V8 or V8i or Civil3D, 2D drawing files with an ASCII file, along with .tin and .dat files for the DTM model in GEOPAK for both the existing and post-construction conditions.

Phase 2: Construction Documents

Consultant shall prepare updated construction plans for contractor bidding in order to satisfy the compensatory cut requirements as identified in the approved 2018 construction documents. The modified western portion of the site, modified previously by the City, will be incorporated into the construction documents. Consultant will process revision to the approved construction plan through the City's application process. . All construction plans will be prepared in accordance with City criteria for site plan permit. The Consultant shall prepare bid documents and specs to fully satisfy the UBCWCID requirements. Consultant has coordinated with UBCWCID on requirement for any additional permitting, UBCWCID informed that a new permit is not anticipated for compensatory cut mitigation. Construction documents will include the following at 30%, 90% and final signed and sealed milestones:

- Cover Sheet
- General Construction Notes
- Grading Plans
- Erosion & Control Plans
- Details
- Project Manual and Specifications (excluded at 30%)

Project Manual and Bid documents will be prepared in the format for General Contractor submission of competitive sealed proposals (CSP). Grading/scoring criteria for CSP will be initially developed by the Consultant with formal concurrence and approval of the CSP criteria by the City. The City shall serve as the sole agent for determining selection of the General Contractor upon review of the General Contractor CSP submission.

Phase 4: Bidding Phase Services

Consultant shall assist Client during the bidding and negotiating process. The Client will conduct the bidding process where the Consultant will assist in advertising on CivCast parallel to the Client's advertising efforts. This phase will include the following services for each bid:

- Coordinate with the City the schedule for bid advertising, pre-bid conference, and bid opening. Upload of all information for bidding on CivcastUSA will be conducted by

- Consultant upon formal concurrence by the City.
- Client will prepare and organize bid solicitation and proposal. All front-end documents including general conditions and sample contracts will be filled out and provided by the City. Consultant will provide all technical specifications and combine the document and return to Client for bidding.
- Attend voluntary pre-bid conference (one meeting).
- Address contractor RFI's, prepare and issue addenda as required. (2 RFI's and 1 addenda is accounted for in this scope)
- Attend the bid opening, review/evaluate bid unit pricing including alternates and formulate bid tabulation (one meeting).
- Once approved by City Staff, attend one City Council meeting for award of construction contract.

Phase 4: Construction Phase Services

Consultant shall assist the City during the construction process. Consultant shall endeavor to secure compliance by the contractor to the plans and specifications. Consultant shall not be responsible for construction means, methods, techniques, sequences or procedures in connection with the work and Consultant shall not be responsible for the contractor's errors or omissions or failure to carry out the work in accordance with the contract documents. City will provide and pay for construction inspection and materials testing services. This phase will include the following services:

- Attendance at pre-construction meeting. (1 meeting)
- Construction observation – processing and responding to a maximum of the following. (3) Requests for Information, (1) Change Proposal, (1) Change Orders, (1) Change Directives, (1) submittals. Additional items will be charged to the client as an additional service.
- Conduct and oversee progress meetings (bi-weekly meetings). Estimate construction time 3 months. 6 total site visits have been accounted for in this proposal.
- Review and approve contractor's monthly Application and Certification for Payment.
- Coordinate final inspection(s) and walk-thru for substantial completion; issue punch list and letter of substantial completion for incomplete items including time for completion. (2 meetings)
- Coordinate and attend final site observation. (1 meeting)
- Conduct final site observation for acceptance of project and issue letter of concurrence. (1 meeting)
- Assist in acquiring final close-out documents, warranties, accurate as-built drawings and other documents from contractor required to close-out project.
- Review and approve contractor's final Application(s) for Payment including retainage.
- Develop record drawings and specifications based on as-built plans provided by the contractor and post-construction survey obtained by the Consultant.
- Submit record drawings to UBCWCID for approval.

*Field changes, change directives, change orders or any other changes during construction of the Project initiated by the Client, without prior written consent of the Consultant, shall indemnify and hold the Consultant harmless from any damage, liability or cost, including reasonable attorneys' fees and costs of defense, arising from such changes.

Phase 5: UBCWCID Coordination:

Consultant will attend up to three (3) meetings or conference calls as requested by the City. Consultant will formally document any meeting with minutes for distribution to the City. City will review, provide comments, or acknowledge the meeting minutes within 5 business days of receipt from the Consultant. Submission of a new UBCWCID application is not included in the

scope of services. Preparation of any new application shall be considered out of scope and will allow Consultant to submit for additional services.

Consultant will provide any requested copies (as necessary) of the construction plans, construction observation reports, and construction exhibits to UBCWCID as directed by the City. City will be included on all correspondence to UBCWCID and at no time will the Consultant UBCWCID information without prior formal approval of the City. City will provide formal direction on any UBCWCID request within 5 business days.

FEE SCHEDULE & REIMBURSABLE EXPENSES

For the services stated previously, the hourly fee for this phase shall be based on the following rate schedule. Billing will occur on a monthly cycle, based on hours of work performed per phase and completed during the previous time period. If additional effort is required beyond the estimated effort below, formal approval of the City is required prior to any additional effort being undertaken by the Consultant.

<u>PHASE ADDITIONAL SERVICE</u>	<u>FEES</u>
Phase I: Topographic Survey	\$8,540
Phase II: Construction Documents	\$14,314
Phase III: Bidding Phase Services	\$3,600
Phase IV: Construction Phase Services	\$9,638
Phase V: UBCWCID Coordination	\$3,438
TOTAL FOR BASIC SERVICES	\$39,530
Equipment Mobilization	\$1,500
Reimbursable Expenses	\$500
TOTAL AMOUNT INCLUDING REIMBURSABLE EXPENSES	\$41,530

ITEMS PROVIDED BY THE OWNER

1. Full time site inspection of Project construction and verification/documentation of contractor haul tickets.
2. A designated City representative who will serve as the sole and primary point of contact with the Consultant.
3. City will conduct bidding.
4. City representative will provide formal responses to all contractor submitted questions and issue any addendum (as needed) for the bidding process.
5. City will review and make formal selection of the General Contractor as part of the bid process.

6. Formal correspondence, both written and verbal, with the Surety company.
7. Will provide information as requested by the Consultant within 5 business days of the request. Requested information will consist solely of documents, information and other as deemed necessary by the Consultant for completion of Additional Services Proposal #7.
8. City concurs and understands that execution of this Additional Services Proposal #7 serves as formal confirmation to Consultant that no additional construction has occurred within the Project limits by the City or any third party since November 24, 2020.

ITEMS EXCLUDED FROM THE SCOPE OF SERVICES

1. Jurisdictional Approved permits on any kind outside of what is noted in the scope
2. Litigation and subpoena support
3. Legal services of any kind
4. Land platting and/or metes and bounds survey of any kind
5. Coordination or meetings of any kind with Surety Companies associated with the Lake Lakewood project

Services shall be provided at the following hourly rates for individuals approved by the City to perform these services. Any additional services not covered in the current scope of work, shall be performed by the Consultant, and will be compensated only after an amendment to this contract has been agreed upon in writing between the Consultant and the City of Leander, Texas.

Hourly Rate Table

Job Title	Hourly Rate
Civil Project Principle	\$ 309.00
Civil Project Manager/Sr. QC	\$ 235.00
Senior Project Engineer (PE)	\$ 200.00
Project Engineer IV (PE)	\$ 185.00
Project Engineer III (PE)	\$ 175.00
Project Engineer II (PE)	\$ 150.00
Project Engineer I (PE)	\$ 130.00
Engineer in Training II	\$ 115.00
Engineer in Training I	\$ 90.00
CADD/GIS Tech II	\$ 95.00
CADD/GIS Tech I	\$ 60.00
Senior Structural Engineer	\$ 190.00
Structural Engineer	\$ 135.00
Structural CADD Tech	\$ 95.00
Survey Manager (RPLS)	\$ 225.00
Surveyor (RPLS)	\$ 165.00
Geospatial Manager	\$ 210.00
Survey/SUE Tech	\$ 100.00
Survey Crew (2-man)	\$ 175.00
Survey Crew (3-man)	\$ 235.00
Landscape Architect Principle	\$ 338.00
Landscape Architect Director	\$ 225.00
Sr. Architect Director	\$ 225.00
Office Tech V	\$ 181.00
Administration	\$ 79.00

LAKEWOOD COMMUNITY PARK - Supplement No. 7

CITY OF LEANDER

Hourly Breakdown of Proposed Basic Services: Halff Associates

NO.	TASK	Director Principal	Landscape Arch. Director	Landscape Architect	Senior Civil Engineer	Engineer	Senior CADD/GIS Tech	CADD/GIS Tech	RPLS Manager	Survey Crew (3 man)	Office Tech	Admin	Fixed Fee	Total Fee per Task
1	Survey - Topographic						16		4	24				8,540
2	Construction Documents	1	1	4	14	40		30						14,314
3	Bidding Assistance			2	8	8								3,600
4	Construction Phase Services			24	24							2		9,638
5	UBCWCID Coordination	2	2	6	6									3,438
	Equipment Mobilization												1,500	1,500
	Reimbursable Expenses												500	500
	Subtotal Man-hours	3	3	36	52	48	16	30	4	24	0	2		
	Billing Rate	\$309	\$225	\$160	\$235	\$175	\$125	\$95	\$225	\$235	\$181	\$79		
	Subtotal Labor Costs	\$927	\$675	\$5,760	\$12,220	\$8,400	\$2,000	\$2,850	\$900	\$5,640	\$0	\$158	\$2,000	
	Total Basic Services													\$41,530

Halff Associates



EXECUTIVE SUMMARY
08/04/2022

AGENDA SUBJECT:

Conduct a Public Hearing regarding Subdivision Case 21-CP-016 to adopt the South 40 Major Roadways Concept Plan and Subdivision Case 21-PP-020 to adopt the South 40 Major Roadways Preliminary Plat on two (2) parcels of land approximately 20.20 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031721 and R321825; generally located west of the intersection of US 183 and Heritage Grove Road, Leander, Williamson County, Texas.

- Discuss and consider action regarding Subdivision Cases 21-CP-016 and 21-PP-020 as described above.

BACKGROUND:

This request is the first and second steps in the subdivision process. Pursuant to Section 212.005 of the Texas Local Government Code, approval by municipality is required since the concept plan satisfies the applicable regulations without requesting any variances.

HISTORY/TIMELINE:

01/20/2022 - Northern Tract PUD Zoning Approved
11/07/2019 - Southern Tract PUD Zoning Approved
07/28/2022 - Planning & Zoning Commission, 1st Public Hearing

APPLICANT/AGENT:

Kimley Horn (C.J. Ponton, P.E) on behalf of Lower Forty, LLC (Jerry Reed)

RECOMMENDATION:

The proposal includes 18.22 acres of commercial and 1.98 acres of ROW (1,640 LF) within three (3) lots. Staff recommends approval of this request. The Planning & Zoning Commission recommended approval of this request during the July 28, 2022 meeting.

PRESENTER:

Robin M. Griffin, AICP, Executive Director of Development Services

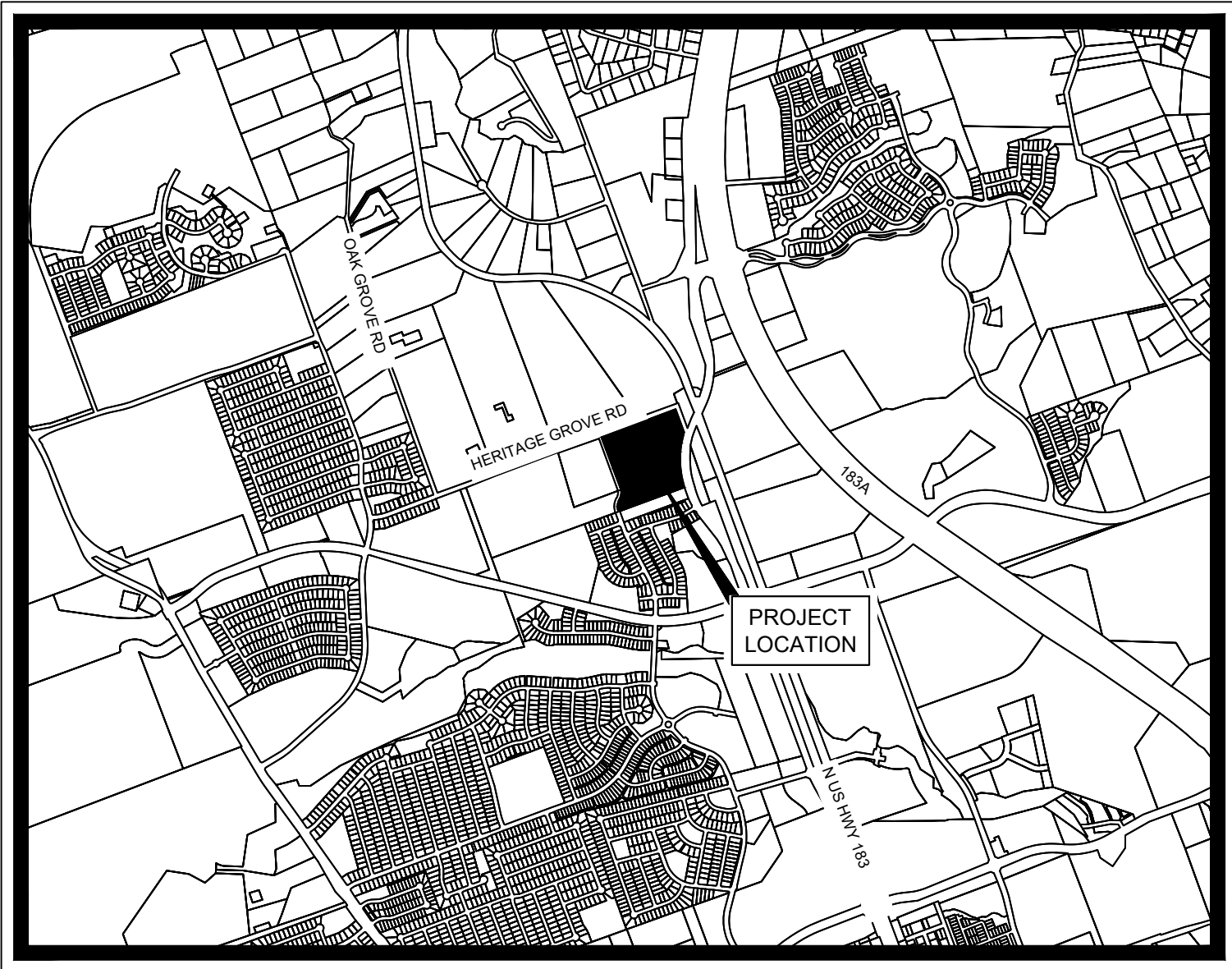
Attachments

1. Concept Plan and Preliminary Plat
2. Location Exhibit
3. P&Z Draft Minutes

CONCEPT PLAN AND PRELIMINARY PLAT
FOR
SOUTH 40 MAJOR ROADWAYS
21-CP-016 & 21-PP-010

GENERAL PLAT NOTES:

- THIS SUBDIVISION IS WHOLLY CONTAINED WITHIN THE CURRENT CORPORATE LIMITS OF THE CITY OF LEANDER, TEXAS.
- NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO THE CITY OF LEANDER WATER DISTRIBUTION AND WASTEWATER COLLECTION FACILITIES.
- A BUILDING PERMIT IS REQUIRED FROM THE CITY OF LEANDER PRIOR TO CONSTRUCTION OF ANY BUILDING OR SITE IMPROVEMENTS ON ANY LOT IN THIS SUBDIVISION.
- NO BUILDINGS, FENCES, LANDSCAPING OR OTHER STRUCTURES ARE PERMITTED WITHIN DRAINAGE EASEMENTS SHOWN EXCEPT AS APPROVED BY THE CITY OF LEANDER PUBLIC WORKS DEPARTMENT.
- PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY THE CITY OF LEANDER.
- ALL EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR HIS OR HER ASSIGNS.
- IN ADDITION TO THE EASEMENT SHOWN HEREON, A TEN (10') FOOT WIDE PUBLIC UTILITY EASEMENT IS DEDICATED ALONG AND ADJACENT TO ALL RIGHT-OF-WAY AND A TWO AND A HALF (2.5') FOOT WIDE PUBLIC UTILITY EASEMENT IS DEDICATED ALONG ALL SIDE LOT LINES.
- NO PORTION OF THIS TRACT IS WITHIN A FLOOD HAZARD AREA AS SHOWN ON THE FLOOD INSURANCE RATE MAP PANEL #48491C0455F FOR WILLIAMSON CO., EFFECTIVE 12/20/2019.
- BUILDING SETBACKS NOT SHOWN HEREON SHALL COMPLY WITH THE MOST CURRENT ZONING ORDINANCE OF THE CITY OF LEANDER. ADDITIONAL RESIDENTIAL GARAGE SETBACKS MAY BE REQUIRED AS LISTED IN THE CURRENT ZONING ORDINANCE.
- SIDEWALKS SHALL BE INSTALLED ON BOTH SIDES JOAN LANE AND THE SUBDIVISION SIDE OF W. BROADE STREET, HERITAGE GROVE ROAD, AND US-183. THOSE SIDEWALKS NOT ABUTTING A RESIDENTIAL, COMMERCIAL OR INDUSTRIAL LOT (INCLUDING SIDEWALKS ALONG STREET FRONTAGES OF LOTS PROPOSED FOR SCHOOLS, CHURCHES, PARK LOTS, DETENTION LOTS, DRAINAGE LOTS, LANDSCAPE LOTS, OR SIMILAR LOTS), SIDEWALKS ON ARTERIAL STREETS TO WHICH ACCESS IS PROHIBITED, SIDEWALKS ON DOUBLE FRONTAGE LOTS ON THE SIDE TO WHICH ACCESS IS PROHIBITED, AND ALL SIDEWALKS ON SAFE SCHOOL ROUTES SHALL BE INSTALLED WHEN THE ADJOINING STREET IS CONSTRUCTED.
- ALL UTILITY LINES MUST BE LOCATED UNDERGROUND.
- THIS PLAT CONFORMS TO THE CONCEPT PLAN APPROVED BY THE PLANNING & ZONING COMMISSION ON 01/09/2020.
- APPROVAL OF THIS PRELIMINARY PLAT DOES NOT CONSTITUTE THE APPROVAL OF VARIANCES OR WAVERS TO ORDINANCE REQUIREMENTS.
- THE LATEST CITY OF LEANDER TRANSPORTATION POLICY AND DRAINAGE POLICY SHALL BE FOLLOWED.
- TEXAS COMMISSION ON ENVIRONMENTAL QUALITY APPROVAL WILL BE NEEDED DURING CONSTRUCTION PLAN REVIEW PHASE AND GUIDELINES FOR WATER QUALITY TREATMENT SHALL BE FOLLOWED.
- LOT LINES AND GEOMETRIC DESIGNS FOR THE ROADWAYS WILL BE REVIEWED DURING THE CONSTRUCTION PLAN PHASE.
- ALL DRIVE LANES, FIRE LANES, AND DRIVEWAYS WITHIN THIS SUBDIVISION SHALL PROVIDE FOR RECIPROCAL ACCESS FOR INGRESS AND EGRESS TO ALL OTHER LOTS WITHIN THE SUBDIVISION AND TO ADJACENT PROPERTIES
- AT THE TIME OF SITE DEVELOPMENT PERMIT, THE APPLICANT WILL PROVIDE A PAYMENT TO THE CITY IN LIEU OF TRAFFIC IMPACT ANALYSIS (TIA) FOR THE ENTIRE DEVELOPMENT INDICATES THAT AVERAGE DAILY TRIPS ARE ESTIMATED BELOW 2,000.
- THE PROPOSED WASTEWATER OUTLET WILL BE RE-EVALUATED DURING THE CONSTRUCTION PLAN APPLICATION STAGE CONSIDERING THE CAPACITIES AVAILABLE IN THE NORTH BRUSHY CREEK INTERCEPTOR SYSTEM.



VICINITY MAP MAPSCO GRID #312J 312K 312N 312P
SCALE: 1" = 2,000'

JUNE 2022

C.J. PONTON, P.E. PROJECT MANAGER DATE

LAND USE SUMMARY

LOT	PROPOSED USE	UNIT	LUE CONVERSION	LUE	DAILY TRIPS
A	INDUSTRIAL PARK	46,000 SF	4000.0	11.5	156.0
B	OFFICE	30,000 SF	3000.0	10.0	1046.0
B	RESTAURANT	1600 SF	200.0	8.0	332.0
B	HOTEL	125 ROOMS	0.5	62.5	2014.0
B	RETAIL	20,000 SF	1660.0	12.0	754.0
TOTAL				104.0	4302.0

ENGINEER

Kimley»Horn

5301 SOUTHWEST PARKWAY, BUILDING 2, SUITE 100
AUSTIN, TEXAS 78735
CERTIFICATE OF REGISTRATION #928
CONTACT: C.J. PONTON, P.E.

Tel. No. (512) 418-1771
Fax No. (512) 418-1791

OWNER/DEVELOPER

LOWER FORTY LLC
5100 W HIGHWAY 260, BLDG 2, STE 200
AUSTIN, TX 78735
TEL: 512-617-4648
CONTACT: JERRY REED

OSBAHR MARCIA FAMILY TRUST
8816 BALCONES CLUB DR
AUSTIN, TX 78750
TEL: 512-415-6683
CONTACT: GUNTER OSBAHR

SURVEYOR

ZACH PETRUS
10814 JOLLYVILLE ROAD
CAMPUS IV, SUITE 200
AUSTIN, TX 78759
TEL: 512-572-674



BENCHMARKS

BM #101, X CUT INTO HEADWALL ON THE NORTHERN RIGHT OF WAY LINE OF HERITAGE GROVE ROAD IN FRONT OF A CALLED 44.385 ACRE TRACT
• ELEV.=1002.370' (NAVD '88)
BM #102, X CUT INTO HEADWALL ON THE NORTHERN RIGHT OF WAY LINE OF HERITAGE GROVE ROAD IN FRONT OF A CALLED 40.57 ACRE TRACT BELONGING TO UPPER FORTY, LLC
• ELEV.=995.150' (NAVD '88)

SHEET INDEX

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	CONCEPT PLAN
3	EXISTING CONDITIONS
4	PRELIMINARY PLAT
5	IMPROVEMENTS
6	EXISTING DRAINAGE AREA MAP
7	PROPOSED DRAINAGE AREA MAP

LEGAL DESCRIPTION
AW0134 - COCHRAN, C.SUR.,
10.258 ACRES OF 40.692
OSBAHR MARCIA FAMILY TRUST PROPERTY
10 ACRES

FUTURE LAND USE (VIA CITY OF LEANDER FUTURE LAND USE MAP)
EMPLOYMENT CENTER
NEIGHBORHOOD CENTER
MULTI-USE CORRIDOR-PRIORITY CORRIDOR

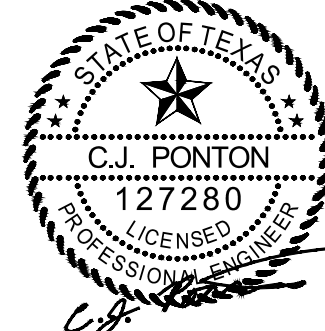
ZONING
PLANNED UNIT DEVELOPMENT (PUD) PER ORDINANCE 19-067-00 (BASE ZONING OF GC-3-A)
HEAVY COMMERCIAL (HC-4-C)
CONVENTIONAL SECTOR

WATERSHED STATUS
THIS SITE IS LOCATED IN THE NORTH-FORK-BRUSHY CREEK WATERSHED OF THE BRAZOS BASIN

FLOODPLAIN INFORMATION
NO LOTS WITHIN THIS SUBDIVISION ARE ENCRoACHED BY A SPECIAL FLOOD HAZARD AREA INDICATED BY THE 100 YEAR FLOOD AS IDENTIFIED BY THE U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY BOUNDARY MAP #48491C0455E FOR WILLIAMSON COUNTY, EFFECTIVE DATE SEPTEMBER 26, 2008

GENERAL INFORMATION
TOTAL ACREAGE.....20.20 ACRES
TOTAL LINEAR FEET OF ROW.....1,640'
ACREAGE OF ROW.....1.98 ACRES
ACREAGE OF COMMERCIAL LOTS.....18.22 ACRES
TOTAL NUMBER OF LOTS.....3

Kimley»Horn



06/16/2022
KHA PROJECT 069225505
DATE JUNE 2022
SCALE: AS SHOWN
DESIGNED BY: PTK
DRAWN BY: ORB
CHECKED BY: CJP

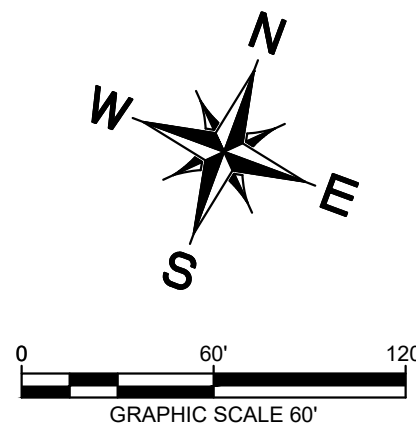
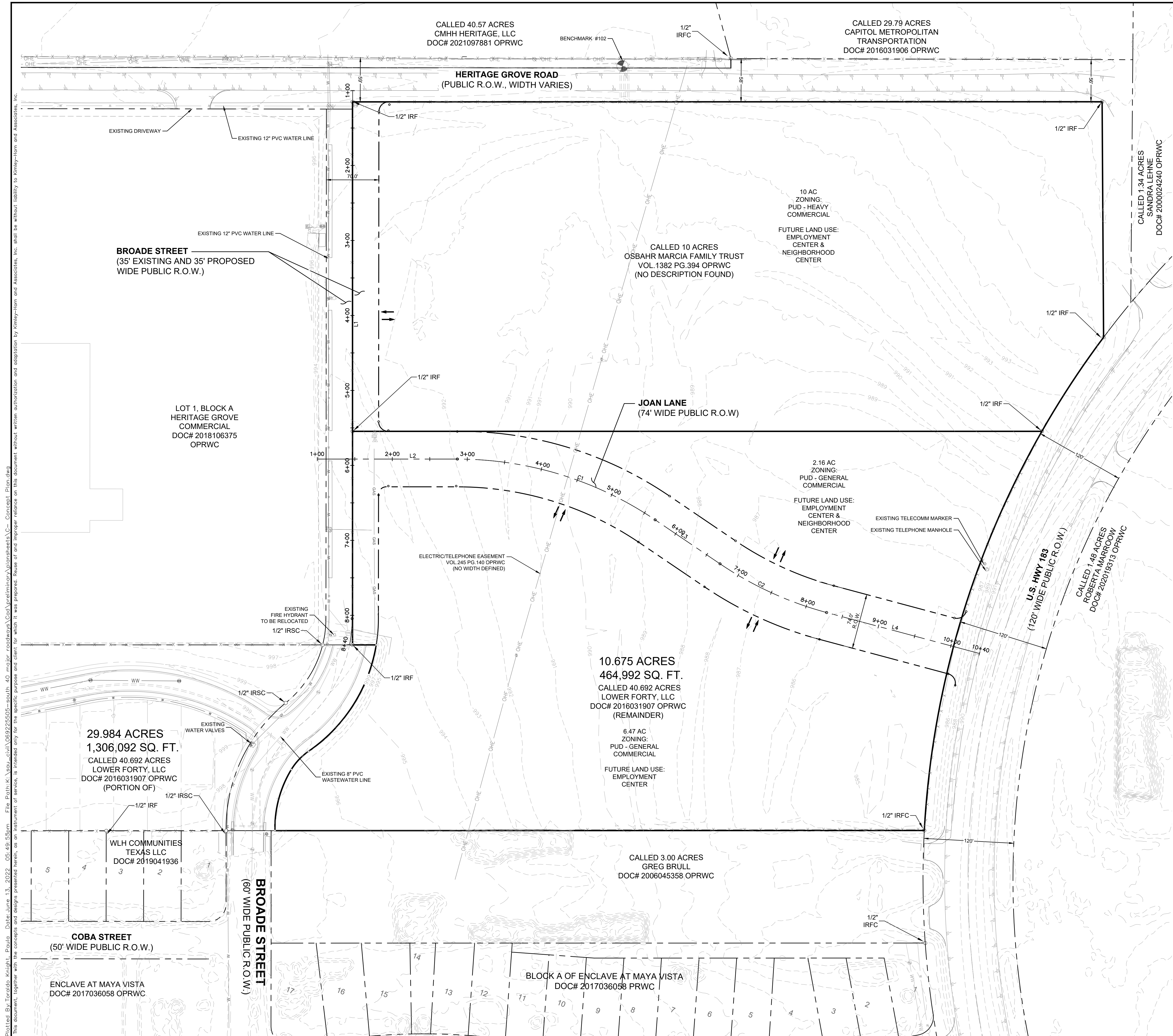
COVER SHEET

SOUTH 40 MAJOR
ROADWAYS
CITY OF LEANDER
WILLIAMSON COUNTY, TEXAS

SHEET NUMBER
1 OF 7

SOUTH 40 MAJOR ROADWAYS - CONCEPT PLAN AND PRELIMINARY PLAT

KHA PROJECT NO. 069225505



LEGEND

	PROPERTY LINE
	PROPOSED WASTEWATER LINE
	PROPOSED WATER LINE
	PROPOSED WASTEWATER MANHOLE
	PROPOSED WASTEWATER CLEANOUT
	PROPOSED FIRE HYDRANT
	PROPOSED TAPPING SLEEVE & VALVE
	EXISTING OVERHEAD POWER LINE
	EXISTING WATER LINE
	EXISTING WASTEWATER LINE
	EXISTING STORM SEWER LINE
	EXISTING POWER POLE
	EXISTING FIRE HYDRANT
	EXISTING WATER METER
	EXISTING WASTEWATER MANHOLE
	ADA ROUTE
	CONCEPTUAL DRIVEWAY LOCATIONS

FLOODPLAIN INFORMATION
NO LOTS WITHIN THIS SUBDIVISION ARE ENCLOSED BY A SPECIAL FLOOD HAZARD AREA INDICATED BY THE 100 YEAR FLOOD AS IDENTIFIED BY THE U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY'S BOUNDARY MAP #48491C0455E FOR WILLIAMSON COUNTY, EFFECTIVE DATE SEPTEMBER 26, 2008

LINE TABLE		
LINE	LENGTH	BEARING
L1	704.39	S20°48'15.29"E
L2	186.73	N69°08'18.62"E
L3	104.61	S76°43'23.15"E
L4	211.17	N84°08'10.31"E

CURVE TABLE						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	470.00'	280.04'	N86°12'28"E	275.91'	34°08'18"	144.31'
C2	470.00'	157.01'	S86°17'36"E	156.28'	19°08'27"	79.24'

	Industrial Collector		Residential Collector	
	TCM Requirement	Provided	TCM Requirement	Provided
Min. Horizontal curve radii	470'	470'	300'	-
Tangent spacing between curves	100'	106'	100'	-
Intersection Spacing	500'	890'	300'	490'
ROW widths	90'	74'	60'	70'
Curb return radii	25'	25'	25'	25'

NOTES:
1. THIS PROJECT IS TO BE DONE IN ONE PHASE.

BENCHMARKS

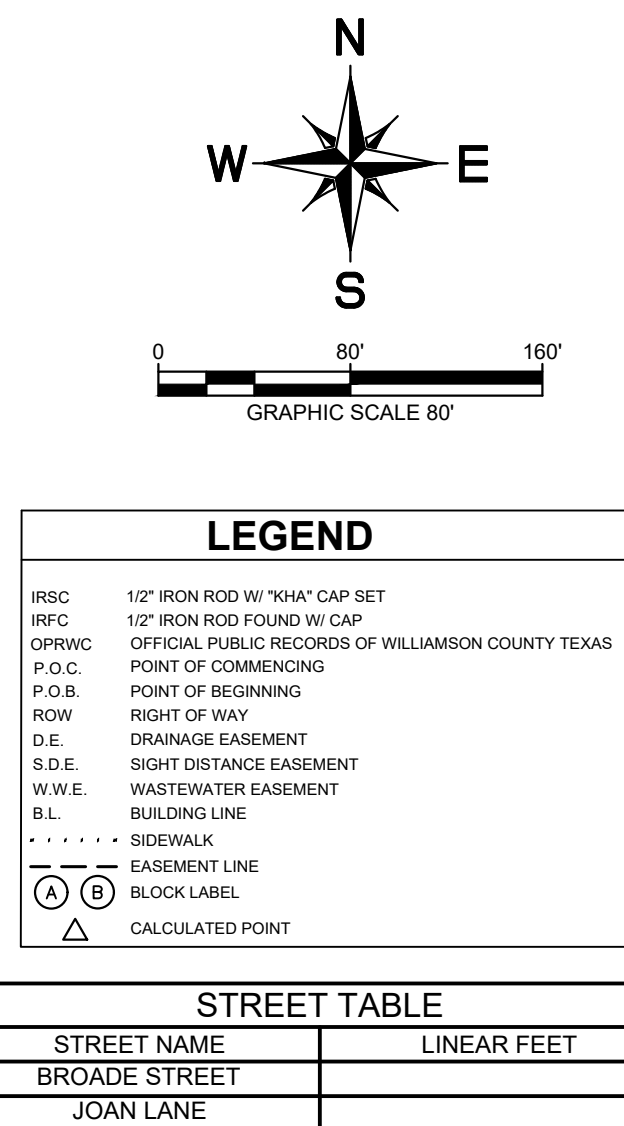
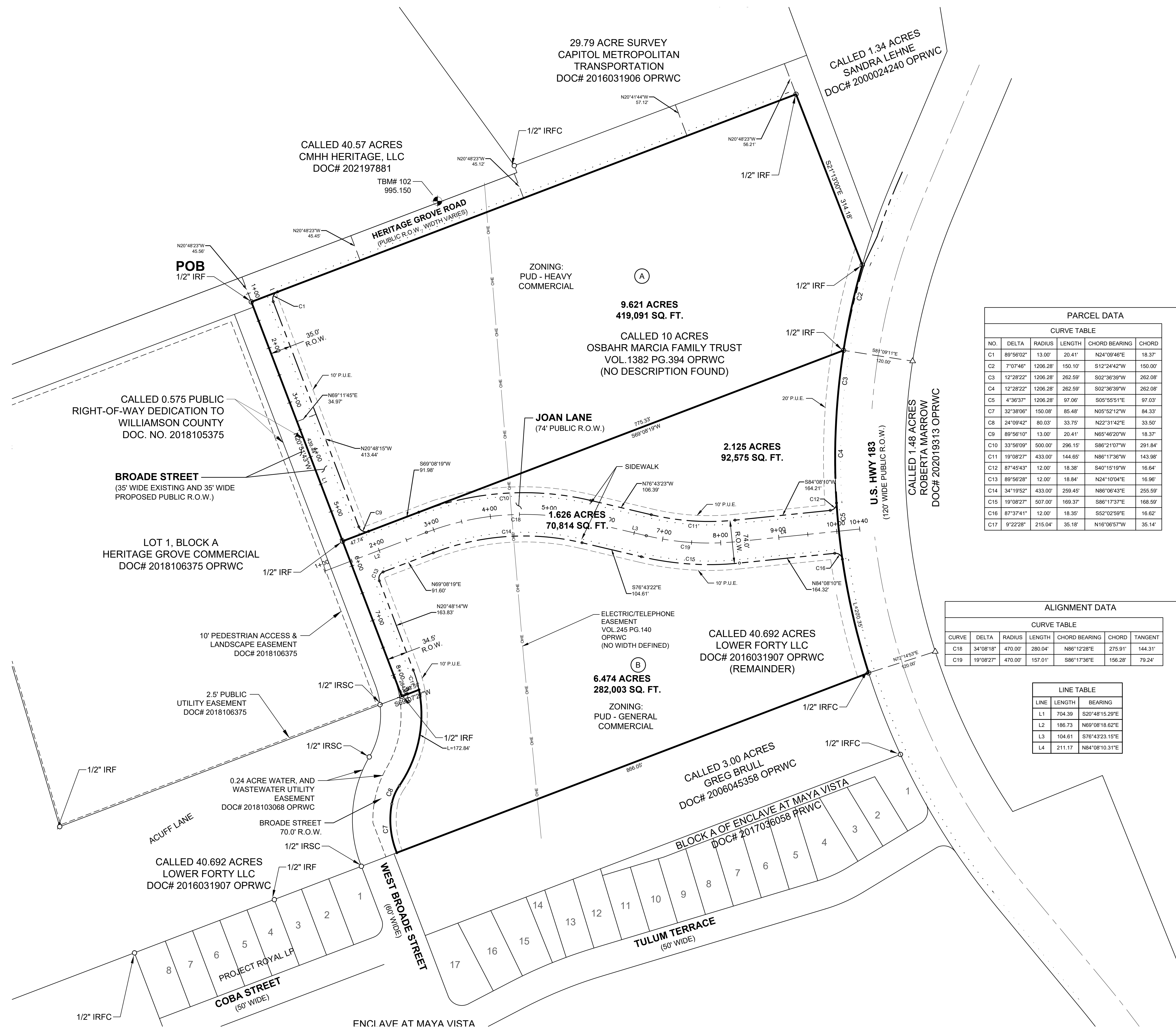
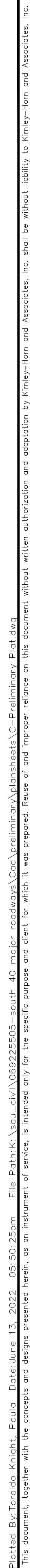
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- ELEV = 1002.370' (NAVD '88)

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- ELEV = 995.150' (NAVD '88)

SOUTH 40 MAJOR ROADWAYS		CONCEPT PLAN		KHA PROJECT 0692225505	
CITY OF LEANDER		DESIGNED BY: PTK		DATE JUNE 2022	
WILLIAMSON COUNTY, TEXAS		DRAWN BY: ORB		SCALE: AS SHOWN 1"=20'	
		CHECKED BY: CJP		06/16/2022	
					
				Kimley»Horn 5301 SOUTHWEST PARKWAY, BLDG 2, SUITE 100 AUSTIN, TX 78735 PHONE: 512-412-4118-1791 WWW.KIMLEY-HORN.COM © 2022 KIMLEY-HORN AND ASSOCIATES, INC. TBPE Firm No. 928	
				No.	
				REVISIONS	
				DATE	
				BY	



SURVEYOR'S NOTES

1. THE BEARINGS, DISTANCES, AREAS AND COORDINATES SHOWN HEREON ARE TEXAS STATE PLANE COORDINATE SYSTEM GRID, CENTRAL ZONE (FIPS 4203) (NAD83), AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM.

2. ALL DISTANCES AND COORDINATES SHOWN HEREON ARE ON THE GRID. THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET.

3. ALL EASEMENTS OF RECORD FOR THE LOT AND THIS SUBDIVISION WILL BE MONUMENTED PER LOT TO LOTS SALE AND AFTER ROAD CONSTRUCTION WITH A 1/2-INCH IRON ROD WITH RED PLASTIC CAP STAMPED "KHA", UNLESS OTHERWISE NOTED.

4. EASEMENTS OF RECORD ARE SHOWN OR NOTED ON THE PLAT AS FOUND IN THE TITLE POLICY OR DISCOVERED WITH A TITLE SEARCH PREPARED FOR THE MOST RECENT PURCHASE OF THE PROPERTY.

5. THE SURVEYOR'S SUBDIVISION SURVEY SHALL BE CONDUCTED IN ACCORDANCE WITH THE TEXAS SUBDIVISION ACT AND THE TEXAS PROFESSIONAL LAND SURVEYOR'S REGULATION PLAN.

6. STREET RIGHT-OF-WAY IS SHOW TO BE DEDICATED WITH THE PLAT FOR 100 FEET AND 100 FEET AND WIDER WITH APPROVED BY THE CITY ENGINEER.

7. ALONG US 183, STREET TREES NEED TO BE A COMBINATION OF LIVE OAK, CEDAR ELMS, AND CHINQUAPIN OAKS, LOCATED NO CLOSER THAN 3' FROM BACK OF CURB AND CURB OF CURE AND SPACED NO MORE THAN 30 FEET ON CENTER.

8. ALONG JOAN LANE, STREET TREES TO BE A COMBINATION OF CEDAR ELMS AND TEXAS RED OAKS, LOCATED ON CLOSER THAN 3' FROM BACK OF CURB AND CURB OF CURE AND SPACED NO MORE THAN 30 FEET ON CENTER.

9. ALONG BROAD STREET, STREET TREES TO BE A COMBINATION OF CHINQUAPIN OAKS, CEDAR ELMS, AND BUR OAKS LOCATED NO CLOSER THAN 3' FROM BACK OF CURB AND SPACED NO MORE THAN 30 FEET ON CENTER.

PARCEL DATA					
CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	89°56'02"	13.00'	20.41'	N24°09'46"E	18.37'
C2	7°07'46"	1206.28'	150.10'	S12°24'42"W	150.00'
C3	12°28'22"	1206.28'	262.59'	S02°36'39"W	262.08'
C4	12°28'22"	1206.28'	262.59'	S02°36'39"W	262.08'
C5	4°36'37"	1206.28'	97.06'	S05°55'51"E	97.03'
C7	32°38'06"	150.06'	85.48'	N05°52'12"W	84.33'
C8	24°09'42"	80.03'	33.75'	N22°31'42"E	33.50'
C9	89°56'10"	13.00'	20.41'	N65°46'20"W	18.37'
C10	33°56'09"	500.00'	296.15'	S86°21'07"W	291.84'
C11	19°08'27"	433.00'	144.65'	N86°17'36"W	143.98'
C12	87°45'43"	12.00'	18.38'	S40°15'19"W	16.64'
C13	89°56'28"	12.00'	18.84'	N21°10'04"E	15.96'
C14	34°19'52"	433.00'	259.45'	N86°06'43"E	255.59'
C15	19°08'27"	507.00'	169.37'	S85°17'37"E	168.59'
C16	87°37'41"	12.00'	18.35'	S52°02'09"E	16.62'
C17	9°22'28"	215.04'	35.18'	N16°06'57"W	35.14'

ALIGNMENT DATA						
CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD	TANGENT
C18	34°08'18"	470.00'	280.04'	N86°12'28"E	275.91'	144.31'
C19	19°08'27"	470.00'	157.01'	S86°17'36"E	156.28'	79.24'

LINE TABLE		
LINE	LENGTH	BEARING
L1	704.39	S20°48'15.29"E
L2	186.73	N69°08'18.62"E
L3	104.61	S76°43'23.15"E
L4	211.17	N84°08'10.31"E

BENCHMARKS

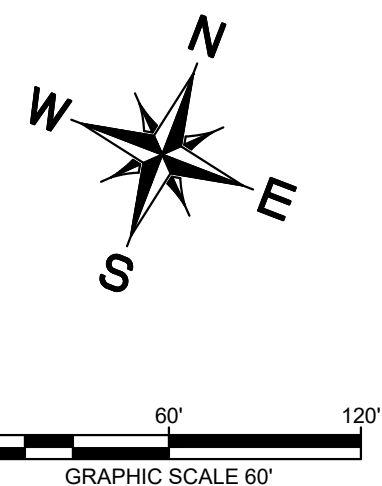
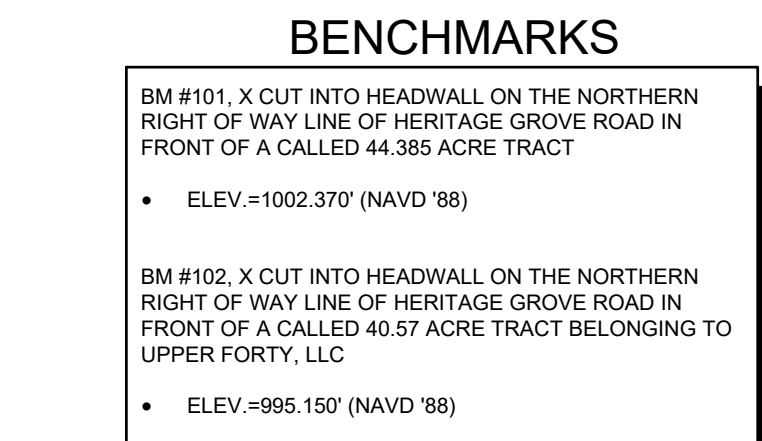
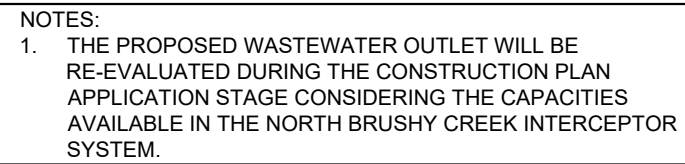
BM #101. X CUT INTO HEADWALL ON THE NORTHERN RIGHT OF WAY LINE OF HERITAGE GROVE ROAD IN FRONT OF A CALLED 44.385 ACRE TRACT

- ELEV.=1002.370' (NAVD '88)

BM #102. X CUT INTO HEADWALL ON THE NORTHERN RIGHT OF WAY LINE OF HERITAGE GROVE ROAD IN FRONT OF A CALLED 40.57 ACRE TRACT BELONGING TO UPPER FORTY, LLC

- ELEV.=995.150' (NAVD '88)

SOUTH 40 MAJOR ROADWAYS CITY OF LEANDER WILLIAMSON COUNTY, TEXAS	PRELIMINARY PLAT	KHA PROJECT 069225505	DATE JUNE 2022	SCALE: AS SHOWN	SHEET NUMBER 4 OF 7	KIMLEY HORN 5301. SOUTHWEST PARKWAY, BLDG 2, SUITE 100 AUSTIN, TX 78735 PHONE: 512-646-1237 FAX: 512-418-1791 © 2022 KIMLEY-HORN AND ASSOCIATES, INC. TBPE Firm No. 928	No. _____ DATE _____ REVISIONS _____
		DESIGNED BY: PTK	DRAWN BY: ORB	CHECKED BY: CJP			
							
		06/16/2022					

[illegible]

Kimley»Horn
5301 SOUTHWEST PARKWAY, BLDG 2, SUITE 100
AUSTIN TX 78735
PHONE: 512-646-2337 FAX: 512-418-1791
WWW.KIMLEY-HORN.COM
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TBE Firm No. 928

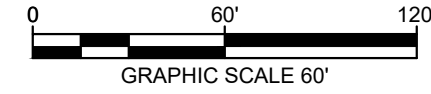
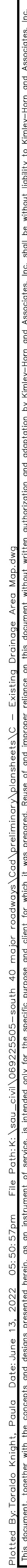
	06/16/2022						
KHA PROJECT 069225505	DATE JUNE 2022	SCALE: AS SHOWN	DESIGNED BY: PTK	DRAWN BY: ORB			CHECKED BY: CJP

IMPROVEMENTS

SOUTH 40 MAJOR ROADWAYS

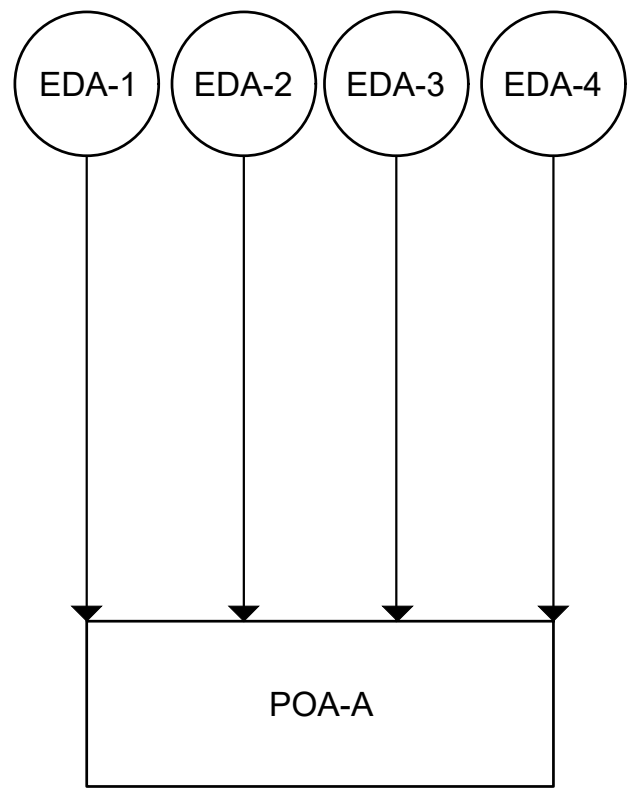
CITY OF LEANDER
WILLIAMSON COUNTY, TEXAS

SHEET NUMBER
5 OF 7



-
- A circular diagram divided into three horizontal sections. The top section is labeled "X-1". The middle section is labeled "9.9 ac". The bottom section is labeled "5.5 cfs".

- NOTES:



BM #102, X CUT INTO HEADWALL ON THE NORTHERN RIGHT OF WAY LINE OF HERITAGE GROVE ROAD IN FRONT OF A CALLED 44.385 ACRE TRACT

- ELEV.=1002.370' (NAVD '88)

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BM #102, X CUT INTO HEADWALL
RIGHT OF WAY LINE OF HERITAGE
FRONT OF A CALLED 40.57 ACRES
UPPER FORTY, LLC

- ELEV.=995.150' (NAVD '88)

[illegible]

Kimley»»Horn
5301 SOUTHWEST PARKWAY, BLDG. 2, SUITE 100
AUSTIN, TX 78735
PHONE: 512-646-2237 FAX: 512-418-1791
WWW.KIMLEY-HORN.COM
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TYPE FORM No. 928

STATE OF TEXAS
C.J. PONTON
127280
LICENSED
PROFESSIONAL ENGINEER
06/16/2022

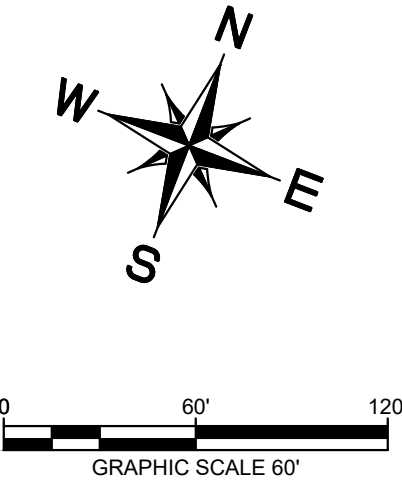
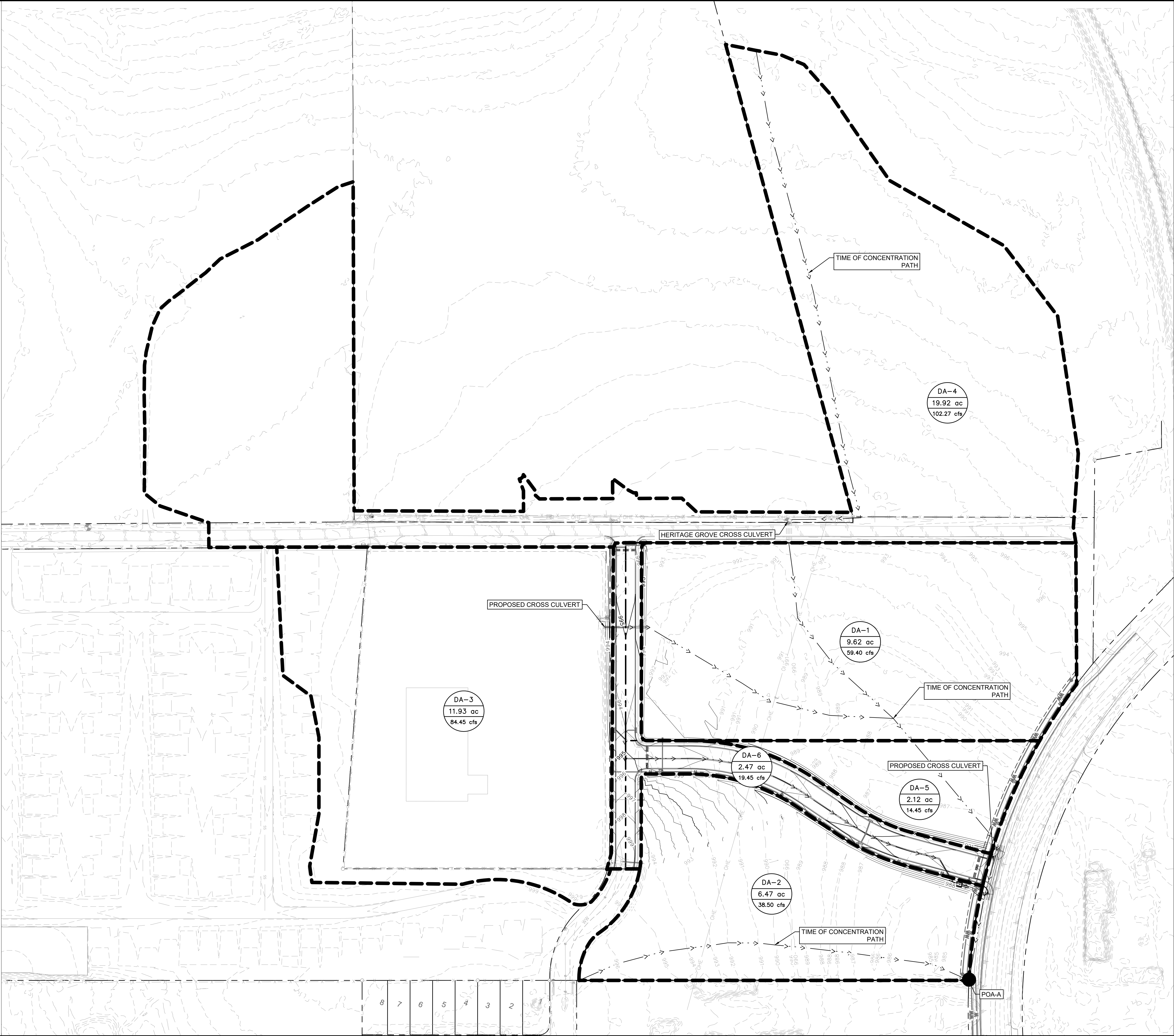
KHA PROJECT 0692225505	DATE JUNE 2022	SCALE: AS SHOWN	DESIGNED BY: PTK	DRAWN BY: ORB	CHECKED BY: CJP
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EXISTING DRAINAGE AREA MAP

**SOUTH 40 MAJOR
ROADWAYS**
CITY OF LEANDER
WILLIAMSON COUNTY, TEXAS

SHEET NUMBER
6 OF 7

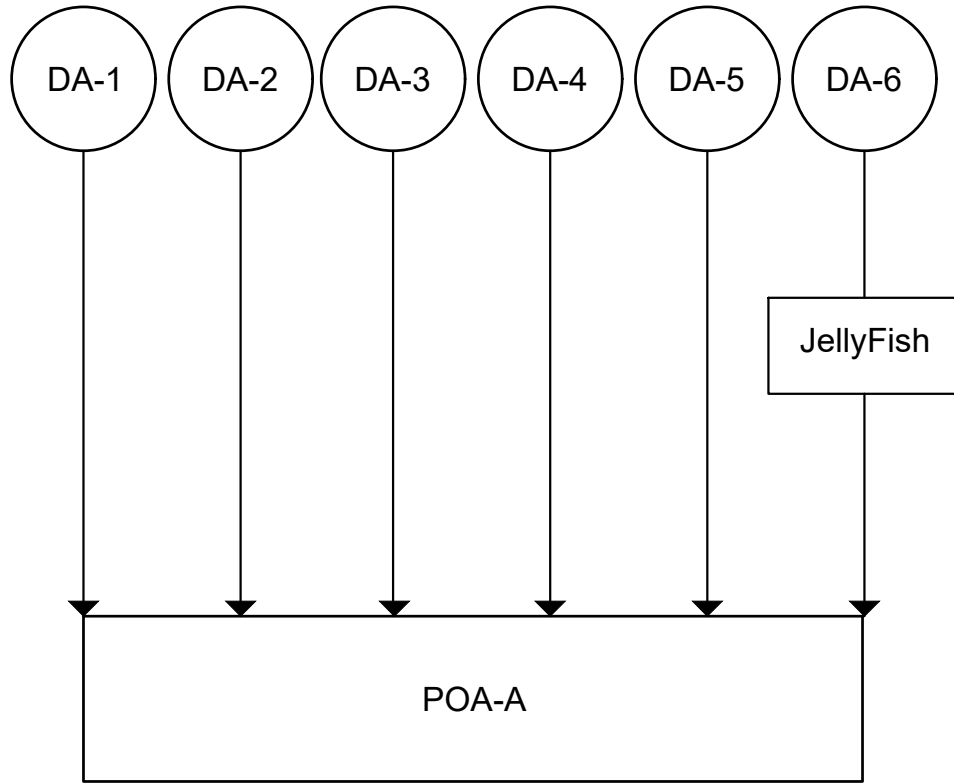
Plotted By: Toraldo Knight, Paula Date: June 13, 2022 05:51:03pm File Path: K:\Users\Paula\Documents\21-CP-016\21-CP-016.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



LEGEND

	AREA DESIGNATOR
	AREA IN ACRES
	Q100 FLOW IN CFS
	INLET NUMBER
	PROPERTY LINE
	PROPOSED STORM DRAIN LINE
	EXISTING STORM DRAIN LINE
	PROPOSED DRAINAGE DIVIDE
	PROPOSED STORM DRAIN INLET
	PROPOSED STORM DRAIN MANHOLE
	PROPOSED STORM DRAIN HEADWALL
	PROPOSED FLOW DIRECTION
	PROPOSED CONTOUR
	EXISTING CONTOUR

DETENTION NOTE:
1. BASED ON THE DRAINAGE PATTERNS BEING ADJUSTED ON THE NORTH SIDE OF HERITAGE GROVE ROAD AS PART OF THE 21-SD-024 NORTH 40 INDUSTRIAL PROJECT, A LARGE PORTION OF STORM DRAINAGE THAT PREVIOUSLY ROUTED UNDER HERITAGE GROVE ROAD AND INTO THIS PROJECT'S SUBJECT SITE HAS BEEN RE-ROUTED NORTH TO THAT SITE DEVELOPMENT PROJECT'S DETENTION AND WATER QUALITY POND. DUE TO THE DECREASE IN FLOW CREATED BY THIS RE-ROUTE, NO DETENTION WILL BE REQUIRED AS PART OF THE W. BROADE STREET OR JOAN LANE ROADWAY IMPROVEMENTS PROJECT. WATER QUALITY MEASURES WILL STILL BE PROVIDED IN ACCORDANCE WITH TCEQ GUIDELINES TO SUPPORT THE INCREASE IN IMPERVIOUS COVER. SHOULD THE <INSERT SDP> PROJECT TERMINATE FOR ANY REASON AND THE DRAINAGE PATTERN RETURN TO EXISTING CONDITION, THE ROADWAY PROJECT WILL EVALUATE THE ADJUSTMENT AND PROVIDE APPROPRIATE DETENTION MEASURES TO ATTENUATE FLOWS TO PRE-EXISTING CONDITIONS



BENCHMARKS

BM #101, X CUT INTO HEADWALL ON THE NORTHERN RIGHT OF WAY LINE OF HERITAGE GROVE ROAD IN FRONT OF A CALLED 44.385 ACRE TRACT

- ELEV.=1002.370' (NAVD '88)

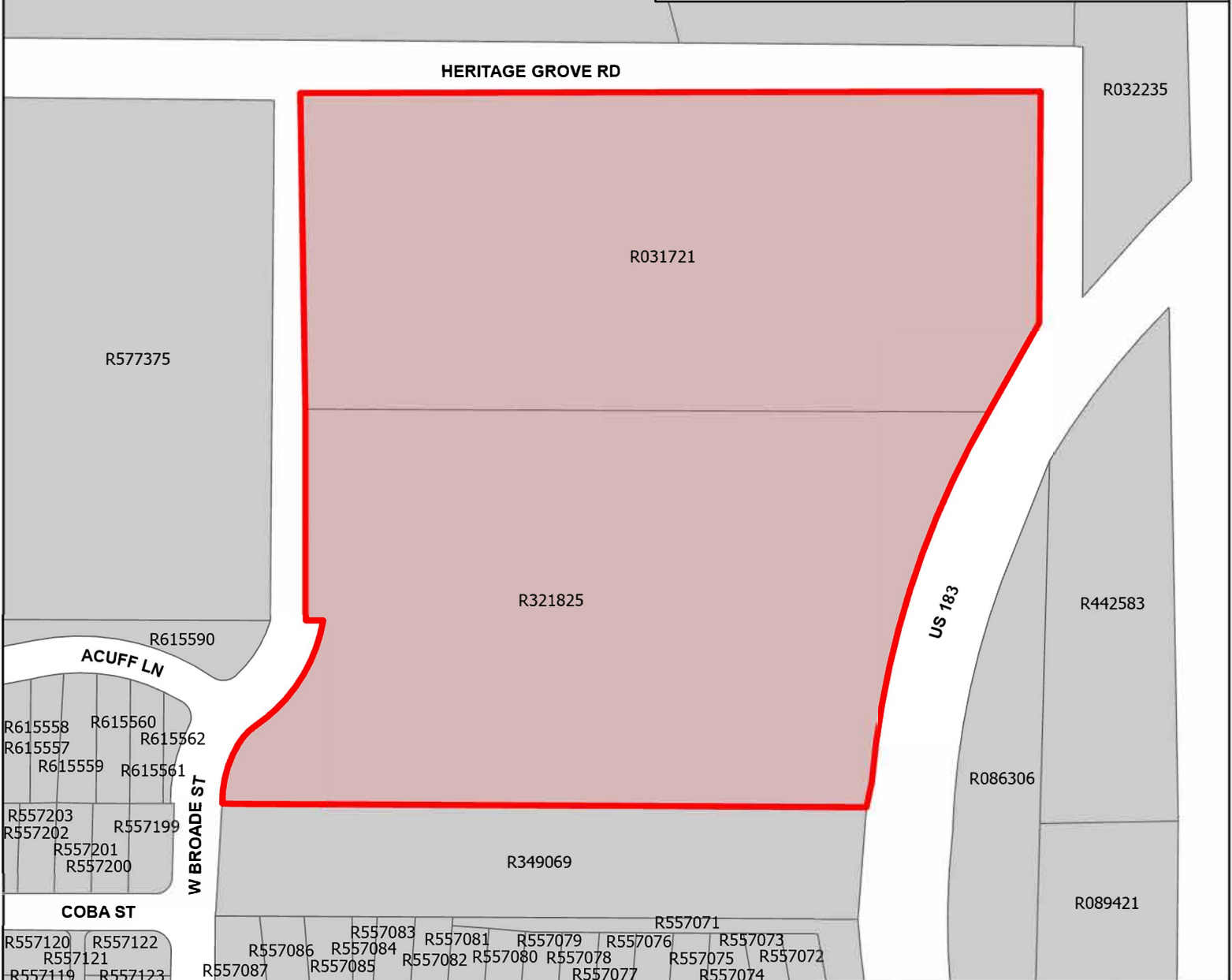
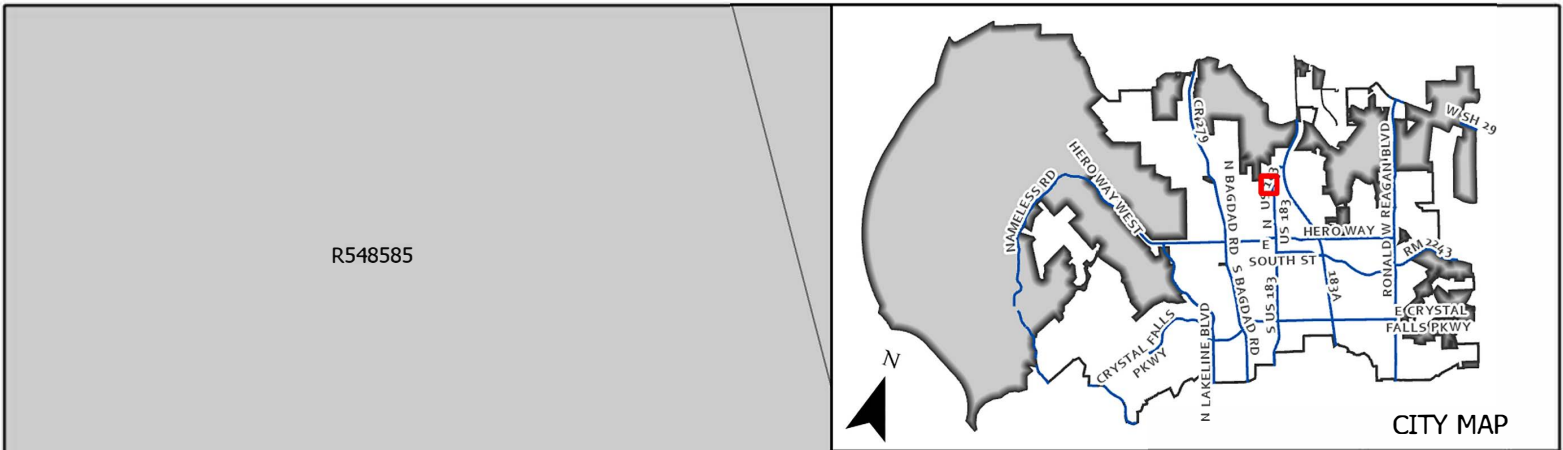
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KHA PROJECT 069225505		DATE JUNE 2022		SCALE: AS SHOWN		DESIGNED BY: PTK		DRAWN BY: ORB		CHECKED BY: CJP	
PROPOSED DRAINAGE AREA MAP											
SOUTH 40 MAJOR ROADWAYS CITY OF LEANDER WILLIAMSON COUNTY, TEXAS											
SHEET NUMBER 7 OF 7											

5301 SOUTHWEST PARKWAY, BLDG 2, SUITE 100
AUSTIN, TX 78735
PHONE: 512-646-1237 FAX: 512-612-418-1791
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TBPE Firm No. 928

REVISIONS		DATE	BY



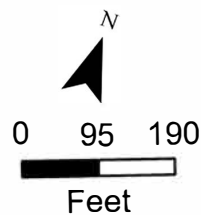
**CASE: 21-CP-016
& 21-PP-020**

ATTACHMENT 2

**SOUTH 40 MAJOR
ROADWAYS**

Location Map

This map has been produced by the City of Leander for informational purposes only. No warranty is made by the City regarding completeness or accuracy. This data should not be construed as a legal description or survey instrument. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.



- Subject Area
- Leander City Limits
- ETJ

DRAFT



MINUTES PLANNING & ZONING COMMISSION CITY OF LEANDER, TEXAS

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

July 28, 2022 at 7:00 PM



Place 1 – Donnie Mahan, *Vice Chair*
Place 2 – John Cosgrove, *Chair*
Place 3 – Ron May
Place 4 – Deirdre Moss

Place 5 – Gary Hampton, Jr.
Place 6 – Laura Lantrip
Place 7 – Rick Carpenter

The meeting will be live-streamed at the following link: <https://www.leandertx.gov/video>.

1. Call to Order at 7:00 p.m.
2. Roll Call.
All Commissioners were present except for Chair Cosgrove and Commissioner Carpenter.
3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the July 21, 2022, meeting
4. Review of meeting protocol.
5. Citizen Comments: Three (3) minutes allowed per speaker.
[Please turn in speaker request form before the meeting begins.]

CONSENT AGENDA: ACTION

6. Approval of Subdivision Case 21-SFP-015 regarding Valps Subdivision Short Form Final Plat on one parcel of land approximately 7.20 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District parcel R054292; generally located northwest of the intersection of Ronald Reagan Blvd. and FM 2243, Leander, Williamson County, Texas.

7. Re-approval of Subdivision Case 20-FP-021 regarding Lively Tract Ph 3 Final Plat on one parcel of land approximately 38.428 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R544675; generally located to the south of the intersection SH 29 and Lively Ranch Road and specifically to the south of River Place Ln and Deer Lake Lane, Leander, Williamson County, Texas.

8. Approval of Minutes.

Motion made by Commissioner May to approve the consent agenda items 6 through 8, seconded by Commissioner Hampton Jr.

4 - 0 Passed

PUBLIC HEARING: ACTION

9. Conduct a Public Hearing regarding Subdivision Case 21-CP-016 to adopt the South 40 Major Roadways Concept Plan and Subdivision Case 21-PP-020 to adopt the South 40 Major Roadways Preliminary Plat on two parcels of land approximately 20.20 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031721 and R321825; generally located west of the intersection of US 183 and Heritage Grove Road, Leander, Williamson County, Texas.

- Discuss and consider action regarding Subdivision Cases 21-CP-016 and 21-PP-020 as described above.

Brian Smith had concerns.

Motion made by Commissioner Gary Hampton, Jr., seconded by Commissioner Laura Lantrip to approve the concept Plan.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

5 - 0 Passed

10. Conduct a Public Hearing and consider action regarding Zoning Case 22-Z-020 to amend the Tylerville Tract PUD (Planned Unit Development) by adopting the Sodalís Minor PUD with the base zoning district of LC-2-A (Local Commercial) on one parcel of land approximately 4.995 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R539851; and generally located to the northwest of the intersection of W Broade St and W San Gabriel Pkwy, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 22-Z-020 as described above.

Frank Stiles spoke for the item but had concerns about the public outreach.

Motion made by Commissioner Ron May, seconded by Commissioner Deirdre Moss to postpone the zoning case until August 11, 2022 P & Z meeting so the HOA's can be notified.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

5 - 0 Passed

11. Conduct a Public Hearing regarding Subdivision Case 22-CP-004 to adopt the Gabriel's Horn Development Concept Plan on four parcels of land approximately 17.82 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R022218, R500872, R500871, and R473804; generally located at the north west corner of Ronald Reagan Blvd. and Gabriel's Horn Rd., Leander, Williamson County, Texas.
- Discuss and consider action regarding Subdivision Case 22-CP-004 as described above.

Bhavani Yella and David Johnson spoke for this item but had concerns.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Deirdre Moss to approve the concept plan.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

5 - 0 Passed

REGULAR AGENDA

12. Adjournment at 7:35 p.m.

APPROVED:

CHAIRMAN COSGROVE

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
08/04/2022

AGENDA SUBJECT:

Conduct a Public Hearing regarding Subdivision Case 22-CP-004 to adopt the Gabriel's Horn Development Concept Plan on four (4) parcels of land approximately 17.82 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R022218, R500872, R500871, and R473804; generally located at the northwest corner of Ronald Reagan Boulevard and Gabriel's Horn Road., Leander, Williamson County, Texas.

- Discuss and consider action regarding Subdivision Case 22-CP-004 as described above.

BACKGROUND:

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

HISTORY/TIMELINE:

06/02/2022 - Resolution approved setting the annexation schedule
07/07/2022 - City Council, 1st Public Hearing
07/21/2022 - Annexation completed for a portion of the property.
07/28/2022 - Planning & Zoning Commission, 1st Public Hearing

APPLICANT/AGENT:

Reagan Gabirels Real Estate LLC (Samis Maredi)

RECOMMENDATION:

The proposal includes two (2) commercial lots staff recommends approval of this request. The Planning & Zoning Commission recommendation will be available at the meeting.

PRESENTER:

Robin M. Griffin, AICP, Executive Director of Development Services

Attachments

1. Concept Plan
2. Location Exhibit
3. P&Z Draft Minutes

GABRIELS HORN DEVELOPMENT CONCEPT PLAN

CITY OF LEANDER
PROJECT NO. 22-CP-004

GABRIELS HORN DEVELOPMENT
CONCEPT PLAN
A&E1.0401

22-CP-004

OWNER/DEVELOPER: REAGAN GABRIELS REAL ESTATE LLC.
5522 JENOLAN RIDGE LANE
SUGAR LAND, TEXAS 77479
CONTACT PERSON: SAMIR MAREDA
PHONE: 822-713-4985

ENGINEER : LJA ENGINEERING, INC.
7500 RIALTO BOULEVARD, BUILDING II, SUITE 100
AUSTIN TEXAS 78735
CONTACT PERSON : CHARLES HAGER, P. E.
PHONE: (512) 439-4700
FAX: (512) 439-4716

SURVEYOR : BRYAN TECHNICAL SERVICES, INC.
911 N. MAIN
TAYLOR, TEXAS 76574
CONTACT PERSON: BRUCE L. BRYAN, R.P.L.S.
PHONE: (512) 352-9090

PROJECT AGENT : LJA ENGINEERING, INC.
7500 RIALTO BOULEVARD, BUILDING II, SUITE 100
AUSTIN TEXAS 78735
CONTACT PERSON : CHARLES HAGER, P. E.
PHONE: (512) 439-4700
FAX: (512) 439-4716

PROPERTY ZONING
R473804: GC-3-C (TRACT 1)
R500872: LC-2-A (TRACT 2)
R022218: LC-2-A (TRACT 2)
R500871: ETJ (ROW & DRAINAGE/OPEN SPACE LOT)

LAND USE SUMMARY				
TRACT No.	LAND USE	AREA	PERCENTAGE	LUE
1 (GC-3-C)	COMMERCIAL	9.539 AC	54%	83 LUEs
2 (LC-2-A)	COMMERCIAL	7.713 AC	44%	33 LUEs
DRAINAGE/OPEN SPACE	DRAINAGE/OPEN SPACE	0.118 AC	1%	N/A
ROW (GABRIELS HORN)	ROW	0.395 AC	2%	N/A
GROSS ACREAGE		17.82 AC	100%	116 LUEs

FUTURE LAND USE
MULTI-USE CORRIDOR-PRIORITY CORRIDOR

FLOODPLAIN INFORMATION
ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP FOR WILLIAMSON COUNTY, TEXAS, MAP NO. 48491C0435F, EFFECTIVE DATED 12/20/2019, NO PORTION OF THE PROJECT SITE IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN.

EDWARDS AQUIFER INFORMATION
THIS SITE IS LOCATED WITHIN THE EDWARDS AQUIFER CONTRIBUTING ZONE.

LEGAL DESCRIPTION
R022218 - AW0269 AW0269 - GARMES, H. SUR.,
ACRES 2.959

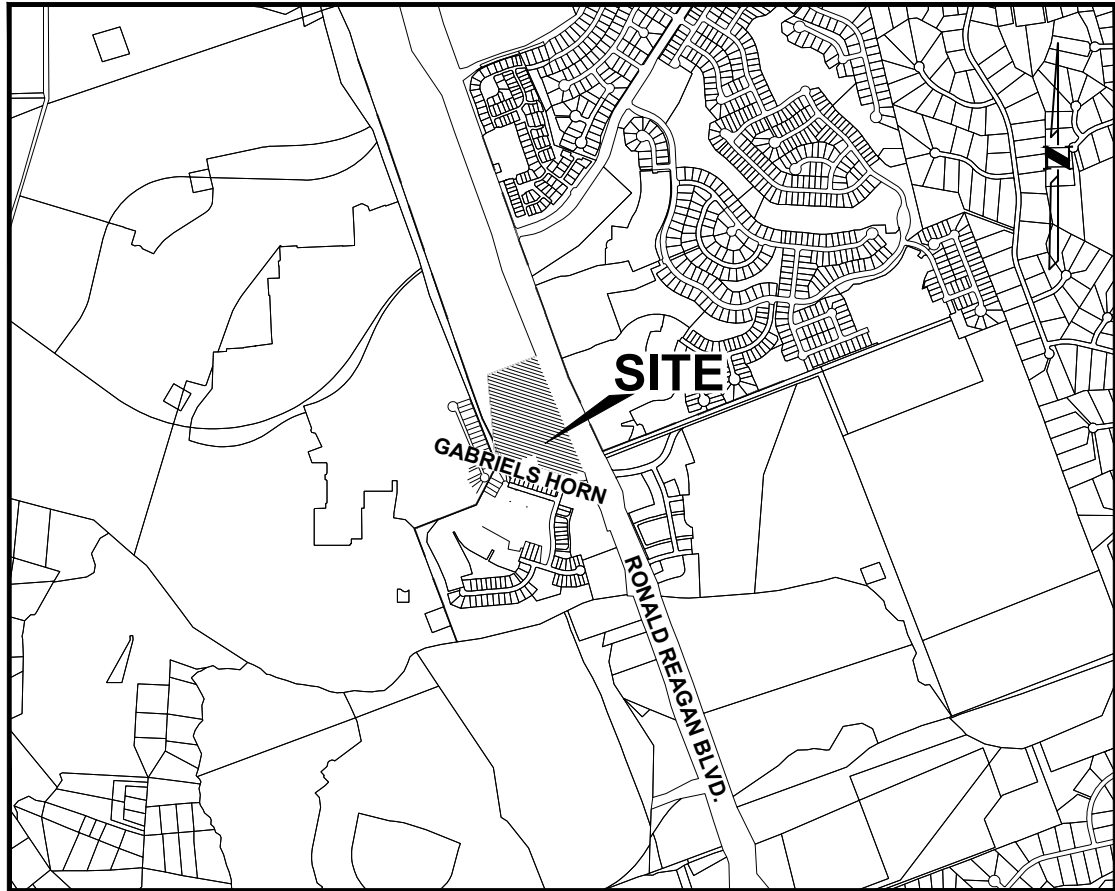
R500872 - AW0269 AW0269 - GARMES, H. SUR.,
ACRES 4.937

R500871 - AW0269 AW0269 - GARMES, H. SUR.,
ACRES 0.05

R473804 - AW0269 AW0269 - GARMES, H. SUR.,
ACRES 9.879

TRAFFIC IMPACT ANALYSIS NOTE
OWNER / DEVELOPER IS REQUIRED TO PAY A FEE-IN-LIEU OR PROVIDE TIA APPROVAL AT THE TIME OF SITE DEVELOPMENT AND/OR PLATTING PER LEANDER CODE OF ORDINANCES BASED ON TRIPS GENERATED BY PROPOSED LAND USES. A CONCEPTUAL SUMMARY OF THE FUTURE LAND USES AND TRIP GENERATION IS INCLUDED FOR REFERENCE BELOW (SUBJECT TO CHANGE WITH FINAL SITE DESIGN).

Trip Generation Summary							
No. of Lots	Zoning	Land Use	Bldg Area (SF) / Students	I.T.E. Code	Daily Volume	Peak Trips per Day (AM)	Peak Trips per Day (PM)
1	LC-2-A	Restaurant	8,000	931	720	36	66
1	LC-2-A	Car Wash	5,000	948	152	152	58
1	LC-2-A	Fast-Food	3,200	934	1,507	163	164
1	LC-2-A	C-Store	5,500	853	3,433	232	273
1	LC-2-A	Shopping	34,000	820	2,887	171	260
1	GC-3-C	Retail	24,725	814	1,569	112	183
1	GC-3-C	School K-12	150	536	372	133	144
1	GC-3-C	School K-8	100	534	411	103	61
Total			11,051		1,102	1,209	



VICINITY MAP
1" = 2,000'

FILING DATE: MARCH 15, 2022

UPDATE 1 DATE: MAY 10, 2022

UPDATE 2 DATE: JUNE 7, 2022

Sheet No.	Description	Sheet Title
01	CV01	COVER SHEET
02	CP01	CONCEPT PLAN

LOCATION OF EXISTING UNDERGROUND AND OVERHEAD UTILITIES ARE APPROXIMATE LOCATIONS ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES PRIOR TO BEGINNING WORK AND SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT OCCUR.

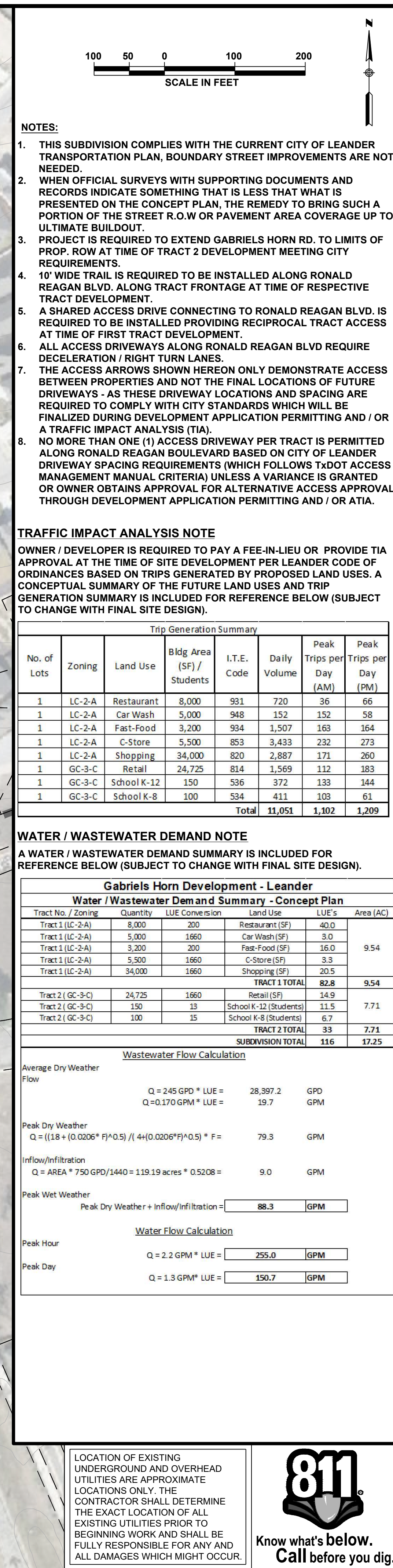


LJA Engineering, Inc.

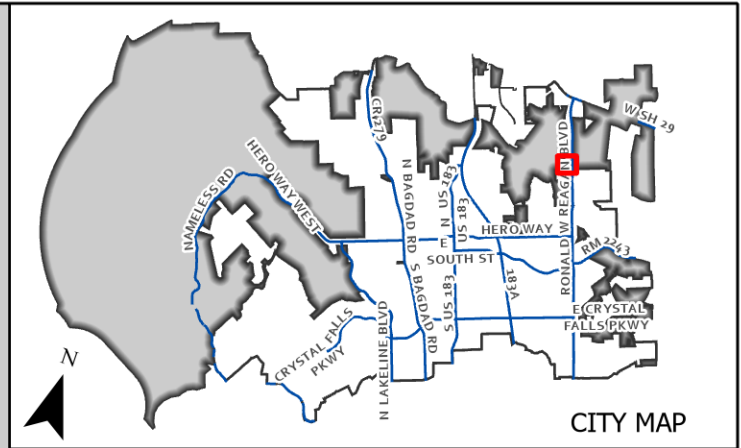
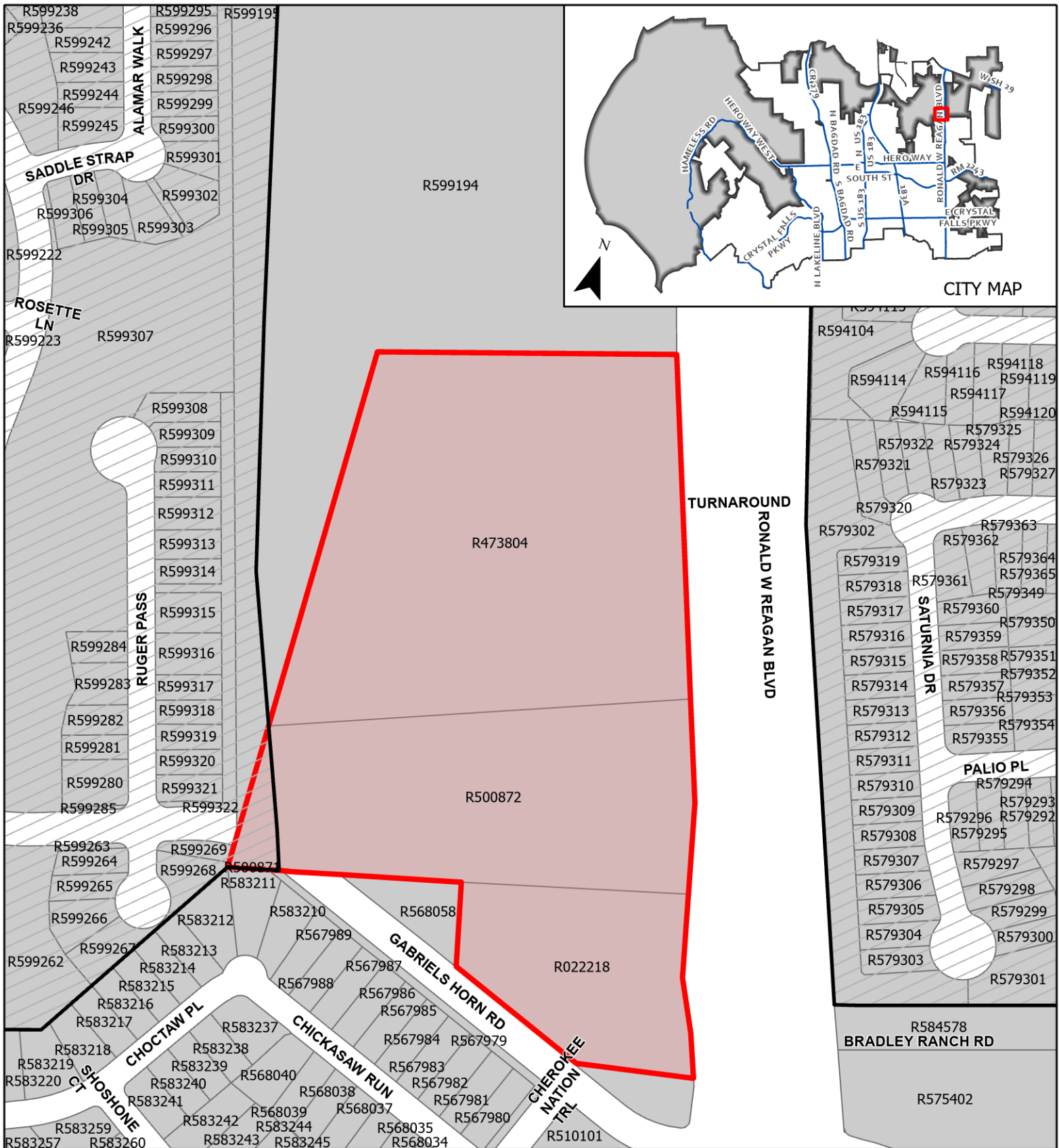
7500 Rialto Boulevard
Building II, Suite 100
Austin, Texas 78735



Phone 512.439.4700
Fax 512.439.4716
FRN - F-1386



LJA Engineering, Inc. 7500 Riata Boulevard Building II, Suite 100 Austin, Texas 78735 Phone 512.439.4700 Fax 512.439.4716 FRN-F-1386		NOT FOR CONSTRUCTION		DATE: 6/7/2022 DESIGNED BY: CRH DRAWN BY: DLB CHECKED BY: CRH DRAWING NAME: A441-5891-EP-CRPL	
JOB NUMBER: A641-0401		CP01		SHEET NO. 02	
OF 2		SHEETS			



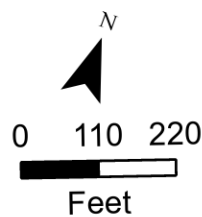
CASE: 22-CP-004

EXHIBIT A

GABRIELS HORN

Location Map

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- Subject Area
- Leander City Limits
- ETJ

DRAFT



MINUTES PLANNING & ZONING COMMISSION CITY OF LEANDER, TEXAS

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

July 28, 2022 at 7:00 PM



Place 1 – Donnie Mahan, *Vice Chair*
Place 2 – John Cosgrove, *Chair*
Place 3 – Ron May
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All Commissioners were present except for Chair Cosgrove and Commissioner Carpenter.
3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the July 21, 2022, meeting
4. Review of meeting protocol.
5. Citizen Comments: Three (3) minutes allowed per speaker.
[Please turn in speaker request form before the meeting begins.]

CONSENT AGENDA: ACTION

6. Approval of Subdivision Case 21-SFP-015 regarding Valps Subdivision Short Form Final Plat on one parcel of land approximately 7.20 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District parcel R054292; generally located northwest of the intersection of Ronald Reagan Blvd. and FM 2243, Leander, Williamson County, Texas.

7. Re-approval of Subdivision Case 20-FP-021 regarding Lively Tract Ph 3 Final Plat on one parcel of land approximately 38.428 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R544675; generally located to the south of the intersection SH 29 and Lively Ranch Road and specifically to the south of River Place Ln and Deer Lake Lane, Leander, Williamson County, Texas.

8. Approval of Minutes.

Motion made by Commissioner May to approve the consent agenda items 6 through 8, seconded by Commissioner Hampton Jr.

4 - 0 Passed

PUBLIC HEARING: ACTION

9. Conduct a Public Hearing regarding Subdivision Case 21-CP-016 to adopt the South 40 Major Roadways Concept Plan and Subdivision Case 21-PP-020 to adopt the South 40 Major Roadways Preliminary Plat on two parcels of land approximately 20.20 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031721 and R321825; generally located west of the intersection of US 183 and Heritage Grove Road, Leander, Williamson County, Texas.

- Discuss and consider action regarding Subdivision Cases 21-CP-016 and 21-PP-020 as described above.

Brian Smith had concerns.

Motion made by Commissioner Gary Hampton, Jr., seconded by Commissioner Laura Lantrip to approve the concept Plan.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

5 - 0 Passed

10. Conduct a Public Hearing and consider action regarding Zoning Case 22-Z-020 to amend the Tylerville Tract PUD (Planned Unit Development) by adopting the Sodalís Minor PUD with the base zoning district of LC-2-A (Local Commercial) on one parcel of land approximately 4.995 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R539851; and generally located to the northwest of the intersection of W Broade St and W San Gabriel Pkwy, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 22-Z-020 as described above.

Frank Stiles spoke for the item but had concerns about the public outreach.

Motion made by Commissioner Ron May, seconded by Commissioner Deirdre Moss to postpone the zoning case until August 11, 2022 P & Z meeting so the HOA's can be notified.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

5 - 0 Passed

11. Conduct a Public Hearing regarding Subdivision Case 22-CP-004 to adopt the Gabriel's Horn Development Concept Plan on four parcels of land approximately 17.82 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R022218, R500872, R500871, and R473804; generally located at the north west corner of Ronald Reagan Blvd. and Gabriel's Horn Rd., Leander, Williamson County, Texas.
- Discuss and consider action regarding Subdivision Case 22-CP-004 as described above.

Bhavani Yella and David Johnson spoke for this item but had concerns.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Deirdre Moss to approve the concept plan.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

5 - 0 Passed

REGULAR AGENDA

12. Adjournment at 7:35 p.m.

APPROVED:

CHAIRMAN COSGROVE

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
08/04/2022

AGENDA SUBJECT:

Conduct a Public Hearing regarding Comprehensive Plan Case 21-CPA-009 to amend the Comprehensive Plan land use category from Multi-Use Corridor to Neighborhood Residential and to amend Transportation Master Plan to change the classification of Live Oak Road to a local street and consider action regarding Zoning Case 21-Z-030 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to SFR-2-B (Single-Family Rural) and LO-2-B (Local Office) on nine (9) parcels of land approximately 308.288 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R356046, R473837, R022920-R022923, R473838, R473839, and R022941; and generally located to the west of the intersection of Oak Creek Road and N. Bagdad Road, Leander, Williamson County, Texas.

- Discuss and consider action regarding Comprehensive Plan Case 21-CPA-009 as described above.
- Discuss and consider action regarding Zoning Case 21-Z-030 as described above.

BACKGROUND:

This request is the second step in the zoning process and comprehensive plan amendment process.

HISTORY/TIMELINE:

07/07/2022 - Public Hearing & 1st Reading of the Ordinance for Annexation

07/14/2022 - Planning & Zoning Commission, 1st Public Hearing

APPLICANT/AGENT:

BGE, Inc (John Kim) on behalf of Forestar (USA) Real Estate Group, Inc (Jeff Scott)

RECOMMENDATION:

The Planning & Zoning Commission approved the request during the July 14, 2022 meeting with a 3 to 1 vote (Commissioner May opposing).

PRESENTER:

Robin M. Griffin, AICP, Executive Director of Development Services

Attachments

1. Planning Analysis
2. Current Zoning
3. Future Land Use Map
4. Public Notification
5. Proposed Zoning
6. Aerial
7. Proposed Future Land Use Map
8. Letter of Intent
9. Neighborhood Outreach
10. Transportation Plan Ordinance

11. FLU Ordinance
12. Zoning Ordinance
13. P&Z Minutes



PLANNING ANALYSIS

COMPREHENSIVE PLAN AMENDMENT CASE 21-CPA-009 AND ZONING CASE 21-Z-030 SULLIVAN TRACT

GENERAL INFORMATION

Owner/Agent:	BGE, Inc (John Kim) on behalf of Forestar (USA) Real Estate Group, Inc (Jeff Scott).
Current Zoning:	Interim SFR-1-B (Single-Family Rural) ETJ (Extra Territorial Jurisdiction)
Proposed Zoning:	SFR-2-B (Single-Family Rural) LO-2-B (Local Office)
Current Future Land Use Category:	Multi-Use Corridor
Proposed Future Land Use Category:	Neighborhood Residential
Size and Location:	The property is located generally located to the west of the intersection of Oak Creek Road and N Bagdad Road, including approximately 308.288 acres.
Staff Contact:	Michael Chenausky AICP, Planner

APPLICANT REQUEST

The applicant has submitted a request to amend the Comprehensive Plan Future Land Use Map to change the designated land use from Multi-Use Corridor to Neighborhood Residential. This request would only affect the northern portion of the subject area that fronts Bagdad Rd., to allow for a majority of the subdivision to be developed as Single-Family Rural. A portion of the area fronting on Bagdad Rd. is proposed to remain in the Multi-Use Corridor.

This Comprehensive Plan Amendment also includes a request to amend the Transportation Master Plan to reclassify Live Oak Rd. from a Residential Collector class roadway to a Residential Street.

The zoning change request includes proposing to change the designated zoning district of their property in order to develop a residential subdivision with local office along Bagdad Rd.

STAFF CONCLUSIONS

Y N

- ☒ ☐ Does the proposal comply with the intent statements of the Composite Zoning Ordinance? *see page 3*
- ☐ ☒ Does the proposal comply with the goal statements of the Comprehensive Plan? *see page 4*
- ☒ ☐ Does the proposal warrant any other special considerations? *see below*

SPECIAL CONSIDERATIONS

The applicant is proposing approximately 293 acres of residential and 14 acres of local office. The current Future Land Use Map designates the area along Bagdad Rd. as Multi-Use Corridor which limits the residential to 40% of the subject area within the Multi-Use Corridor. Residential within the Multi-Use Corridor should be secondary to commercial but typically will be medium-density attached residential (attached single-family, cottage housing, townhouses), the Single-Family Rural zoning is not a permitted land use type in the Multi-Use Corridor.

The applicants requested Future Land use change from Multi-Use Corridor to Neighborhood Residential will allow the zoning request to be compliant with the Future Land Use map.

The applicant has worked with staff to change the project from a high density residential development to a lower density project. The original proposal included 1,108 units ranging from single-family townhouses to single-family estate. The new proposal includes zoning that allows for acreage lots.

SITE INFORMATION:**ABUTTING ZONING AND LAND USE:**

	ZONING	LAND USE
NORTH	ETJ	Undeveloped or large lot residential
EAST	SFR-2-B, ETJ	Whitt Ranch subdivision
SOUTH	SFR-2-A	Greatwood subdivision
WEST	Interim SFR-1-B	Undeveloped or large lot residential and Leander Estates

SURROUNDING AREA:

This property is located north on N. Bagdad Rd. of and south of CR 281.

PHYSICAL AND NATURAL FEATURES:

This property contains significant tree cover which will be subject to the Leander Tree preservation requirements.

PROPERTY HISTORY:

This property includes a request for annexation the City of Leander.

PREVIOUS ZONING CASES:

The following zone cases were previously submitted for this property:

- No previous zoning cases.

MAJOR CORRIDORS:

This property has access onto N. Bagdad Rd., Live Oak Rd., and the future extension of Lakeline Blvd.

TRANSPORTATION PLAN REQUIREMENTS:

Bagdad Rd. is a major arterial road which falls under the Multi-Use Corridor classification on the Future Land Use map.

The table below includes the proposed streets within the development. These streets have not been reviewed and are subject to change during the review process.

STREET	CLASSIFICATION	LAND USE CONTEXT	DESIGN ELEMENTS
Bagdad Rd.	Arterial	Commercial corridor	126' ROW 6 Lane 10' Sidewalk
Lakeline Blvd	Arterial	Residential corridor	100' ROW 4 Lane 10' Sidewalk

The Comprehensive Plan Amendment includes reclassifying Live Oak Rd from a Residential Collector to a Residential Street classification (figure 1). This change will reduce the size of the roadway as well as allow for homes to front onto Live Oak Road.

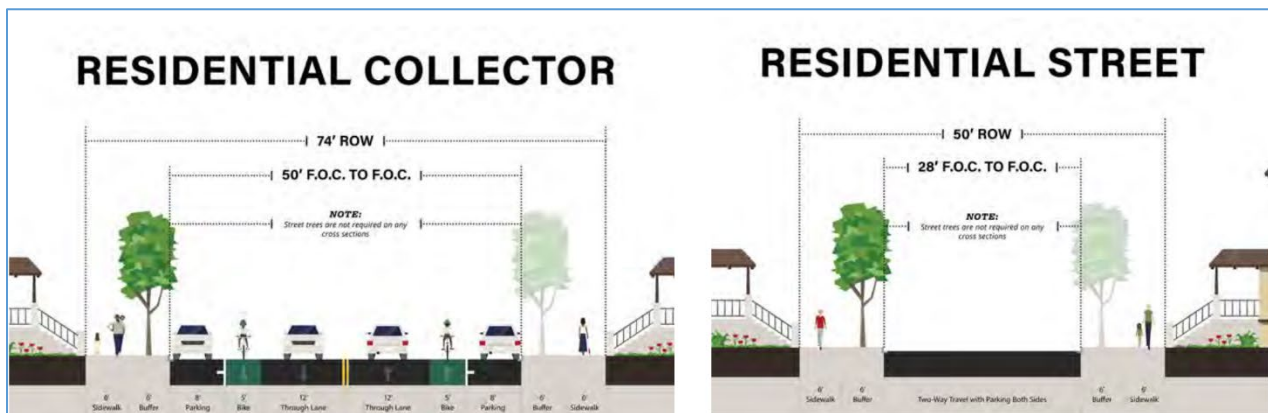


Figure 1 Residential Collector and Residential Street Profile

SUBDIVISIONS:

The following subdivision cases were previously submitted for this property:

- No previous subdivision cases.

EXISTING UTILITIES:

This property has access to water (figure 2), and will need to extend utilities through the property. Wastewater is not available to the property.

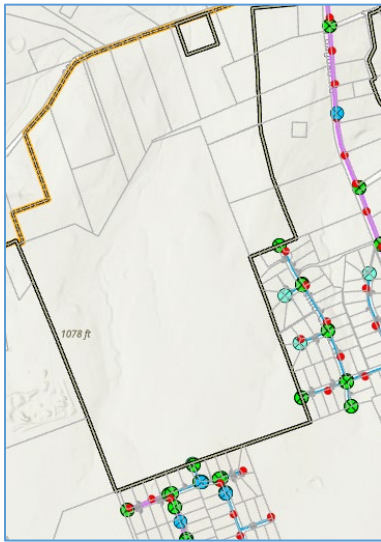


Figure 2 Waterline

CURRENT LAND USES:

This property is currently undeveloped.

PROPOSED ZONING DISTRICT:
USE COMPONENT**SFR – SINGLE-FAMILY RURAL:**

Features: 1 acre lot min.; 1,600 square foot living area min.

Intent: Development of single-family detached dwellings on lots one acre or larger in size and for other uses that are compatible and complimentary to large lot and very low density residential development. The purpose of this component is to provide regulations to preserve rural character and maintain and protect the City's single-family residences and neighborhoods in an area with larger lot sizes. This component is also intended to preserve the larger tracts of land for future economic development in accordance with the Comprehensive Plan, while permitting rural/agricultural uses on the land to continue.

LO – LOCAL OFFICE:

Features: Office, assisted living, day care. Hours of operation: 7:00 a.m. to 10:00 Sun.-Thurs., 7:00 a.m. to 11:00 p.m. Fri. and Sat.

Intent: Development of small scale, limited impact office uses or similar uses which may be located adjacent to residential neighborhoods. Access should be provided by a collector or higher classification street. This component is intended to help provide for land use transitions from local or general commercial or from arterial streets to residential development.

SITE COMPONENT**TYPE 2:**

Features: Accessory buildings greater of 10% of primary building or 120 sq. ft.; accessory dwellings for SFR, SFE and SFS; drive-thru service lanes; uses not to exceed 40,000 sq. ft.; multi-family provides at least 100% of units with an enclosed garage parking space.

Intent:

- (1) The Type 2 site component may be utilized with non-residential developments that are adjacent to a residential district or other more restrictive district to help reduce potential negative impacts to the more restrictive district and to provide for an orderly transition of development intensity.
- (2) The Type 2 site component is intended to be utilized for residential development not meeting the intent of a Type 1 site component and not requiring the additional accessory structure or accessory dwelling privileges of the Type 3 site component.
- (3) This component is intended to be utilized with the majority of LO and LC use components except those that meet the intent of the Type 1 or Type 3 site component or with any use requiring drive-through service lanes.
- (4) This component is intended to be utilized with LO, LC, GC, HC, and HI use components when adjacent to residential districts and additional compatibility standards are warranted.
- (5) This component is generally not intended to be utilized with HC and HI use components except where such component is adjacent to, and not adequately buffered from, residential districts or other more restricted districts, and except as requested by the land owner.
- (6) Compliance with Type 1 standards shall also be deemed as compliance with this component.

ARCHITECTURAL COMPONENT**TYPE B:**

Features: 4 or more architectural features.

Intent:

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

COMPREHENSIVE PLAN:**Applicable Comprehensive Plan goal statements**

- Guide future growth and development following the comprehensive plan to achieve a more balanced, diverse economy.
- Consider the impacts of economic development in all aspects of City decision-making and operations.

Applicable Future Land Use categories**NEIGHBORHOOD RESIDENTIAL**

- The Neighborhood Residential land use category is intended to be developed primarily as new single-family detached residential subdivisions with associated amenities, such as parks, trails, open space areas, and elementary schools. These areas are intended to have a mix of suburban and auto-oriented development character which are primarily found in the form of detached residential lots.

Architectural styles, building height and massing are relatively uniform in this type of land use. Most streets are considered to be local and low-volume with curb and gutter, sidewalks, consistent speeds and highly accessible driveways. Strategically located parks are essential and in some cases a school or other institutional use are integrated or in close proximity.

Some neighborhood-serving retail and office uses are permitted in these areas with highly-restrictive use, site and design requirements. These type of uses are residential in scale and architectural design and are walkable in nature, though auto-serving. These uses are not shown on the Future Land Use Map as commercial and are supported when integrated into a development with appropriate site and zoning compatibility considerations.

INTERGOVERNMENTAL/INTERDEPARTMENTAL REVIEW:

This proposal was reviewed by all applicable departments within the City of Leander. All plats submitted will be reviewed by Williamson County along with City Staff.

SCHEDULE:**DEVELOPMENT MEETING**

A development meeting was held with Staff on 04/05/2021. The following changes were made to the project since the development meeting was held:

- During the development meeting the original proposal was for multiple residential lot sizes, and no commercial. The current proposal includes

The following ordinance changes occurred following the development meeting which may have impacted this project.

- No changes.

NOTIFICATION

06/23/2022 - Public Notice on Hill Country News
 06/29/2022 - Mail Notification to Property Owners within 200'
 06/29/2022 - Public Hearing Signage Posted on Property
 07/14/2022 - Planning and Zoning Commission Public Hearing
 08/04/2022 - City Council Public Hearing & First Reading of the Ordinance
 08/18/2022 - City Council Second & Final Reading of the Ordinance

PUBLIC NOTIFICATION:

In addition to the notice mailed on behalf of the City to all property owners within 200', the agent reached out to all property owners of property zoned as single-family or any properties used as single-family uses within 500' as per Article X, Section 3 (d) of the Composite Zoning Ordinance. Any Homeowner's Association located within 500' were also contacted.

A neighborhood meeting was held at 04/21/2022 at the Mason Homestead. See attachment 9 for more detail.

- Some of the concerns raised by the adjacent property owners discussed traffic, fencing, water pressure.

The following changes were made to address issues discussed.

- Developer is proposing a phased density plan with larger acre minimums along the boundary of the subdivision.

Please see the full report from the applicant attached.

APPROVAL CRITERIA:

The Comprehensive Plan Amendment to the Future Land Use Map is required to be approved before the Zoning request may be approved. If the amendment is not approved, then the applicant will need to update the Zoning change request to comply with the Future Land Use Map.

The Comprehensive Plan Amendment includes reclassifying Live Oak Rd from a Residential Collector to a Residential Street classification. This change will reduce the size of the roadway as well as allow for homes to front onto Live Oak Road. The Composite Zoning Ordinance prohibits residential lots fronting on to collector class roadways.

The adjacent subdivision (Leander Estates) recently had an approved amendment to the Comprehensive Plan Transportation Master Plan regarding reclassification of Live Oak Rd. from a Residential Collector to Residential Street. Staff agrees that the proposed reclassification is appropriate considering the current property lines, existing ROW alignments, and the proposed land uses in the area. The Residential Street will allow more flexibility in alignment and would be compatible with the existing nature of Live Oak Rd.

The proposed subdivision zoning is similar to the surrounding subdivisions. If the Comprehensive Plan Amendment is approved, the proposed land use type would be compatible with both the existing land uses and the Future Land Use Map. The applicant is also proposing 14 acres of Local Office which is compliant with the current Future Land Use Map. The Local Office use component is intended to help provide for land use transitions from commercial or from arterial streets to residential development. Local Office allows for the development of small scale, limited impact office uses or similar uses which may be located adjacent to residential neighborhoods.



CASE: 21-Z-030
& 21-CPA-009

ATTACHMENT 2

SULLIVAN ZONING & COMPREHENSIVE PLAN AMENDMENT

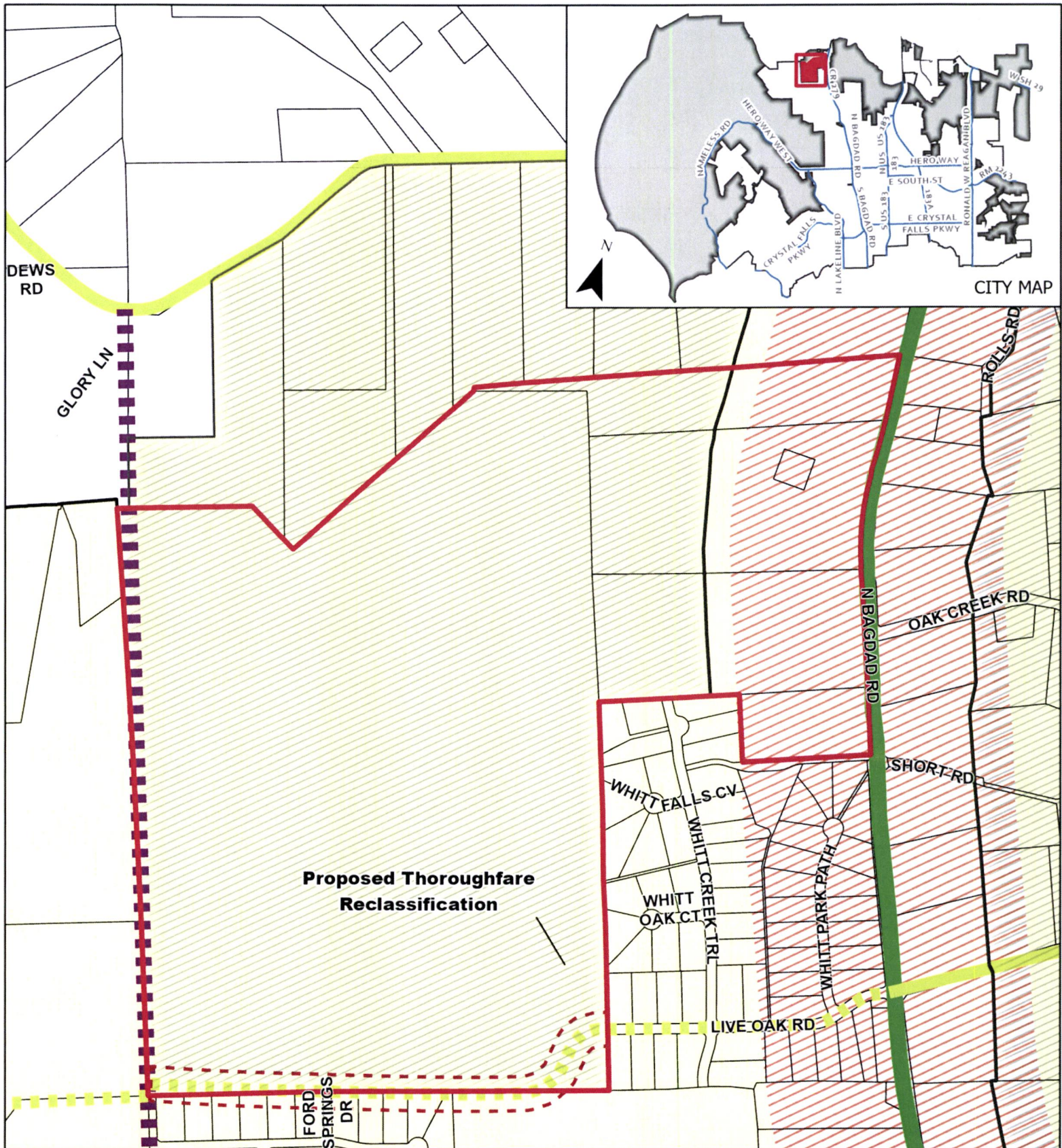
Current Zoning

- Leander City Limits
- ETJ
- Subject Area

- SFR - Single-Family Rural
- SFS - Single-Family Suburban

This map has been produced by the City of Leander for informational purposes only. No warranty is made by the City regarding completeness or accuracy. This data should not be construed as a legal description or survey instrument. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

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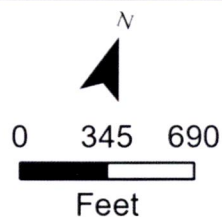
CASE: 21-Z-030
& 21-CPA-009

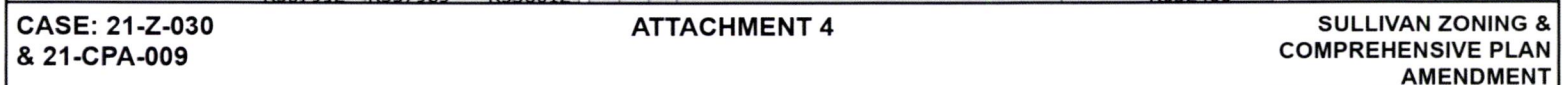
ATTACHMENT #3

SULLIVAN ZONING &
COMPREHENSIVE PLAN
AMENDMENT

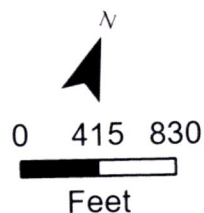
Future Land Use Map

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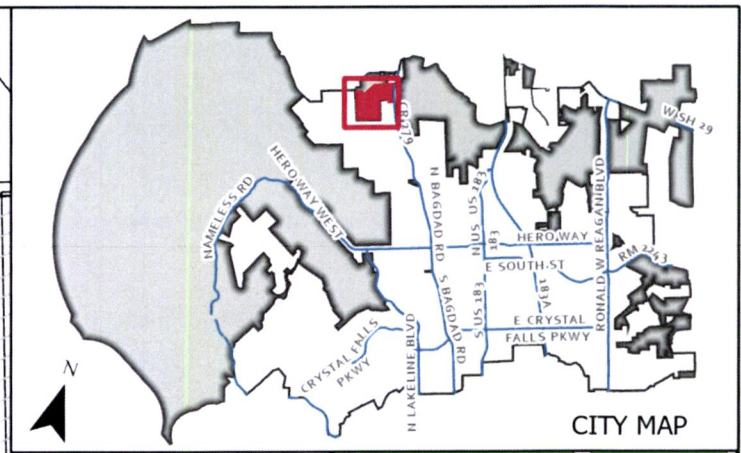
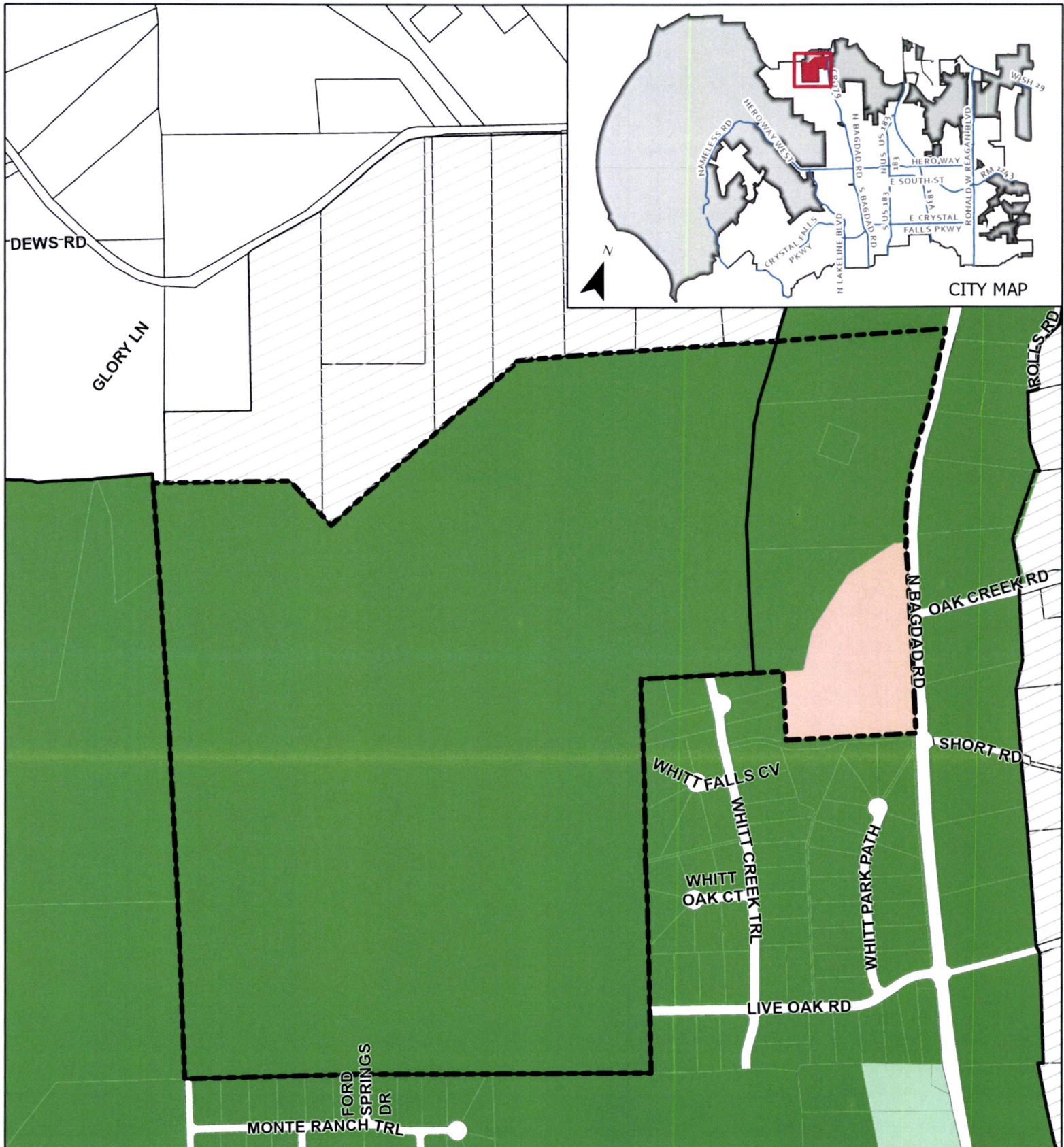




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-  Subject Area
 200' Buffer
 500' Buffer
 Leander City Limits
 ETJ



CASE: 21-Z-030
& 21-CPA-009

ATTACHMENT 5

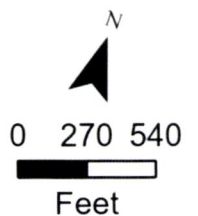
SULLIVAN ZONING &
COMPREHENSIVE PLAN
AMENDMENT

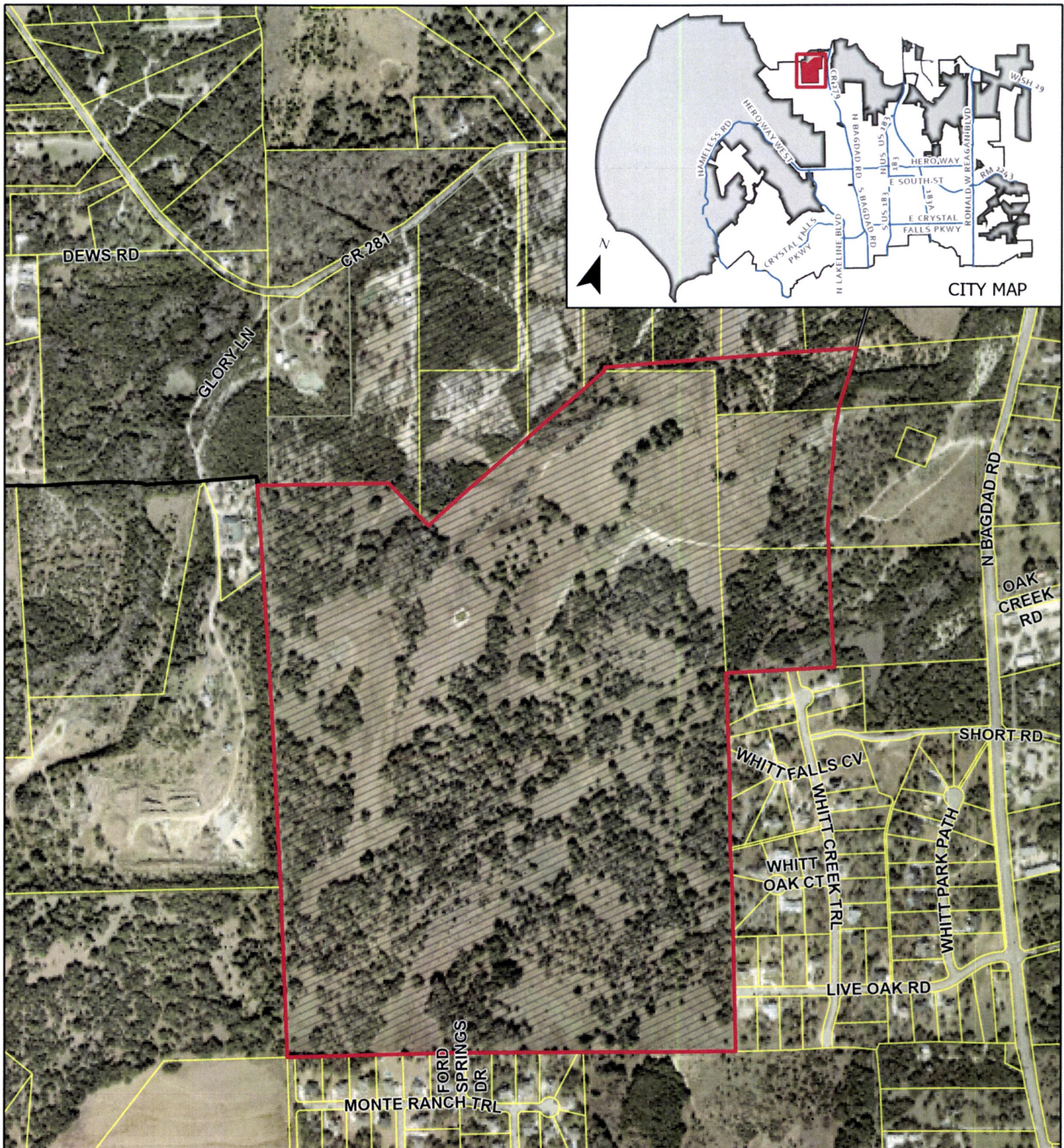
Proposed Zoning

-  Leander City Limits
-  Subject Area
-  SFR - Single-Family Rural

-  SFS - Single-Family Suburban
-  LO - Local Office
-  ETJ

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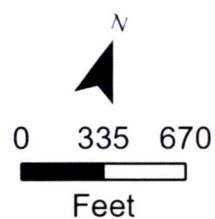
CASE: 21-Z-030
& 21-CPA-009

ATTACHMENT #6

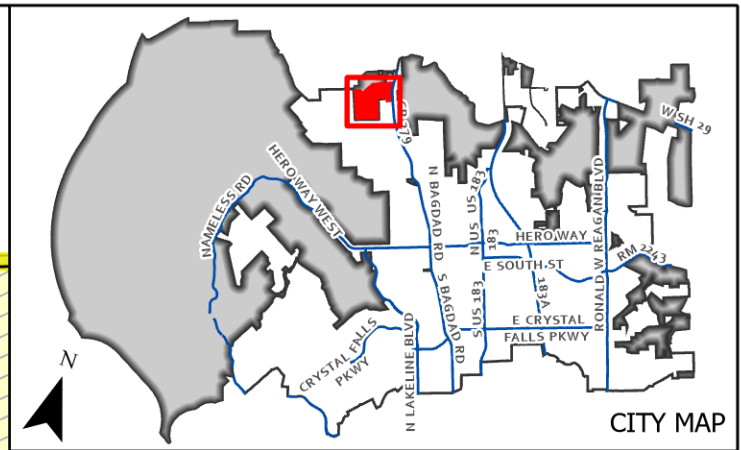
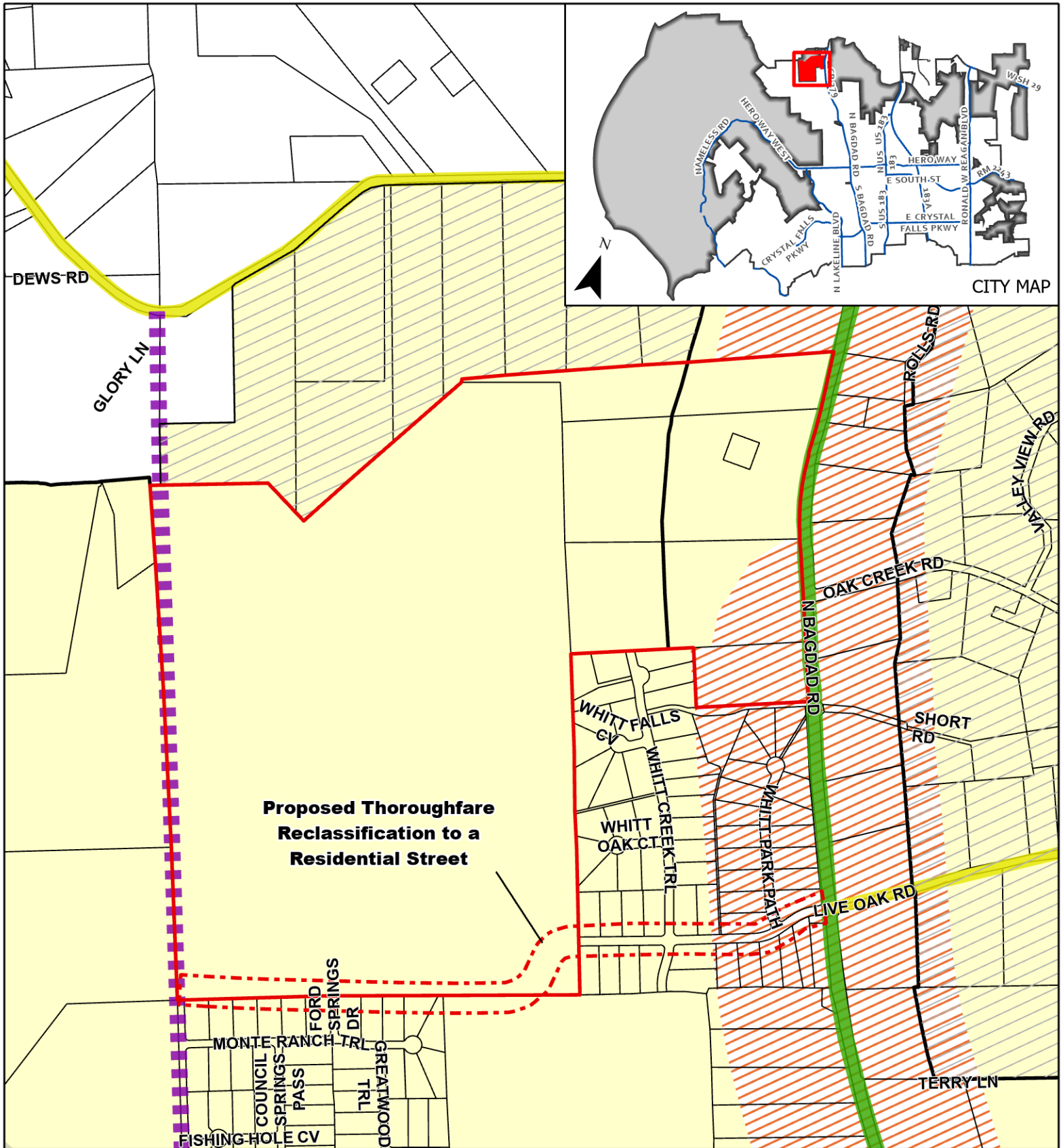
SULLIVAN ZONING &
COMPREHENSIVE PLAN
AMENDMENT

Aerial Map

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- Leander City Limits
- Leander ETJ
- Subject Area



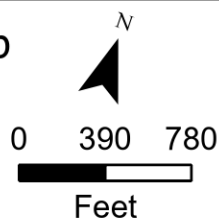
CASE: 21-Z-030
& 21-CPA-009

ATTACHMENT 7

**SULLIVAN ZONING &
COMPREHENSIVE PLAN
AMENDMENT**

Proposed Future Land Use Map

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- | | |
|---------------------------|---------------------------|
| Leander City Limits | Arterial 4 Lane, Proposed |
| Proposed ETJ | Future Land Use |
| Proposed Reclassification | Multi-Use Corridor |
| Subject Area | Neighborhood Residential |
| Arterial 6 Lane, Existing | Rural |
| Collector, Existing | |



June 3, 2022

Robin Griffin, AICP
City of Leander
201 N. Brushy Street
Leander, Texas 78641

RE: Sullivan Tract Comprehensive Plan Amendment Application

Dear Ms. Griffin:

As representatives of the owner of the Property, we respectfully submit an update to the Comprehensive Plan Amendment application submitted with zoning case 21-Z-030 for review. The project is titled "Sullivan Tract" and consists of approximately 308-acres partially within Leander City Limits (Single Family Rural zoning for eastern portion) and partially within the Leander ETJ/Future Annexation area per Development Agreement in Williamson County, Texas. The site is located west of Bagdad Road and south of FM 281. Adjacent zoning and developments consist of City of Leander ETJ to the north, Single Family Rural (SFR) zoning to the east, west and south. This application will include two amendment requests: one to the Future Land Use Plan and one for the Transportation Master Plan.

The first request is to amend the Future Land Use Plan to remove the Multi-Use Corridor designation along the frontage of Bagdad Road at the northwest corner of the project. Currently, the Future Land Use Plan designates this portion of the property as part of the Multi-Use Corridor, which only allows for dense single-family uses. Single-Family Rural and Local Office uses are proposed within this area, and removal of the corridor will be required to allow for these uses.

The second request is to amend the Transportation Master Plan to reclassify Live Oak Road from a Collector to a Residential street. A connection will be made to direct traffic from an existing residential neighborhood through our site from Live Oak Road. As we are proposing residential homes along this roadway, reclassification to a Residential street is being requested.

Please accept this as our Letter of Intent and let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Kim", written in a cursive style.

John Kim, PE
BGE, Inc.

APPLICANT'S SUMMARY OF NEIGHBORHOOD COMMUNICATIONS

1. How and when were the surrounding neighborhood and residential property owners within 500' notified, how was information shared, and who was directly involved in the communication process? Please provide the address of the properties notified and the name and contact information of the residents directly involved in the communication process. Attach any materials that were distributed.

Residents within 500' were noticed via certified mail on April 13th, 2021 and invited to a town hall at Mason Homestead on April 21st, 2021. The names and addresses of those residents can be found on the attached exhibit. A copy of the Concept Plan was included in the mailer and presented at the town hall meeting.

2. Who was notified (i.e. property owners, HOA, etc)? The HOA and/or a representative if there is no organized HOA must be contacted, if applicable. Provide a separate sheet listing the contact information used including the names and addresses of the individuals.

Both residents and the neighboring HOA's for Whitt Ranch and Greatwood Estates were notified.

Robert Dean, PAMCO, Community Manager for Greatwood Estates, Robert@pamcotx.com, 512-918-8100

Whitt Ranch was contacted using WhittRanchAssociation@gmail.com

Board Members Debbie Almond, Nicole Johnston, and Alicia Esposito were also notified and have been active in communication with Forestar

3. What concerns were raised during these communications?

Residents shared concerns regarding traffic, product type, fencing, and water pressure. Apparently their existing communities do not have sufficient water pressure. They expressed a desire for natural gas to be brought to the region as well as a school site for Leander ISD.

4. What specific conditions were added to or modified within the zoning request in response to the concerns raised at the meeting?

Out of concern for the existing developments next door, we are proposing a phased density plan with large acre minimums on the boundary to be conducive with the estate lots next door.

The above information is deemed to be true to the best of my knowledge.

Signature: Elliot Condos Date 8/12/2021

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE THOROUGHFARE MAP; PROVIDING AN OPEN MEETINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, it is necessary and reasonable for the City of Leander, Texas, a Texas home-rule municipality, (herein the “City”) to update its Transportation Plan for the City, which facilitates the adequate provision of transportation, to lessen congestion in the streets, secure its citizens and visitors from fire, panic and other dangers, and promote the general health and welfare;

WHEREAS, the City in anticipation of growth and expansion desires to plan for the orderly and efficient growth of the City;

WHEREAS, after review, inquiry and the opportunity for citizen participation at public hearings and an opportunity for the Planning and Zoning Commission to review and provide a recommendation on the proposed amendments to the Transportation Plan, the City Council has found the adoption of the Transportation Plan hereinafter set forth and listed in this Ordinance is reasonable and necessary for the public health, safety, morals and welfare.

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. Transportation Plan Updated. The City Council hereby updates the Transportation Plan of the City of Leander (the “Plan”) which includes the Thoroughfare Map (the “Map”) that is spread upon the minutes of this meeting and as shown in the attached Exhibit A. The Plan and Map shall be kept in the office of the Planning Department Secretary and shall be available for public inspection during normal office hours.

SECTION 3. Conflict with Austin Transportation Criteria Manual. In the event of a conflict between the Austin Transportation Criteria Manual adopted by the City and the Plan or the Maps, the Plan and/or the Maps shall control.

SECTION 4. Amendment of Conflicting Ordinances. The City of Leander Transportation Plan and Thoroughfare Map previously adopted by Ordinance No. 22-065-00 are hereby amended to read as set forth in the Transportation Plan and Thoroughfare Map spread upon the minutes of this meeting. The City of Leander Comprehensive Plan, all ordinances and parts of ordinances, and all resolutions and parts of resolutions in conflict with this Ordinance are amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code, ordinance, or plan of the City, the terms and provisions of this Ordinance shall govern.

SECTION 5. Savings. 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 Transportation Plan or the Thoroughfare Map 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 6. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below.

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

PASSED AND APPROVED on this the 4th day of August, 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE MAP FROM MULTI USE CORRIDOR TO NEIGHBORHOOD RESIDENTIAL FOR THE PROPERTY GENERALLY LOCATED TO THE WEST OF THE INTERSECTION OF OAK CREEK ROAD AND N BAGDAD ROAD; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, it is necessary and reasonable for the public health, safety, morals, and welfare of the City of Leander, Texas, a Texas home rule municipality, (herein the “City”) to provide for and maintain a comprehensive plan for the City in accordance with the City Charter and Chapters 211 and 213 of the Texas Local Government Code;

WHEREAS, the City Council adopted the Future Land Use Plan set forth in the Comprehensive Plan by Ordinance No. 22-058-00;

WHEREAS, the City Council finds that the adoption of the amendments to the Future Land Use Plan herein promote the public health, safety, morals, and welfare and provide for the orderly development of the City; and

WHEREAS, after review, inquiry and the opportunity for citizen participation at one or more public hearings and review and recommendation by the Planning and Zoning Commission, the City Council approves the amendments to the Comprehensive Plan hereinafter set forth;

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

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

SECTION 2. Amendment of the Comprehensive Plan. The City Council hereby adopts the amendment to the Future Land Use Plan that is attached hereto as Exhibit A. The Future Land Plan, as amended, shall be kept in the office of the Planning Department and shall be available for public inspection during normal office hours. Zoning uses, as amended from time to time at the request of the landowner or on motion of the City, shall be amended to be made consistent with the Comprehensive Plan, as amended. The City may amend the Comprehensive Plan in the discretion of the City Council in accordance with the City Charter and state law to plan for the changing plans of the City.

SECTION 3. Amendment of Conflicting Ordinances. The City of Leander Future Land Use Plan previously adopted by Ordinance No. 22-058-00 is hereby amended to the extent of any

conflict with Exhibit A. The City of Leander Comprehensive Plan, all ordinances and parts of ordinances, and all resolutions and parts of resolutions in conflict with this Ordinance are amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code, ordinance, or plan of the City, the terms and provisions of this Ordinance shall govern.

SECTION 4. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below.

SECTION 5. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on this 4th day of August, 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING ONE PARCEL OF LAND FROM INTERIM SFR-1-B (SINGLE-FAMILY RURAL) TO SFR-2-B (SINGLE-FAMILY RURAL) AND LO-2-B (LOCAL OFFICE); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, after giving at least ten (10) days written notice to the owners of land within two hundred (200') feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

WHEREAS, after publishing notice of the public hearing at least fifteen (15) days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

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

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

SECTION 2. Amendment of Zoning Ordinance. Ordinance No. 05-018-00, as amended, the City of Leander Composite Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

SECTION 3. Applicability. This ordinance applies to the following parcels of land, which is herein referred to as the "Property". That certain parcel of land being including 308.288 acres $\pm$; being more particularly described in Exhibit "A"; generally located to the west of the intersection of Oak Creek Road and N Bagdad Road; identified by Williamson Central Appraisal District tax identification numbers R356046, R473837, R022920-R022923, R473838, R473839, and R022941; more particularly described in Instrument Number 2021005729 recorded in the Official Public Records of Williamson County, Texas.

SECTION 4. Property Rezoned. The Zoning Ordinance is hereby amended by changing the zoning district for the Property from Interim SFR-1-B (Single-Family Rural) to SFR-2-B (Single-Family Rural) and LO-2-B (Local Office) as shown in Exhibit "A".

SECTION 5. Recording Zoning Change. The City Council directs the Planning

Department to record this zoning classification on the City's official zoning map with the official notation as prescribed by the City's zoning ordinance.

SECTION 6. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

SECTION 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

PASSED AND APPROVED on First Reading this the 4th day of August, 2022.

FINALLY PASSED AND APPROVED on this the 18th day of August, 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



**MINUTES
PLANNING & ZONING COMMISSION
CITY OF LEANDER, TEXAS**

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

July 14, 2022 at 7:00 PM



Place 1 – Donnie Mahan, *Vice Chair*
Place 2 – John Cosgrove, *Chair*
Place 3 – Ron May
Place 4 – Deirdre Moss

Place 5 – Gary Hampton, Jr.
Place 6 – Laura Lantrip
Place 7 – Rick Carpenter

The meeting will be live-streamed at the following link: <https://www.leandertx.gov/video>.

1. Call to Order at 7:00 p.m.

2. Roll Call.

All Commissioners were present except Commissioner Moss, Commissioner Hampton Jr. and Commissioner Lantrip.

3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the July 7, 2022, meeting

4. Review of meeting protocol.

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

CONSENT AGENDA: ACTION

6. Re-approval of Subdivision Case 20-TOD-FP-033 regarding The Cottages at San Gabriel Final Plat on one parcel of land approximately 13.8709 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R576406; generally located east of 183A Toll Rd. and north of Huddleston Rd., Leander, Williamson County, Texas.

7. Approval of Subdivision Case 21-FP-007 regarding Bluffview Ph 3 Final Plat on two parcels of land approximately 40.266 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District R031231 and R339021; generally located to the southeast of the intersection Ronald W Reagan Blvd and Bradley Ranch Road, Leander, Williamson County, Texas.

8. Approval of Subdivision Case 21-SFP-013 regarding The Square at Crystal Falls Short Form Final Plat on two parcels of land approximately 2.768 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R332046 and R083628; more commonly known as 1900 and 1902 S. Bagdad Road, Leander, Williamson County, Texas.

9. Approval of Minutes.

A motion made by Commissioner May to approve the consent agenda items 6 through 9, seconded by Commissioner Carpenter.

4 - 0 Passed

PUBLIC HEARING: ACTION

10. Conduct a Public Hearing and consider action regarding Comprehensive Plan Case 22-CPA-003 to amend Transportation Master Plan to change the classification of CR 267 between Kauffman Loop and Bar W Ranch Blvd from an arterial class roadway to a collector class roadway, Leander, Williamson County, Texas.

- Discuss and consider action regarding Comprehensive Plan Case 22-CPA-003 as described above.

Phil King spoke for.

Geoff Guerrero spoke against.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Rick Carpenter to recommend approval of the Comprehensive Plan Amendment.

AYE: Chair John Cosgrove, Commissioner Rick Carpenter, Commissioner Ron May, Vice Chair Donnie Mahan

4 - 0 Passed

11. Conduct a Public Hearing regarding Subdivision Case 22-CP-003 to adopt the Borho aka Barksdale Concept Plan on one parcel of land approximately 44 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031542; generally located north on Journey Parkway, Leander, Williamson County, Texas.

- Discuss and consider action regarding Subdivision Case 22-CP-003 as described above.

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to recommend approval of the concept plan.

AYE: Chair John Cosgrove, Commissioner Rick Carpenter, Commissioner Ron May, Vice Chair Donnie Mahan

4 - 0 Passed

12. Conduct a Public Hearing and consider action regarding Comprehensive Plan Case 21-CPA-009 to amend the Comprehensive Plan land use category from Multi-Use Corridor to Neighborhood Residential and to amend Transportation Master Plan to change the classification of Live Oak Road to a local street and consider action regarding Zoning Case 21-Z-030 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to SFR-2-B (Single-Family Rural) and LO-2-B (Local Office) on nine parcels of land approximately 308.288 acres $\pm$ in size, more particularly described

by Williamson Central Appraisal District Parcels R356046, R473837, R022920-R022923, R473838, R473839, and R022941; and generally located to the west of the intersection of Oak Creek Road and N Bagdad Road, Leander, Williamson County, Texas.

- Discuss and consider action regarding Comprehensive Plan Case 21-CPA-009
- Discuss and consider action regarding Zoning Case 21-Z-030 as described above

Motion made by Commissioner Rick Carpenter, seconded by Vice Chair Donnie Mahan to approve the Comprehensive Plan Amendment and Zoning case.

AYE: Chair John Cosgrove, Commissioner Rick Carpenter, Vice Chair Donnie Mahan

NAY: Commissioner Ron May

3 - 1 Passed

REGULAR AGENDA

13. Discuss and consider action on Tree Removal Case 22-TRP-003 regarding removal of Significant Trees associated with the Maple Ranch Apartment Site Development Project generally located at the southwest corner of Ronald Reagan Boulevard and Palmera Ridge Boulevard, Leander, Williamson County, Texas.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Rick Carpenter to approve the tree removal request associated with the Maple Ranch Apartments.

AYE: Chair John Cosgrove, Commissioner Rick Carpenter, Commissioner Ron May, Vice Chair Donnie Mahan

4 - 0 Passed

14. Discuss and consider action on Tree Removal Case 22-CIP-TRP-004 regarding removal of Significant and Heritage Trees associated with the eastward expansion of San Gabriel Parkway from Palmera Bluff subdivision to the intersection of Ronald Reagan Boulevard generally located north of Palmera Ridge Section 9 and runs southwest of the intersection of Ronald Reagan Boulevard and current CR 274, Leander, Williamson County, Texas.

Motion made by Commissioner Ron May, seconded by Commissioner Rick Carpenter to approve the tree removal request of associated with the eastward expansion of San Gabriel Parkway and Palmera Bluff subdivision.

AYE: Chair John Cosgrove, Commissioner Rick Carpenter, Commissioner Ron May, Vice Chair Donnie Mahan

4 - 0 Passed

15. Discuss and consider action regarding Ordinance Case 22-OR-002 to amend the Composite Zoning Ordinance to adopt amendments to the landscape ordinance requirements to promote water conservation, and to provide for related matters; Williamson & Travis Counties, Texas.

Motion made by Commissioner Ron May, seconded by Commissioner Rick Carpenter to recommend approval of the ordinance.

AYE: Chair John Cosgrove, Commissioner Rick Carpenter, Commissioner Ron May, Vice
Chair Donnie Mahan

4 - 0 Passed

16. Adjournment at 7:44 p.m.

APPROVED:

CHAIRMAN COSGROVE

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
08/04/2022

AGENDA SUBJECT:

Receive a Preliminary overview of the City of Leander Annual Budget for fiscal year 2023.

BACKGROUND:

City Council received a presentation at the July 29-30 Council Retreat on the FY 2023 budget which will focus primarily on the General Fund. At the August 4th City Council meeting staff will give a broad overview of the proposed budget and be available to answer questions from City Council. However, a fuller presentation of the budget will be prepared for the August 18th City Council meeting.

RECOMMENDATION:

No Action Required.

PRESENTER:

Robert G. Powers, Executive Finance Director

Attachments

1. Retreat Budget Presentation
2. Recommended 1-time Funding Supplements

City of
Leander



Pat Bryson
Municipal Hall

201 N. Brushy St.
Leander, Texas

City Council Retreat

July 29-30, 2022

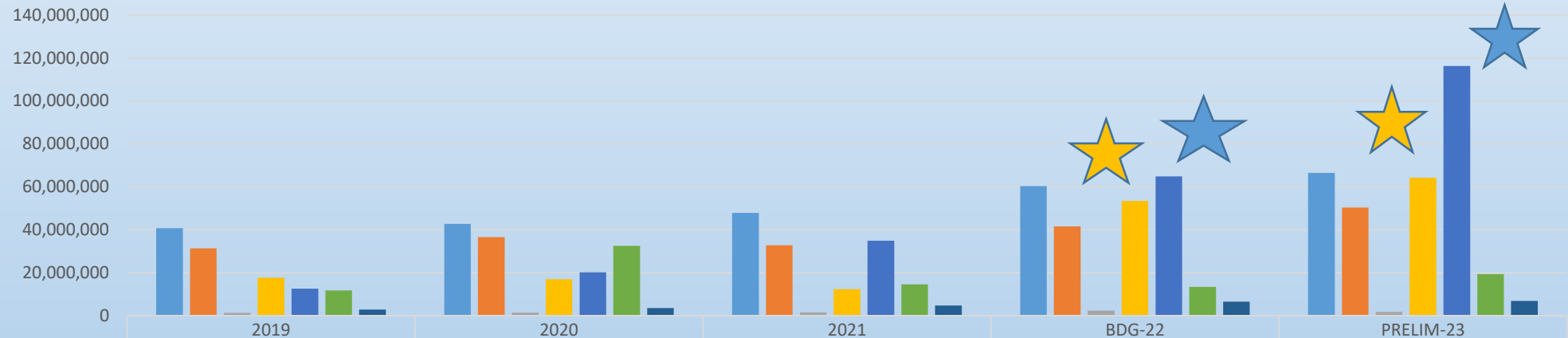
City Manager's Proposed Budget

Preliminary FY 2023

Preliminary FY 2023

(remaining presentation will focus on the General Fund)

ALL FUNDS
(2019 - 2023)



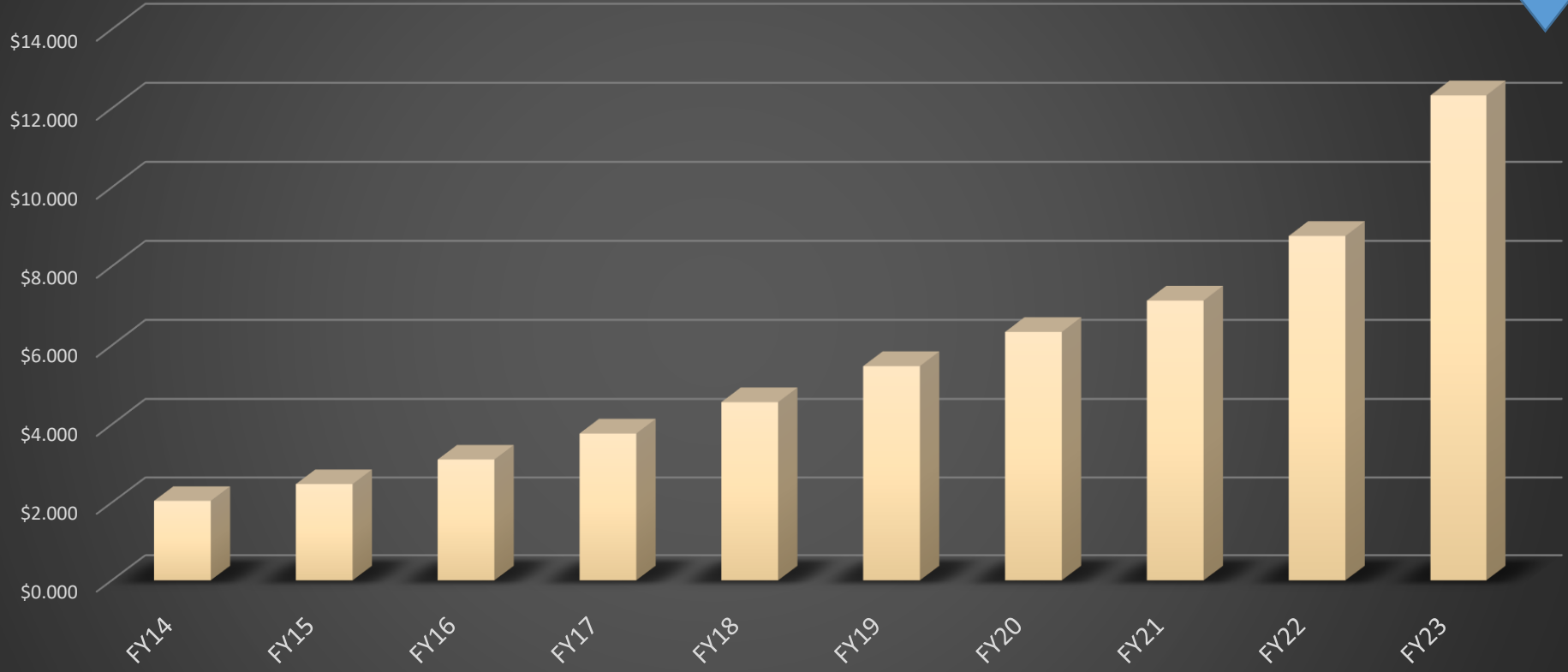
GENERAL FUND	40,738,816	42,723,156	47,896,638	60,336,737	66,528,917
UTILITY FUND	31,351,556	36,556,693	32,794,861	41,579,440	50,289,851
GOLF	1,352,797	1,395,384	1,558,161	2,331,832	1,792,880
CAPITAL PROJECTS - GENERAL	17,695,656	16,997,079	12,324,906	53,468,736	64,227,054
CAPITAL PROJECTS - UTILITY	12,579,839	20,191,460	34,858,919	64,772,527	116,195,778
GF DEBT	11,804,645	32,578,306	14,646,974	13,426,250	19,343,236
SPECIAL REVENUE FUNDS	2,842,385	3,528,917	4,713,681	6,506,254	6,873,532



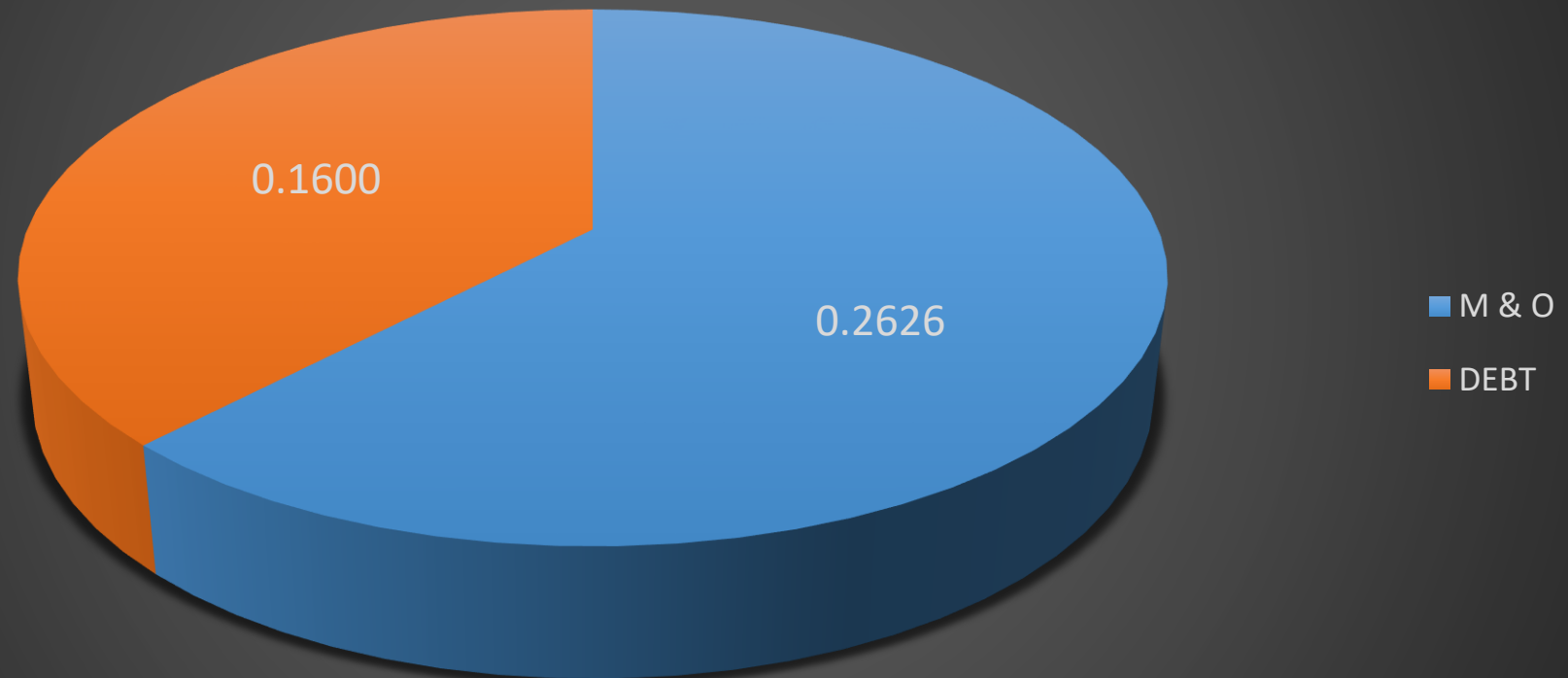
**Tax Base
(Net Taxable Before Freeze Adj)**

\$12.3B

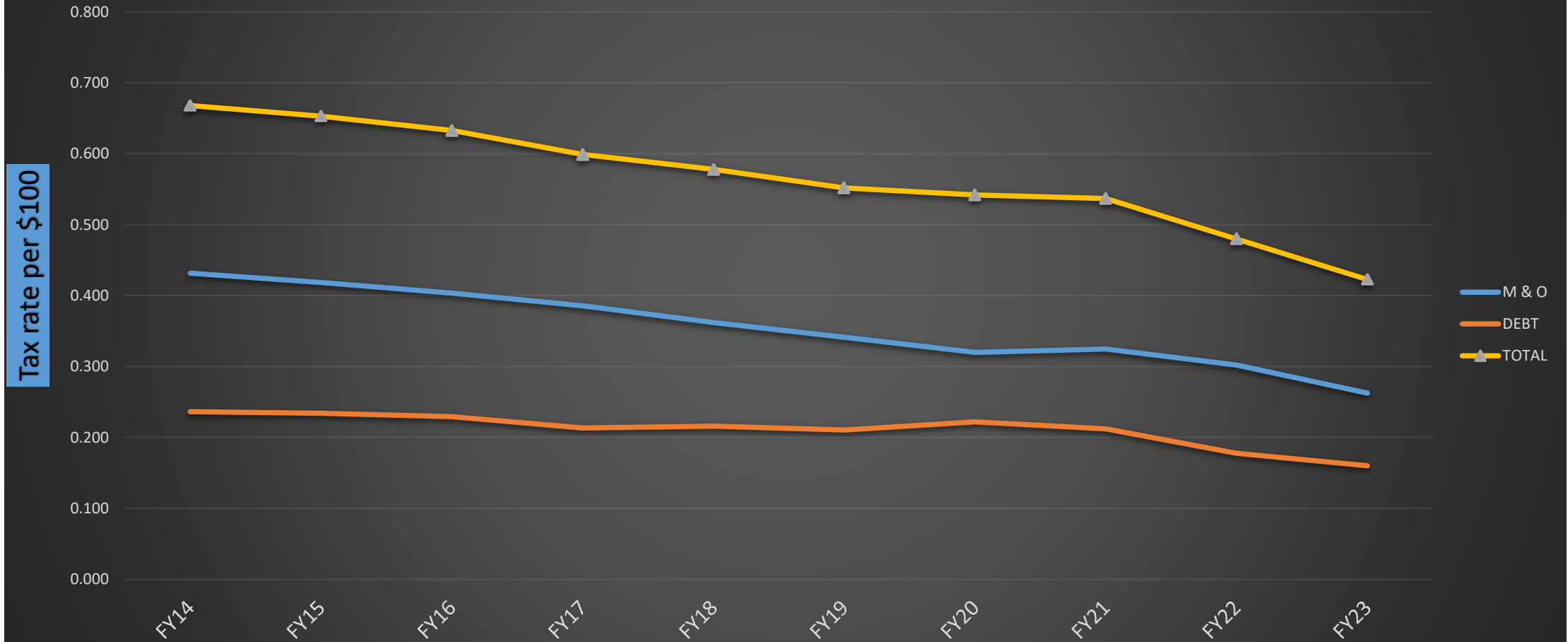
Billions



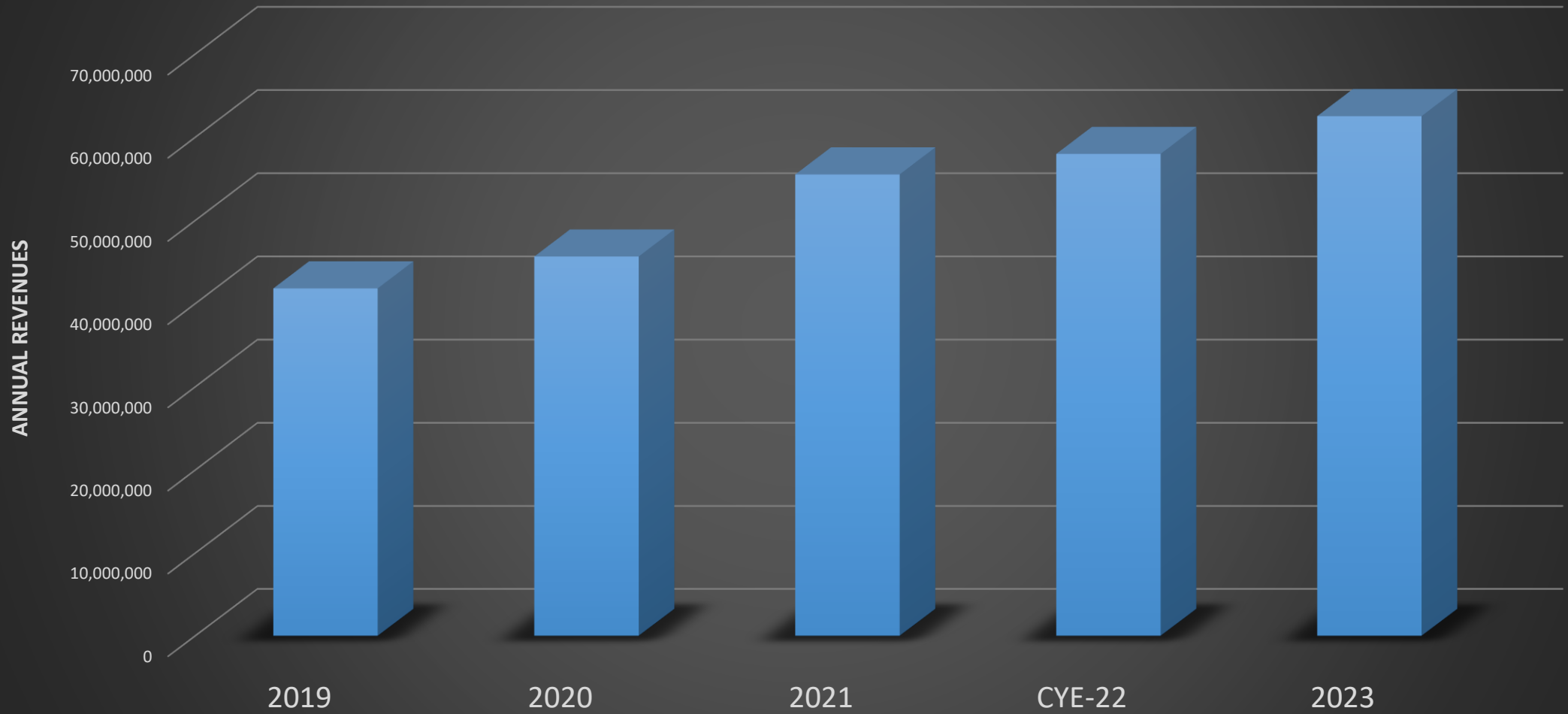
FY23 Preliminary Tax Rate
M&O vs Debt (0.423)



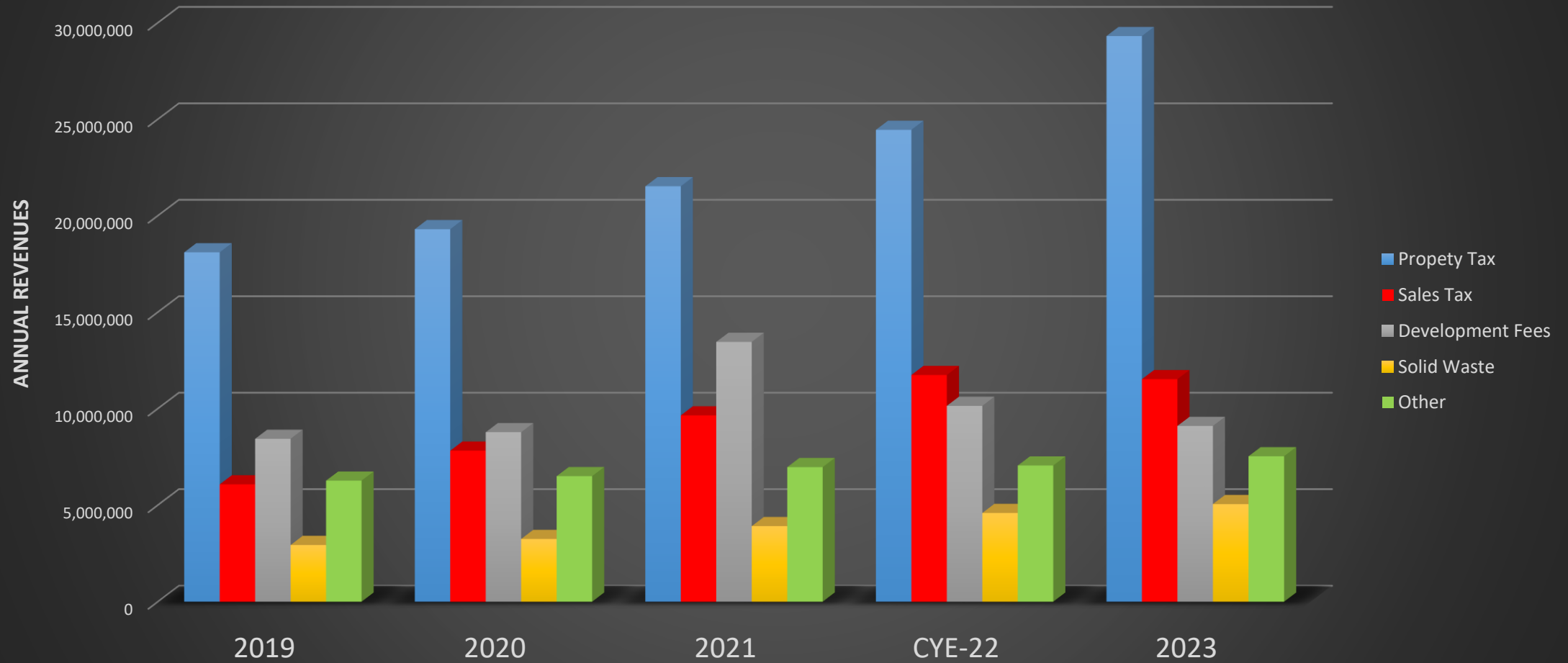
Tax Rate History (FY23 preliminary estimate)



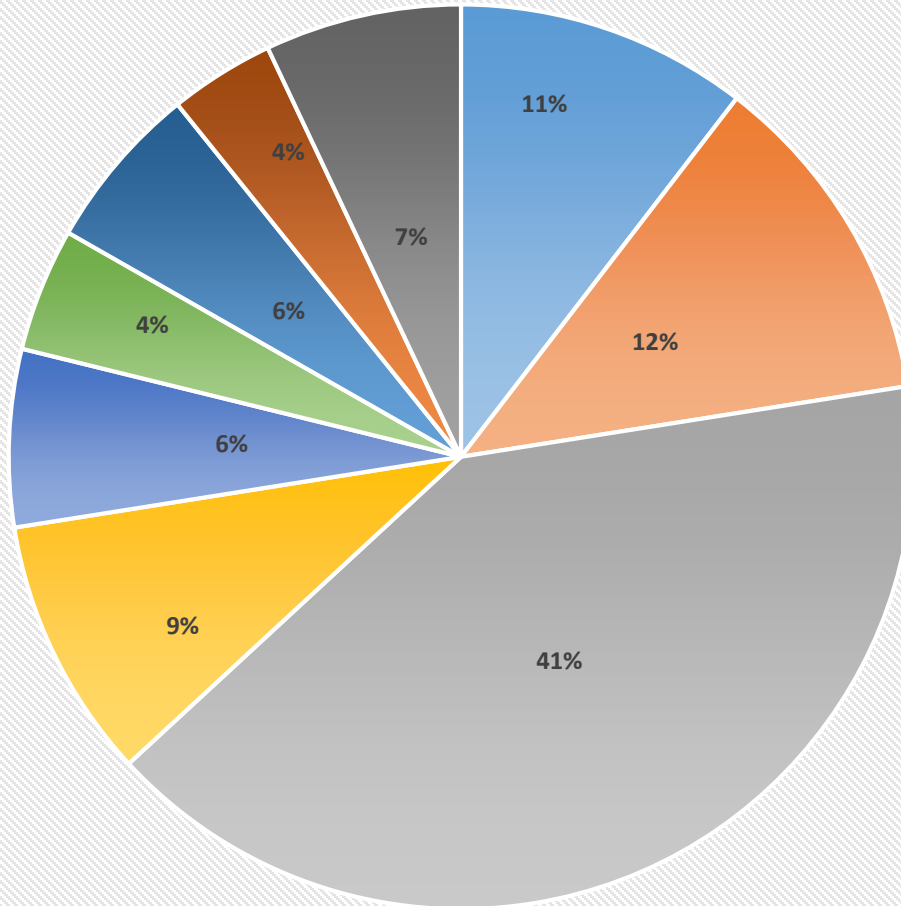
General Fund Revenues



General Fund Revenues by Type

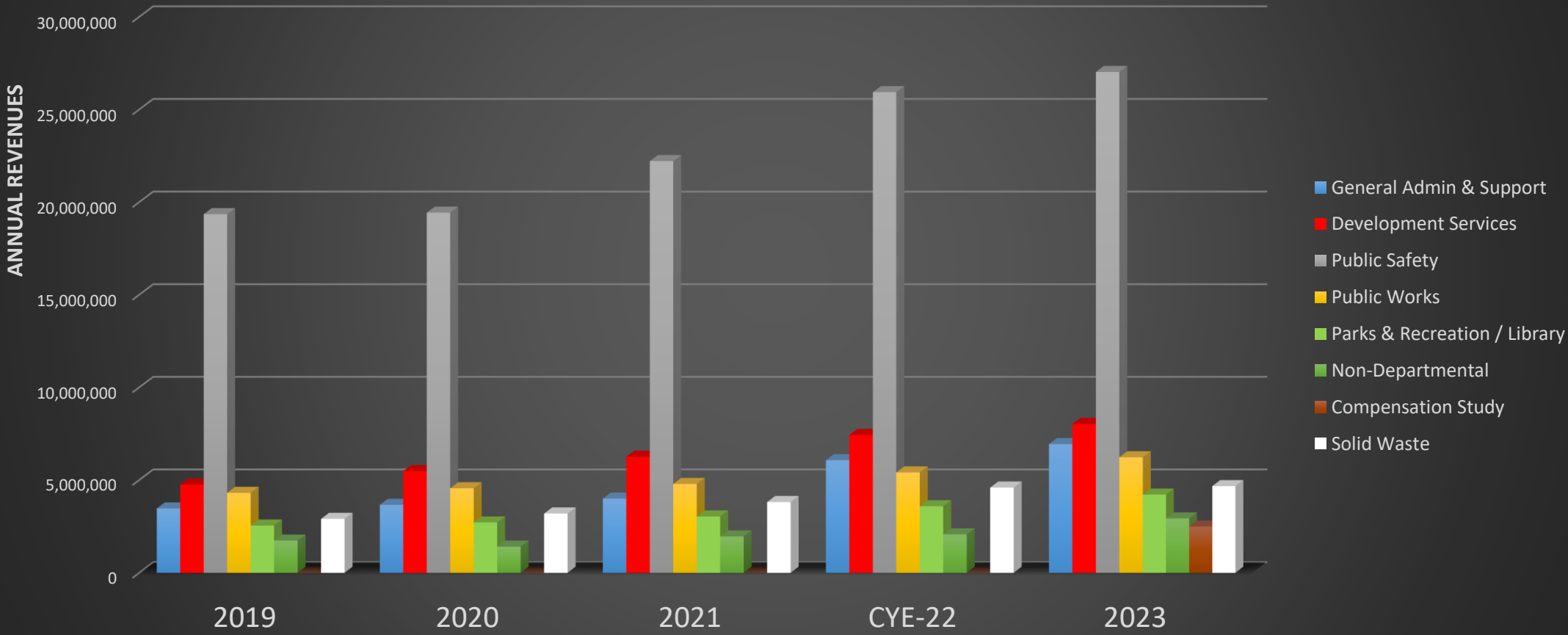


General Fund Expenditures
by Function - FY 2023

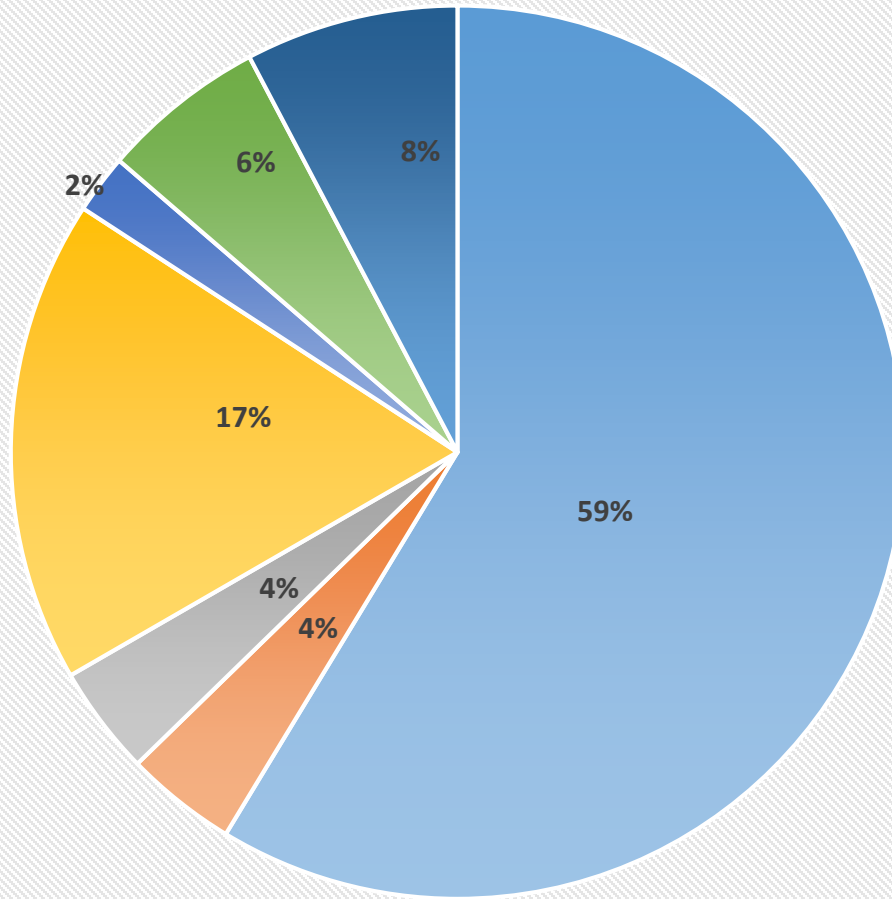


- General Admin & Support
- Development Services
- Public Safety
- Public Works
- Parks & Recreation / Library
- Non-Departmental
- Transfers to CIP
- Compensation Study
- Solid Waste

General Fund Expenditures by Function

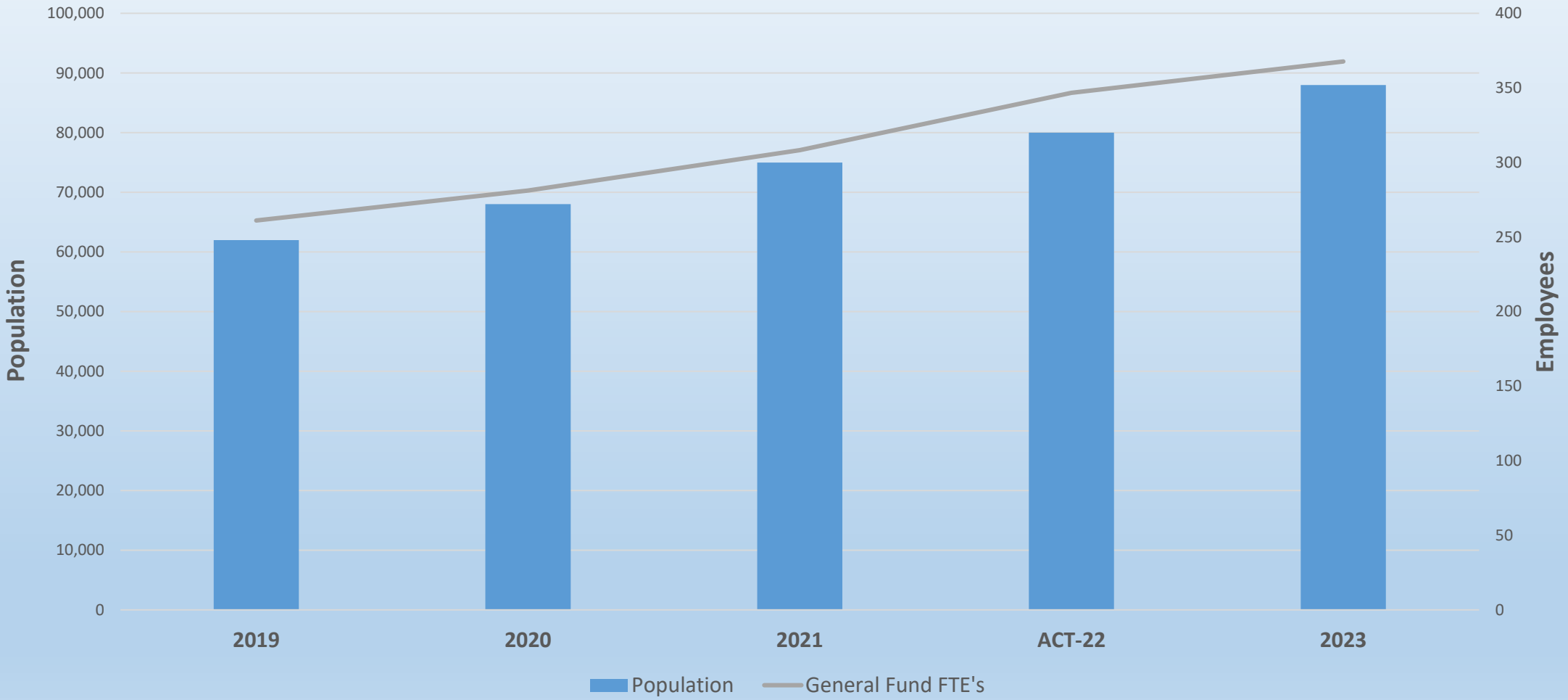


General Fund Expenditures
by Type - FY 2023



- Personnel
- Supplies & Minor Equipment
- Maintenance & Repair
- Contractual Services
- Capital Outlay & Projects
- Transfers to CIP
- Other

Population vs General Fund FTE's



FY 2023 Preliminary Proposed Budget

What's New?

Recommended New FTE's (General Fund)

<u>DEPT</u>	<u>POSITION</u>	<u>DEPT RANK</u>	<u>FTE'S REQUESTED</u>	<u>CM-RECOMMENDED</u>	<u>AMOUNT</u>
LIBRARY	CHILDRENS LIBRARIAN	1	1	1	60,427
I.T.	DESKTOP SUPPORT TECHNICIAN II	1	1	1	106,607
COURT	DEPUTY COURT CLERK	1	1	1	56,580
GENERAL SVCS	FACILITIES MAINTENANCE	1	2	2	134,546
PLANNING	ASSISTANT PLANNER	2	1	1	81,083
PUBLIC WORKS - STS	STREET MAINTENANCE WORKERS I & II)	2	2	2	86,412
ENGINEERING	CONSTRUCTION INSPECTOR	5	1	1	118,827
ENGINEERING	CIP PROJECT MANAGER	2	1	1	112,481
ENGINEERING	GIS ANALYST	4	1	1	80,165
PARKS & REC	PARKS MAINTENANCE II	10	3	1	162,270
PARKS & REC	PARKS MAINTENANCE I	16	4	1	188,009
PARKS & REC	AQUATIC RECREATION COORDINATOR (CONVERT SEASONAL TO FULL-TIME)	4	1	1	46,386
PATROL	PATROL OFFICERS	1	8	3	1,387,681
CID	DETECTIVES	2	5	2	675,018
CODE	CODE ENFORCEMENT MANAGER	1	1	1	185,051
FIRE	3 FIREFIGHTERS FOR STATION 2 (BRING TO RECOMMENDED MINIMUM STAFFING)	6	3	3	293,693
	TOTAL		36	23	3,803,736

Recommended Supplements (Non-FTE)

<u>DEPT</u>	<u>DESCRIPTION</u>	<u>DEPT RANK</u>	<u>AMOUNT</u>
CITY SEC.	OFFSITE RECORD ARCHIVES	1	18,200
HR	HOLIDAYS (2) Juneteenth; Day After Xmas	NA	60,075
HR	NEOGOV MODULES	2	13,839
HR	PLANSOURCE	1	-34,187
I.T.	UPS FOR CITY HALL IT	2	58,821
I.T.	OFFICE 365 SHAREPOINT MAINTENANCE/ADDS/CHANGES	3	35,000
I.T.	MOBILE DEVICE MANAGEMENT	4	16,320
GENERAL SVCS	ASSET AND INVENTORY MANAGEMENT SYSTEM	2	9,800
PLANNING	CAMINO SOFTWARE	1	20,000
PLANNING	DEV SVCS VEHICLE - OPT B (REPLACE BLDG OFF VEHICLE EARLY)	3	16,128
PUBLIC WORKS - STS	DITCH WITCH TRAILER	3	53,000
PUBLIC WORKS - STS	PW ROOF REPAIRS AND CAMERA SYSTEM	7	25,000
PUBLIC WORKS - STS	METAL COVER FOR SAND STOCK PILE	4	25,000
PUBLIC WORKS - STS	RECLASSIFY SIGNAL CREW LEADER TO FOREMAN	1	6,736
ENGINEERING	ENG STUDIES-TRAFFIC COUNTS, SIGNAL WARRANTS	3	100,000
ENGINEERING	ENG SERVICES FOR DOWNTOWN DRAINAGE	7	100,000
ENGINEERING	NEW SOFTWARE - PROCORE FOR CIP PROGRAM MGMT	1	50,000

Recommended Supplements (Non-FTE's)

<u>DEPT</u>	<u>DESCRIPTION</u>	<u>DEPT RANK</u>	<u>AMOUNT</u>
PARKS & REC	SOFTBALL FIELD UPGRADES	5	48,900
PARKS & REC	LAKEWOOD PARK MAINTENANCE SHOP	8	27,000
PARKS & REC	2 - BIG HORN UTILITY VEHICLES	7	15,000
PARKS & REC	LAKEWOOD PARK SPLASHPAD PUMP COVER	9	7,500
PATROL	RIFLE PLATES, CARRIERS AND HELMETS FOR OFFICERS	25	5,750
SPECIAL OPS	BALLISTIC SHIELD WITH VIEWPORT AND LIGHTS (2)	26	5,700
PATROL	BALLISTIC SHIELDS (8)	27	3,200
PATROL	RIFLE SUPPRESSORS (12)	31	6,600
SPECIAL OPS	9MM AR PISTOLS	42	4,000
FIRE	28 DAY TO 14 DAY PAY CYCLE (FIRE FLSA PAY CYCLE)	2	105,147
FIRE	BILINGUAL PAY STIPEND	11	4,800
BLDG INSP.	RECLASS PERMIT TECHNICIANS TO SENIOR PERMIT TECHNICIANS	1	6,030
BLDG INSP.	RECLASS COMMERCIAL PLAN REVIEWER TO SENIOR PLAN REVIEWER	2	4,262
BLDG INSP.	CERTIFICATION INCENTIVE PROGRAM	3	46,482
	TOTAL		950,515

FY 2023 Preliminary Proposed Budget

What's Next?

Next Steps

Texas Truth-in-Taxation

- State law limits property tax increase to 3.5% for operations & maintenance on properties on the tax roll last year.
- The debt portion of the tax rate is based on the rate needed to pay existing debt service for the upcoming fiscal year.
- Preliminary Tax Rate is projected to be 42.3 cents or 5.7 cents lower than current rate of 47.97.

Next Steps

Texas Truth-in-Taxation

- State law requires calculation of two tax rates.
 - (1) No-New-Revenue (NNR)
 - (2) Voter-Approval-Rate (VAR)
- The NNR rate is rate that would produce same amount of property taxes on existing property as last year (for operations, not debt.)
- The VAR is the NNR plus the allowed 3.5% increase.
- Any proposed rate above the VAR must be approved by the voters.
- The estimated VAR rate generates an additional \$1,010,000.
- The proposed budget is based upon the VAR tax rate. ★

Next Steps

Texas Truth-in-Taxation

- Williamson County Tax Office is in the process of calculating the City's NNR and VAR tax rates.
- Aug. 4 – staff will present the calculations to City Council.
- Aug. 4 – Council will vote on a “proposed” tax rate which then becomes the maximum rate that can be considered before final adoption in Sep.
- If a rate above the NNR is accepted, then a public hearing is required.

Budget Risks?

- Revenue estimates are conservative, but subject to risks that we haven't seen for a while.
 - Rising mortgage interest rates might slow the pace of new home construction.
 - Supply chain issues could impact new construction timelines.
 - Sales taxes are highly sensitive to outside market forces.
- Expenditure projections are also subject to certain risks.
 - Inflation
 - Tight labor supply impacting contractor pricing

ALL FUNDS

** PRELIMINARY **
RECOMMENDED

<u>OrgUnit</u>	<u>Dept</u>	<u>Description</u>	<u>Type</u>	<u>DEPT RANK</u>	<u>FTE-REQ</u>	<u>FTE-Y</u>	<u>FY23-REQ</u>	<u>FY23-Y</u>	<u>CMO</u>	<u>NOTES</u>	<u>CITY COUNCIL</u>
01-06	LIB	ANNEX MEETING ROOM FLOORING	NON-RECURRING	3			13,000	13,000	1X	Gen CIP - yy	
01-08	ECO	OLD TOWN INCENTIVE FUND / ATMOS GAS	NON-RECURRING	1			150,000	150,000	1X	xfr to Fund 06	
01-20	PLN	CUBICLES	NON-RECURRING	7			27,148	27,148	1X	Gen CIP - yy	
01-21	STS	SIGNAL TIMING CORRIDOR	NON-RECURRING	5			110,000	110,000	1X	Gen CIP - yy	
01-21	STS	TRAFFIC CENTER MONITORING	NON-RECURRING				80,000	80,000	1X	Gen CIP - yy	
01-22	ENG	CITYWIDE LETTER OF MAP REVISION (LOMR) UPPER BR CRK	NON-RECURRING	6			375,000	375,000	1X	Gen CIP - yy	
01-22	ENG	NEW VEHICLE FOR ENGINEERING DEPT	NON-RECURRING	NA			35,000	35,000	1X	Veh. Fund	
01-23	PRK	BLEDSON POOL PUMP SYSTEM REPLACEMENT	NON-RECURRING	2			150,000	150,000	1X	Gen CIP - yy	
01-23	PRK	TRACTOR AND ATTACHMENTS	NON-RECURRING	6			74,620	74,620	1X	Gen CIP - yy	
01-23	PRK	PLAYGROUND EQUIPMENT REPLACEMENT - MAJOR PARKS	NON-RECURRING	11			187,000	187,000	1X	Gen CIP - yy	
01-23	PRK	EVENTS STAFF - CHEVY TRANSIT	NON-RECURRING	12			40,700	40,700	1X	Veh. Fund	
01-23	PRK	PLAYGROUND EQUIPMENT REPLACEMENT - MINOR PARKS	NON-RECURRING	14			85,000	85,000	1X	Gen CIP - yy	
01-23	PRK	UTILITY TERRAIN VEHICLE (UTV) AND ATTACHMENTS	NON-RECURRING	18			127,810	127,810	1X	Gen CIP - yy	
01-23	PRK	CHIPPER	NON-RECURRING	21			22,000	22,000	1X	Gen CIP - yy	
01-40	POL ADM	REPLACE TWO VEHICLES EARLY	NON-RECURRING	0			41,733	41,733	1X	Veh. Fund	
01-46	SPC OPS	FACILITY CAMERAS (10) CONVERSION TO DIGITAL FROM ANALOG	NON-RECURRING				52,000	52,000	1X	Gen CIP - yy	
01-45	COMM	GENERATOR POWER FOR PD	NON-RECURRING	16			200,000	200,000	1X	Gen CIP - yy	
01-46	SPC OPS	NIGHT VISION/IR LIGHTING FOR NEW CTRS	NON-RECURRING	18			67,500	33,750	1X	CM split	
01-41	PATROL	ADDITIONAL PATROL VEHICLES X2	NON-RECURRING	19			154,089	154,089	1X	Veh. Fund	
01-44	CID	IMPOUND LOT VIDEO SYSTEM (replace with Joule DVR 7 Security Gate requ	NON-RECURRING	28			13,820	13,820	1X	Gen CIP - yy	
01-55	FIRE	UPGRADE REPLACEMENT VEHICLE TO ENGINE (ADD'L COST)	NON-RECURRING	NA			220,000	220,000	1X	Veh. Fund	
01-50	FIRE	FIRE STATION 2 - BUILDING/PLUMBING REPAIRS	NON-RECURRING				75,000	75,000	1X	Gen CIP - yy	
20-03	W-WATER	VAC-TRUCK IMPACT	NON-RECURRING	4			320,000	320,000	1X	yy	



EXECUTIVE SUMMARY
08/04/2022

AGENDA SUBJECT:

Discuss receiving No-New-Revenue and Voter-Approval tax rate calculations; take action to consider a proposed tax rate; and schedule a public hearing date for the proposed tax rate.

BACKGROUND:

In the 2019 state legislative session, lawmakers approved Senate Bill 2 (SB2) that made changes to the process by which local governments adopt their local property tax rates. The law requires an election if a taxing jurisdiction adopts an O&M rate greater than 3.5% above the calculated M&O No-New-Revenue (NNR) rate. The NNR rate is the rate that would bring in the same tax revenue as in the prior year on existing properties. The City Council will need to take a record vote to consider a proposed rate and then schedule a public hearing for the tax rate if the proposed rate exceeds the NNR rate.

Definitions:

The **No-New-Revenue (NNR)** is the tax rate that would produce the same amount of taxes (i.e., no new taxes) if applied to the same properties that are taxed in both years.

The **Voter-Approval tax rate (VAR)** is the highest tax rate that a taxing unit may adopt without holding an election to seek voter approval of the rate. The voter-approval tax rate is split into two (2) separate rates:

1. Maintenance and Operations (M&O) Tax Rate: The M&O portion is the tax rate that is needed to raise the same amount of taxes that the taxing unit levied in the prior year plus 3.5%.
2. Debt Rate (I&S): The debt rate includes the debt service necessary to pay the taxing unit's debt payments in the coming year.

The table below compares the current year tax rate (FY 2022) to the NNR and VAR rates. The "adjusted" VAR rate of 0.455262 is a result of adding the prior 3 years' "unused increment" to the calculated rate. The unused increment rate is the rate equal to the difference between the adopted tax rate and voter-approval tax rate before the unused increment rate for the prior three years. The allowed carry over from the last three years is 0.019467, or approximately two cents.

<u>Tax Rates</u>	<u>FY 2022</u>	<u>NNR-2023</u>	<u>DIFF.</u>	<u>VAR-2023</u>	<u>DIFF.</u>
M&O	0.302134			0.252858	(0.049276)
Debt (I&S)	0.177565			0.182937	+0.005372
Total Tax Rate	0.479699	0.381432	(0.098267)	0.435795	(0.043904)

Allowable Carryover
(from prior 3 years)

Add 0.019467

Voter-Approval tax rate, adjusted for unused increment 0.455262 (0.024437)

The tables below compares the preliminary proposed tax rate of \$0.4260 per \$100.00 value with

- a) the current tax rate,
- b) the NNR rate, and
- c) the VAR rate.

The tables also show the reduced or additional tax revenue that would occur under the NNR or VAR scenarios.

<u>Tax Rates</u>	<u>FY 2022</u>	<u>Prelim. FY 2023</u>	<u>DIFF.</u>
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M&O	0.302134	0.262630	(0.039504)
Debt (I&S)	0.177565	0.160000	(0.017565)
Total Tax Rate	0.479699	0.422630	(0.057069)

<u>Tax Rates</u>	<u>NNR-2023</u>	<u>Prelim. FY 2023</u>	<u>DIFF.</u>	<u>If Adopt NNR Tax Revenue Gain/(Loss)</u>
M&O		0.262630		
Debt (I&S)		<u>0.160000</u>		
Total Tax Rate	0.381432	0.422630	+0.041198	(\$4,140,000)
1 cent = \$1,005,000				

	<u>VAR-2023</u>	<u>Prelim. FY 2023</u>	<u>DIFF.</u>	<u>If Adopt VAR Tax Revenue Gain/(Loss)</u>
M&O	0.252858	0.262630		
Debt (I&S)	<u>0.182937</u>	<u>0.160000</u>		
Total Tax Rate	0.435795	0.422630	(0.013165)	+\$1,320,000
1 cent = \$1,005,000				

It should come as no surprise that the sharp reduction in the NNR rate is because of appraisals and Leander's continued exceptional growth. The larger the tax base, the lower the tax rate needed to bring in the same tax revenue as the prior year.

	<u>FY 2022</u>	<u>FY 2023</u>	<u>DIFF.</u>	<u>% CHG.</u>
Total Taxable Value	\$8,573,499,001	\$11,764,966,402	\$3,191,467,401	37.22%
- New Improvements			\$1,071,528,669	33.57%
- Existing Properties			<u>\$2,119,938,732</u>	66.43%
		DIFF.	\$3,191,467,401	

Lastly, the new law requires more information to be published on both the Travis & Williamson Central Appraisal Districts websites as well as the City of Leander website.

APPLICANT/AGENT:

NNR – 0.381432
 NNR M&O – 0.244308
 NNR VAR – 0.252858
 Debt – 0.182937
 VAR – 0.435795
 VAR w Unused Increment – 0.455262

RECOMMENDATION:

Actions needed:

1. Accept Tax Rate Calculations
2. Vote to Consider a Proposed Tax Rate
3. Schedule Public Hearing on the Tax Rate for September 1, 2022 (if Proposed Rate is above the NNR rate).

PRESENTER:

Attachments

1. Tax Rate Calculations

2022 Tax Rate Calculation Worksheet

Taxing Units Other Than School Districts or Water Districts

Form 50-856

City of Leander

Taxing Unit Name

PO Box 319, Leander, TX, 78646-0319

Taxing Unit's Address, City, State, ZIP Code

(512) 528-2700

Phone (area code and number)

<https://www.leandertx.gov/>

Taxing Unit's Website Address

GENERAL INFORMATION: Tax Code Section 26.04(c) requires an officer or employee designated by the governing body to calculate the no-new-revenue (NNR) tax rate and voter-approval tax rate for the taxing unit. These tax rates are expressed in dollars per \$100 of taxable value calculated. The calculation process starts after the chief appraiser delivers to the taxing unit the certified appraisal roll and the estimated values of properties under protest. The designated officer or employee shall certify that the officer or employee has accurately calculated the tax rates and used values shown for the certified appraisal roll or certified estimate. The officer or employee submits the rates to the governing body by Aug. 7 or as soon thereafter as practicable.

School districts do not use this form, but instead use Comptroller Form 50-859 *Tax Rate Calculation Worksheet, School District without Chapter 313 Agreements* or Comptroller Form 50-884 *Tax Rate Calculation Worksheet, School District with Chapter 313 Agreements*.

Water districts as defined under Water Code Section 49.001(1) do not use this form, but instead use Comptroller Form 50-858 *Water District Voter-Approval Tax Rate Worksheet for Low Tax Rate and Developing Districts* or Comptroller Form 50-860 *Developed Water District Voter-Approval Tax Rate Worksheet*.

The Comptroller's office provides this worksheet to assist taxing units in determining tax rates. The information provided in this worksheet is offered as technical assistance and not legal advice. Taxing units should consult legal counsel for interpretations of law regarding tax rate preparation and adoption.

SECTION 1: No-New-Revenue Tax Rate

The NNR tax rate enables the public to evaluate the relationship between taxes for the prior year and for the current year based on a tax rate that would produce the same amount of taxes (no new taxes) if applied to the same properties that are taxed in both years. When appraisal values increase, the NNR tax rate should decrease.

The NNR tax rate for a county is the sum of the NNR tax rates calculated for each type of tax the county levies.

While uncommon, it is possible for a taxing unit to provide an exemption for only maintenance and operations taxes. In this case, the taxing unit will need to calculate the NNR tax rate separately for the maintenance and operations tax and the debt tax, then add the two components together.

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
1.	2021 total taxable value. Enter the amount of 2021 taxable value on the 2021 tax roll today. Include any adjustments since last year's certification; exclude Tax Code Section 25.25(d) one-fourth and one-third over-appraisal corrections from these adjustments. Exclude any property value subject to an appeal under Chapter 42 as of July 25 (will add undisputed value in Line 6). This total includes the taxable value of homesteads with tax ceilings (will deduct in Line 2) and the captured value for tax increment financing (adjustment is made by deducting TIF taxes, as reflected in Line 17). ¹	\$ 8,573,499,001
2.	2021 tax ceilings. Counties, cities and junior college districts. Enter 2021 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing unit adopted the tax ceiling provision in 2021 or a prior year for homeowners age 65 or older or disabled, use this step. ²	\$ 837,391,210
3.	Preliminary 2021 adjusted taxable value. Subtract Line 2 from Line 1.	\$ 7,736,107,791
4.	2021 total adopted tax rate.	\$ 0.479699/\$100
5.	2021 taxable value lost because court appeals of ARB decisions reduced 2021 appraised value.	
	A. Original 2021 ARB values:	\$ 129,237,180
	B. 2021 values resulting from final court decisions:	- \$ 125,909,627
	C. 2021 value loss. Subtract B from A. ³	\$ 3,327,553
6.	2021 taxable value subject to an appeal under Chapter 42, as of July 25.	
	A. 2021 ARB certified value:	\$ 171,718,055
	B. 2021 disputed value:	- \$ 25,741,431
	C. 2021 undisputed value. Subtract B from A. ⁴	\$ 145,976,624
7.	2021 Chapter 42 related adjusted values. Add Line 5C and Line 6C.	\$ 149,304,177

¹ Tex. Tax Code § 26.012(14)

² Tex. Tax Code § 26.012(14)

³ Tex. Tax Code § 26.012(13)

⁴ Tex. Tax Code § 26.012(13)

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
8.	2021 taxable value, adjusted for actual and potential court-ordered adjustments. Add Line 3 and Line 7.	\$ 7,885,411,968
9.	2021 taxable value of property in territory the taxing unit deannexed after Jan. 1, 2021. Enter the 2021 value of property in deannexed territory. ⁵	\$ 0
10.	2021 taxable value lost because property first qualified for an exemption in 2022. If the taxing unit increased an original exemption, use the difference between the original exempted amount and the increased exempted amount. Do not include value lost due to freeport, goods-in-transit, temporary disaster exemptions. Note that lowering the amount or percentage of an existing exemption in 2022 does not create a new exemption or reduce taxable value. A. Absolute exemptions. Use 2021 market value: \$ <u>887,677</u> B. Partial exemptions. 2022 exemption amount or 2022 percentage exemption times 2021 value: + \$ <u>15,381,228</u> C. Value loss. Add A and B.⁶	\$ 16,268,905
11.	2021 taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/scenic appraisal or public access airport special appraisal in 2022. Use only properties that qualified in 2022 for the first time; do not use properties that qualified in 2021. A. 2021 market value: \$ <u>0</u> B. 2022 productivity or special appraised value: - \$ <u>0</u> C. Value loss. Subtract B from A.⁷	\$ 0
12.	Total adjustments for lost value. Add Lines 9, 10C and 11C.	\$ 16,268,905
13.	2021 captured value of property in a TIF. Enter the total value of 2021 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which 2021 taxes were deposited into the tax increment fund. ⁸ If the taxing unit has no captured appraised value in line 18D, enter 0.	\$ 695,351,145
14.	2021 total value. Subtract Line 12 and Line 13 from Line 8.	\$ 7,173,791,918
15.	Adjusted 2021 total levy. Multiply Line 4 by Line 14 and divide by \$100.	\$ 34,412,608
16.	Taxes refunded for years preceding tax year 2021. Enter the amount of taxes refunded by the taxing unit for tax years preceding tax year 2021. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2021. This line applies only to tax years preceding tax year 2021. ⁹	\$ 24,807
17.	Adjusted 2021 levy with refunds and TIF adjustment. Add Lines 15 and 16. ¹⁰	\$ 34,437,415
18.	Total 2022 taxable value on the 2022 certified appraisal roll today. This value includes only certified values or certified estimate of values and includes the total taxable value of homesteads with tax ceilings (will deduct in Line 20). These homesteads include homeowners age 65 or older or disabled. ¹¹ A. Certified values: \$ <u>11,764,966,402</u> B. Counties: Include railroad rolling stock values certified by the Comptroller's office: + \$ <u>0</u> C. Pollution control and energy storage system exemption: Deduct the value of property exempted for the current tax year for the first time as pollution control or energy storage system property: - \$ <u>0</u> D. Tax increment financing: Deduct the 2022 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the 2022 taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in Line 23 below.¹² - \$ <u>980,788,441</u> E. Total 2022 value. Add A and B, then subtract C and D.	\$ 10,784,177,961

⁵ Tex. Tax Code § 26.012(15)⁶ Tex. Tax Code § 26.012(15)⁷ Tex. Tax Code § 26.012(15)⁸ Tex. Tax Code § 26.03(c)⁹ Tex. Tax Code § 26.012(13)¹⁰ Tex. Tax Code § 26.012(13)¹¹ Tex. Tax Code § 26.012, 26.04(c-2)¹² Tex. Tax Code § 26.03(c)

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
19.	Total value of properties under protest or not included on certified appraisal roll. ¹³ A. 2022 taxable value of properties under protest. The chief appraiser certifies a list of properties still under ARB protest. The list shows the appraisal district's value and the taxpayer's claimed value, if any, or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value under protest. ¹⁴ \$ <u>348,293,422</u> B. 2022 value of properties not under protest or included on certified appraisal roll. The chief appraiser gives taxing units a list of those taxable properties that the chief appraiser knows about but are not included in the appraisal roll certification. These properties also are not on the list of properties that are still under protest. On this list of properties, the chief appraiser includes the market value, appraised value and exemptions for the preceding year and a reasonable estimate of the market value, appraised value and exemptions for the current year. Use the lower market, appraised or taxable value (as appropriate). Enter the total value of property not on the certified roll. ¹⁵ + \$ <u>0</u> C. Total value under protest or not certified. Add A and B.	\$ <u>348,293,422</u>
20.	2022 tax ceilings. Counties, cities and junior colleges enter 2022 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing unit adopted the tax ceiling provision in 2021 or a prior year for homeowners age 65 or older or disabled, use this step. ¹⁶	\$ <u>1,026,088,110</u>
21.	2022 total taxable value. Add Lines 18E and 19C. Subtract Line 20. ¹⁷	\$ <u>10,106,383,273</u>
22.	Total 2022 taxable value of properties in territory annexed after Jan. 1, 2021. Include both real and personal property. Enter the 2022 value of property in territory annexed. ¹⁸	\$ <u>6,406,514</u>
23.	Total 2022 taxable value of new improvements and new personal property located in new improvements. New means the item was not on the appraisal roll in 2021. An improvement is a building, structure, fixture or fence erected on or affixed to land. New additions to existing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the taxing unit after Jan. 1, 2021 and be located in a new improvement. New improvements do include property on which a tax abatement agreement has expired for 2022. ¹⁹	\$ <u>1,071,528,669</u>
24.	Total adjustments to the 2022 taxable value. Add Lines 22 and 23.	\$ <u>1,077,935,183</u>
25.	Adjusted 2022 taxable value. Subtract Line 24 from Line 21.	\$ <u>9,028,448,090</u>
26.	2022 NNR tax rate. Divide Line 17 by Line 25 and multiply by \$100. ²⁰	\$ <u>0.381432</u> /\$100
27.	COUNTIES ONLY. Add together the NNR tax rates for each type of tax the county levies. The total is the 2022 county NNR tax rate. ²¹	\$ <u>0.000000</u> /\$100

SECTION 2: Voter-Approval Tax Rate

The voter-approval tax rate is the highest tax rate that a taxing unit may adopt without holding an election to seek voter approval of the rate. The voter-approval tax rate is split into two separate rates:

- Maintenance and Operations (M&O) Tax Rate:** The M&O portion is the tax rate that is needed to raise the same amount of taxes that the taxing unit levied in the prior year plus the applicable percentage allowed by law. This rate accounts for such things as salaries, utilities and day-to-day operations.
- Debt Rate:** The debt rate includes the debt service necessary to pay the taxing unit's debt payments in the coming year. This rate accounts for principal and interest on bonds and other debt secured by property tax revenue.

The voter-approval tax rate for a county is the sum of the voter-approval tax rates calculated for each type of tax the county levies. In most cases the voter-approval tax rate exceeds the no-new-revenue tax rate, but occasionally decreases in a taxing unit's debt service will cause the NNR tax rate to be higher than the voter-approval tax rate.

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
28.	2021 M&O tax rate. Enter the 2021 M&O tax rate.	\$ <u>0.302134</u> /\$100
29.	2021 taxable value, adjusted for actual and potential court-ordered adjustments. Enter the amount in Line 8 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ <u>7,885,411,968</u>

¹³ Tex. Tax Code § 26.01(c) and (d)

¹⁴ Tex. Tax Code § 26.01(c)

¹⁵ Tex. Tax Code § 26.01(d)

¹⁶ Tex. Tax Code § 26.012(6)(B)

¹⁷ Tex. Tax Code § 26.012(6)

¹⁸ Tex. Tax Code § 26.012(17)

¹⁹ Tex. Tax Code § 26.012(17)

²⁰ Tex. Tax Code § 26.04(c)

²¹ Tex. Tax Code § 26.04(d)

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
30.	Total 2021 M&O levy. Multiply Line 28 by Line 29 and divide by \$100	\$ <u>23,824,510</u>
31.	Adjusted 2021 levy for calculating NNR M&O rate. A. M&O taxes refunded for years preceding tax year 2021. Enter the amount of M&O taxes refunded in the preceding year for taxes before that year. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2021. This line applies only to tax years preceding tax year 2021. + \$ <u>14,997</u> B. 2021 taxes in TIF. Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2022 captured appraised value in Line 18D, enter 0. - \$ <u>1,782,285</u> C. 2021 transferred function. If discontinuing all of a department, function or activity and transferring it to another taxing unit by written contract, enter the amount spent by the taxing unit discontinuing the function in the 12 months preceding the month of this calculation. If the taxing unit did not operate this function for this 12-month period, use the amount spent in the last full fiscal year in which the taxing unit operated the function. The taxing unit discontinuing the function will subtract this amount in D below. The taxing unit receiving the function will add this amount in D below. Other taxing units enter 0. +/- \$ <u>0</u> D. 2021 M&O levy adjustments. Subtract B from A. For taxing unit with C, subtract if discontinuing function and add if receiving function. \$ <u>-1,767,288</u> E. Add Line 30 to 31D.	\$ <u>22,057,222</u>
32.	Adjusted 2022 taxable value. Enter the amount in Line 25 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ <u>9,028,448,090</u>
33.	2022 NNR M&O rate (unadjusted). Divide Line 31E by Line 32 and multiply by \$100.	\$ <u>0.244308</u> /\$100
34.	Rate adjustment for state criminal justice mandate. ²³ A. 2022 state criminal justice mandate. Enter the amount spent by a county in the previous 12 months providing for the maintenance and operation cost of keeping inmates in county-paid facilities after they have been sentenced. Do not include any state reimbursement received by the county for the same purpose. \$ <u>0</u> B. 2021 state criminal justice mandate. Enter the amount spent by a county in the 12 months prior to the previous 12 months providing for the maintenance and operation cost of keeping inmates in county-paid facilities after they have been sentenced. Do not include any state reimbursement received by the county for the same purpose. Enter zero if this is the first time the mandate applies. - \$ <u>0</u> C. Subtract B from A and divide by Line 32 and multiply by \$100. \$ <u>0.000000</u> /\$100 D. Enter the rate calculated in C. If not applicable, enter 0.	\$ <u>0.000000</u> /\$100
35.	Rate adjustment for indigent health care expenditures. ²⁴ A. 2022 indigent health care expenditures. Enter the amount paid by a taxing unit providing for the maintenance and operation cost of providing indigent health care for the period beginning on July 1, 2021 and ending on June 30, 2022, less any state assistance received for the same purpose. \$ <u>0</u> B. 2021 indigent health care expenditures. Enter the amount paid by a taxing unit providing for the maintenance and operation cost of providing indigent health care for the period beginning on July 1, 2020 and ending on June 30, 2021, less any state assistance received for the same purpose. - \$ <u>0</u> C. Subtract B from A and divide by Line 32 and multiply by \$100. \$ <u>0.000000</u> /\$100 D. Enter the rate calculated in C. If not applicable, enter 0.	\$ <u>0.000000</u> /\$100

²² [Reserved for expansion]²³ Tex. Tax Code § 26.044²⁴ Tex. Tax Code § 26.0441

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
36.	Rate adjustment for county indigent defense compensation. ²⁵ A. 2022 indigent defense compensation expenditures. Enter the amount paid by a county to provide appointed counsel for indigent individuals for the period beginning on July 1, 2021 and ending on June 30, 2022, less any state grants received by the county for the same purpose..... \$ <u>0</u> B. 2021 indigent defense compensation expenditures. Enter the amount paid by a county to provide appointed counsel for indigent individuals for the period beginning on July 1, 2020 and ending on June 30, 2021, less any state grants received by the county for the same purpose. \$ <u>0</u> C. Subtract B from A and divide by Line 32 and multiply by \$100..... \$ <u>0.000000</u> /\$100 D. Multiply B by 0.05 and divide by Line 32 and multiply by \$100..... \$ <u>0.000000</u> /\$100 E. Enter the lesser of C and D. If not applicable, enter 0.	\$ <u>0.000000</u> /\$100
37.	Rate adjustment for county hospital expenditures. ²⁶ A. 2022 eligible county hospital expenditures. Enter the amount paid by the county or municipality to maintain and operate an eligible county hospital for the period beginning on July 1, 2021 and ending on June 30, 2022. \$ <u>0</u> B. 2021 eligible county hospital expenditures. Enter the amount paid by the county or municipality to maintain and operate an eligible county hospital for the period beginning on July 1, 2020 and ending on June 30, 2021. \$ <u>0</u> C. Subtract B from A and divide by Line 32 and multiply by \$100..... \$ <u>0.000000</u> /\$100 D. Multiply B by 0.08 and divide by Line 32 and multiply by \$100..... \$ <u>0.000000</u> /\$100 E. Enter the lesser of C and D, if applicable. If not applicable, enter 0.	\$ <u>0.000000</u> /\$100
38.	Rate adjustment for defunding municipality. This adjustment only applies to a municipality that is considered to be a defunding municipality for the current tax year under Chapter 109, Local Government Code. Chapter 109, Local Government Code only applies to municipalities with a population of more than 250,000 and includes a written determination by the Office of the Governor. See Tax Code 26.0444 for more information. A. Amount appropriated for public safety in 2021. Enter the amount of money appropriated for public safety in the budget adopted by the municipality for the preceding fiscal year \$ <u>0</u> B. Expenditures for public safety in 2021. Enter the amount of money spent by the municipality for public safety during the preceding fiscal year \$ <u>0</u> C. Subtract B from A and divide by Line 32 and multiply by \$100 \$ <u>0.000000</u> /\$100 D. Enter the rate calculated in C. If not applicable, enter 0.	\$ <u>0.000000</u> /\$100
39.	Adjusted 2022 NNR M&O rate. Add Lines 33, 34D, 35D, 36E, and 37E. Subtract Line 38D.	\$ <u>0.244308</u> /\$100
40.	Adjustment for 2021 sales tax specifically to reduce property taxes. Cities, counties and hospital districts that collected and spent additional sales tax on M&O expenses in 2021 should complete this line. These entities will deduct the sales tax gain rate for 2022 in Section 3. Other taxing units, enter zero. A. Enter the amount of additional sales tax collected and spent on M&O expenses in 2021, if any. Counties must exclude any amount that was spent for economic development grants from the amount of sales tax spent \$ <u>0</u> B. Divide Line 40A by Line 32 and multiply by \$100 \$ <u>0.000000</u> /\$100 C. Add Line 40B to Line 39.	\$ <u>0.244308</u> /\$100
41.	2022 voter-approval M&O rate. Enter the rate as calculated by the appropriate scenario below. Special Taxing Unit. If the taxing unit qualifies as a special taxing unit, multiply Line 40C by 1.08. - or - Other Taxing Unit. If the taxing unit does not qualify as a special taxing unit, multiply Line 40C by 1.035.	\$ <u>0.252858</u> /\$100

²⁵ Tex. Tax Code § 26.0442²⁶ Tex. Tax Code § 26.0443

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
D41.	Disaster Line 41 (D41): 2022 voter-approval M&O rate for taxing unit affected by disaster declaration. If the taxing unit is located in an area declared a disaster area and at least one person is granted an exemption under Tax Code Section 11.35 for property located in the taxing unit, the governing body may direct the person calculating the voter-approval tax rate to calculate in the manner provided for a special taxing unit. The taxing unit shall continue to calculate the voter-approval tax rate in this manner until the earlier of 1) the first year in which total taxable value on the certified appraisal roll exceeds the total taxable value of the tax year in which the disaster occurred, or 2) the third tax year after the tax year in which the disaster occurred If the taxing unit qualifies under this scenario, multiply Line 40C by 1.08. ²⁷ If the taxing unit does not qualify, do not complete Disaster Line 41 (Line D41).	\$ 0.000000 /\$100
42.	Total 2022 debt to be paid with property taxes and additional sales tax revenue. Debt means the interest and principal that will be paid on debts that: (1) are paid by property taxes, (2) are secured by property taxes, (3) are scheduled for payment over a period longer than one year, and (4) are not classified in the taxing unit's budget as M&O expenses. A. Debt also includes contractual payments to other taxing units that have incurred debts on behalf of this taxing unit, if those debts meet the four conditions above. Include only amounts that will be paid from property tax revenue. Do not include appraisal district budget payments. If the governing body of a taxing unit authorized or agreed to authorize a bond, warrant, certificate of obligation, or other evidence of indebtedness on or after Sept. 1, 2022, verify if it meets the amended definition of debt before including it here. ²⁸ Enter debt amount \$ <u>19,314,861</u> B. Subtract unencumbered fund amount used to reduce total debt. - \$ <u>0</u> C. Subtract certified amount spent from sales tax to reduce debt (enter zero if none) - \$ <u>0</u> D. Subtract amount paid from other resources - \$ <u>647,430</u> E. Adjusted debt. Subtract B, C and D from A.	\$ 18,667,431
43.	Certified 2021 excess debt collections. Enter the amount certified by the collector. ²⁹	\$ 171,671
44.	Adjusted 2022 debt. Subtract Line 43 from Line 42E.	\$ 18,495,760
45.	2022 anticipated collection rate. A. Enter the 2022 anticipated collection rate certified by the collector. ³⁰ <u>100.04</u> % B. Enter the 2021 actual collection rate. <u>101.32</u> % C. Enter the 2020 actual collection rate. <u>100.07</u> % D. Enter the 2019 actual collection rate. <u>100.04</u> % E. If the anticipated collection rate in A is lower than actual collection rates in B, C and D, enter the lowest collection rate from B, C and D. If the anticipated rate in A is higher than at least one of the rates in the prior three years, enter the rate from A. Note that the rate can be greater than 100%. ³¹	100.04 %
46.	2022 debt adjusted for collections. Divide Line 44 by Line 45E.	\$ 18,488,364
47.	2022 total taxable value. Enter the amount on Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 10,106,383,273
48.	2022 debt rate. Divide Line 46 by Line 47 and multiply by \$100.	\$ 0.182937 /\$100
49.	2022 voter-approval tax rate. Add Lines 41 and 48.	\$ 0.435795 /\$100
D49.	Disaster Line 49 (D49): 2022 voter-approval tax rate for taxing unit affected by disaster declaration. Complete this line if the taxing unit calculated the voter-approval tax rate in the manner provided for a special taxing unit on Line D41. Add Line D41 and 48.	\$ 0.000000 /\$100

²⁷ Tex. Tax Code § 26.042(a)²⁸ Tex. Tax Code § 26.012(7)²⁹ Tex. Tax Code § 26.012(10) and 26.04(b)³⁰ Tex. Tax Code § 26.04(b)³¹ Tex. Tax Code §§ 26.04(h), (h-1) and (h-2)

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
50.	COUNTIES ONLY. Add together the voter-approval tax rates for each type of tax the county levies. The total is the 2022 county voter-approval tax rate.	\$ <u>0.000000</u> /\$100

SECTION 3: NNR Tax Rate and Voter-Approval Tax Rate Adjustments for Additional Sales Tax to Reduce Property Taxes Not Applicable

Cities, counties and hospital districts may levy a sales tax specifically to reduce property taxes. Local voters by election must approve imposing or abolishing the additional sales tax. If approved, the taxing unit must reduce its NNR and voter-approval tax rates to offset the expected sales tax revenue.

This section should only be completed by a county, city or hospital district that is required to adjust its NNR tax rate and/or voter-approval tax rate because it adopted the additional sales tax.

Line	Additional Sales and Use Tax Worksheet	Amount/Rate
51.	Taxable Sales. For taxing units that adopted the sales tax in November 2021 or May 2022, enter the Comptroller's estimate of taxable sales for the previous four quarters. ³² Estimates of taxable sales may be obtained through the Comptroller's Allocation Historical Summary webpage. Taxing units that adopted the sales tax before November 2021, enter 0.	\$ <u>0</u>
52.	Estimated sales tax revenue. Counties exclude any amount that is or will be spent for economic development grants from the amount of estimated sales tax revenue. ³³ Taxing units that adopted the sales tax in November 2021 or in May 2022. Multiply the amount on Line 51 by the sales tax rate (.01, .005 or .0025, as applicable) and multiply the result by .95. ³⁴ - or - Taxing units that adopted the sales tax before November 2021. Enter the sales tax revenue for the previous four quarters. Do not multiply by .95.	\$ <u>0</u>
53.	2022 total taxable value. Enter the amount from Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ <u>0</u>
54.	Sales tax adjustment rate. Divide Line 52 by Line 53 and multiply by \$100.	\$ <u>0.000000</u> /\$100
55.	2022 NNR tax rate, unadjusted for sales tax. ³⁵ Enter the rate from Line 26 or 27, as applicable, on the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ <u>0.000000</u> /\$100
56.	2022 NNR tax rate, adjusted for sales tax. Taxing units that adopted the sales tax in November 2021 or in May 2022. Subtract Line 54 from Line 55. Skip to Line 57 if you adopted the additional sales tax before November 2021.	\$ <u>0.000000</u> /\$100
57.	2022 voter-approval tax rate, unadjusted for sales tax. ³⁶ Enter the rate from Line 49, Line D49 (disaster) or Line 50 (counties) as applicable, of the <i>Voter-Approval Tax Rate Worksheet</i> .	\$ <u>0.000000</u> /\$100
58.	2022 voter-approval tax rate, adjusted for sales tax. Subtract Line 54 from Line 57.	\$ <u>0.000000</u> /\$100

SECTION 4: Voter-Approval Tax Rate Adjustment for Pollution Control

Not Applicable

A taxing unit may raise its rate for M&O funds used to pay for a facility, device or method for the control of air, water or land pollution. This includes any land, structure, building, installation, excavation, machinery, equipment or device that is used, constructed, acquired or installed wholly or partly to meet or exceed pollution control requirements. The taxing unit's expenses are those necessary to meet the requirements of a permit issued by the Texas Commission on Environmental Quality (TCEQ). The taxing unit must provide the tax assessor with a copy of the TCEQ letter of determination that states the portion of the cost of the installation for pollution control.

This section should only be completed by a taxing unit that uses M&O funds to pay for a facility, device or method for the control of air, water or land pollution.

Line	Voter-Approval Rate Adjustment for Pollution Control Requirements Worksheet	Amount/Rate
59.	Certified expenses from the Texas Commission on Environmental Quality (TCEQ). Enter the amount certified in the determination letter from TCEQ. ³⁷ The taxing unit shall provide its tax assessor-collector with a copy of the letter. ³⁸	\$ <u>0</u>
60.	2022 total taxable value. Enter the amount from Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ <u>0</u>
61.	Additional rate for pollution control. Divide Line 59 by Line 60 and multiply by \$100.	\$ <u>0.000000</u> /\$100
62.	2022 voter-approval tax rate, adjusted for pollution control. Add Line 61 to one of the following lines (as applicable): Line 49, Line D49 (disaster), Line 50 (counties) or Line 58 (taxing units with the additional sales tax).	\$ <u>0.000000</u> /\$100

³² Tex. Tax Code § 26.041(d)

³³ Tex. Tax Code § 26.041(i)

³⁴ Tex. Tax Code § 26.041(d)

³⁵ Tex. Tax Code § 26.04(c)

³⁶ Tex. Tax Code § 26.04(c)

³⁷ Tex. Tax Code § 26.045(d)

³⁸ Tex. Tax Code § 26.045(i)

SECTION 5: Voter-Approval Tax Rate Adjustment for Unused Increment Rate

The unused increment rate is the rate equal to the difference between the adopted tax rate and voter-approval tax rate before the unused increment rate for the prior three years.³⁹ In a year where a taxing unit adopts a rate by applying any portion of the unused increment rate, the unused increment rate for that year would be zero.

The difference between the adopted tax rate and voter-approval tax rate is considered zero in the following scenarios:

- a tax year before 2020;⁴⁰
- a tax year in which the municipality is a defunding municipality, as defined by Tax Code Section 26.0501(a);⁴¹ or
- after Jan. 1, 2022, a tax year in which the comptroller determines that the county implemented a budget reduction or reallocation described by Local Government Code Section 120.002(a) without the required voter approval.⁴²

This section should only be completed by a taxing unit that does not meet the definition of a special taxing unit.⁴³

Line	Unused Increment Rate Worksheet	Amount/Rate
63.	2021 unused increment rate. Subtract the 2021 actual tax rate and the 2021 unused increment rate from the 2021 voter-approval tax rate. If the number is less than zero, enter zero.	\$ <u>0.004157</u> /\$100
64.	2020 unused increment rate. Subtract the 2020 actual tax rate and the 2020 unused increment rate from the 2020 voter-approval tax rate. If the number is less than zero, enter zero. If the year is prior to 2021, enter zero.	\$ <u>0.015310</u> /\$100
65.	2019 unused increment rate. Subtract the 2019 actual tax rate and the 2019 unused increment rate from the 2019 voter-approval tax rate. If the number is less than zero, enter zero. If the year is prior to 2021, enter zero.	\$ <u>0.000000</u> /\$100
66.	2022 unused increment rate. Add Lines 63, 64 and 65.	\$ <u>0.019467</u> /\$100
67.	2022 voter-approval tax rate, adjusted for unused increment rate. Add Line 66 to one of the following lines (as applicable): Line 49, Line D49 (disaster), Line 50 (counties), Line 58 (taxing units with the additional sales tax) or Line 62 (taxing units with pollution control).	\$ <u>0.455262</u> /\$100

SECTION 6: De Minimis Rate

Not Applicable

The de minimis rate is the rate equal to the sum of the no-new-revenue maintenance and operations rate, the rate that will raise \$500,000, and the current debt rate for a taxing unit.⁴⁴

This section should only be completed by a taxing unit that is a municipality of less than 30,000 or a taxing unit that does not meet the definition of a special taxing unit.⁴⁵

Line	De Minimis Rate Worksheet	Amount/Rate
68.	Adjusted 2022 NNR M&O tax rate. Enter the rate from Line 39 of the <i>Voter-Approval Tax Rate Worksheet</i>	\$ <u>0.000000</u> /\$100
69.	2022 total taxable value. Enter the amount on Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ <u>0</u>
70.	Rate necessary to impose \$500,000 in taxes. Divide \$500,000 by Line 69 and multiply by \$100.	\$ <u>0.000000</u> /\$100
71.	2022 debt rate. Enter the rate from Line 48 of the <i>Voter-Approval Tax Rate Worksheet</i> .	\$ <u>0.000000</u> /\$100
72.	De minimis rate. Add Lines 68, 70 and 71.	\$ <u>0.000000</u> /\$100

SECTION 7: Voter-Approval Tax Rate Adjustment for Emergency Revenue Rate

Not Applicable

In the tax year after the end of the disaster calculation time period detailed in Tax Code Section 26.042(a), a taxing unit that calculated its voter-approval tax rate in the manner provided for a special taxing unit due to a disaster must calculate its emergency revenue rate and reduce its voter-approval tax rate for that year.⁴⁶

Similarly, if a taxing unit adopted a tax rate that exceeded its voter-approval tax rate, calculated normally, without holding an election to respond to a disaster, as allowed by Tax Code Section 26.042(d), in the prior year, it must also reduce its voter-approval tax rate for the current tax year.⁴⁷

This section will apply to a taxing unit other than a special taxing unit that:

- directed the designated officer or employee to calculate the voter-approval tax rate of the taxing unit in the manner provided for a special taxing unit in the prior year; and
- the current year is the first tax year in which the total taxable value of property taxable by the taxing unit as shown on the appraisal roll for the taxing unit submitted by the assessor for the taxing unit to the governing body exceeds the total taxable value of property taxable by the taxing unit on January 1 of the tax year in which the disaster occurred or the disaster occurred four years ago.

³⁹ Tex. Tax Code § 26.013(a)

⁴⁰ Tex. Tax Code § 26.013(c)

⁴¹ Tex. Tax Code §§ 26.0501(a) and (c)

⁴² Tex. Local Gov't Code § 120.007(d), effective Jan. 1, 2023

⁴³ Tex. Tax Code § 26.063(a)(1)

⁴⁴ Tex. Tax Code § 26.012(8-a)

⁴⁵ Tex. Tax Code § 26.063(a)(1)

⁴⁶ Tex. Tax Code § 26.042(b)

⁴⁷ Tex. Tax Code § 26.042(f)

In future tax years, this section will also apply to a taxing unit in a disaster area that adopted a tax rate greater than its voter-approval tax rate without holding an election in the prior year.

Note: This section does not apply if a taxing unit is continuing to calculate its voter-approval tax rate in the manner provided for a special taxing unit because it is still within the disaster calculation time period detailed in Tax Code Section 26.042(a) because it has not met the conditions in Tax Code Section 26.042(a)(1) or (2).

Line	Emergency Revenue Rate Worksheet	Amount/Rate
73.	2021 adopted tax rate. Enter the rate in Line 4 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ <u>0.000000</u> /\$100
74.	Adjusted 2021 voter-approval tax rate. Use the taxing unit's Tax Rate Calculation Worksheets from the prior year(s) to complete this line. If a disaster occurred in 2021 and the taxing unit calculated its 2021 voter-approval tax rate using a multiplier of 1.08 on Disaster Line 41 (D41) of the 2021 worksheet due to a disaster, enter the 2021 voter-approval tax rate as calculated using a multiplier of 1.035 from Line 49. - or - If a disaster occurred prior to 2021 for which the taxing unit continued to calculate its voter-approval tax rate using a multiplier of 1.08 on Disaster Line 41 (D41) in 2021, complete the separate <i>Adjusted Voter-Approval Tax Rate for Taxing Units in Disaster Area Calculation Worksheet</i> to recalculate the voter-approval tax rate the taxing unit would have calculated in 2021 if it had generated revenue based on an adopted tax rate using a multiplier of 1.035 in the year(s) following the disaster. ⁴⁸ Enter the final adjusted 2021 voter-approval tax rate from the worksheet. - or - If the taxing unit adopted a tax rate above the 2021 voter-approval tax rate without calculating a disaster tax rate or holding an election due to a disaster, no recalculation is necessary. Enter the voter-approval tax rate from the prior year's worksheet.	\$ <u>0.000000</u> /\$100
75.	Increase in 2021 tax rate due to disaster. Subtract Line 74 from Line 73.	\$ <u>0.000000</u> /\$100
76.	Adjusted 2021 taxable value. Enter the amount in Line 14 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ <u>0</u>
77.	Emergency revenue. Multiply Line 75 by Line 76 and divide by \$100.	\$ <u>0</u>
78.	Adjusted 2022 taxable value. Enter the amount in Line 25 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ <u>0</u>
79.	Emergency revenue rate. Divide Line 77 by Line 78 and multiply by \$100. ⁴⁹	\$ <u>0.000000</u> /\$100
80.	2022 voter-approval tax rate, adjusted for emergency revenue. Subtract Line 79 from one of the following lines (as applicable): Line 49, Line D49 (disaster), Line 50 (counties), Line 58 (taxing units with the additional sales tax), Line 62 (taxing units with pollution control) or Line 67 (taxing units with the unused increment rate).	\$ <u>0.000000</u> /\$100

SECTION 8: Total Tax Rate

Indicate the applicable total tax rates as calculated above.

No-new-revenue tax rate. \$ 0.381432/\$100
 As applicable, enter the 2022 NNR tax rate from: Line 26, Line 27 (counties), or Line 56 (adjusted for sales tax). Indicate the line number used: 26

Voter-approval tax rate. \$ 0.455262/\$100
 As applicable, enter the 2022 voter-approval tax rate from: Line 49, Line D49 (disaster), Line 50 (counties), Line 58 (adjusted for sales tax), Line 62 (adjusted for pollution control), Line 67 (adjusted for unused increment), or Line 80 (adjusted for emergency revenue).
 Indicate the line number used: 67

De minimis rate. \$ 0.000000/\$100
 If applicable, enter the 2022 de minimis rate from Line 72.

SECTION 9: Taxing Unit Representative Name and Signature

Enter the name of the person preparing the tax rate as authorized by the governing body of the taxing unit. By signing below, you certify that you are the designated officer or employee of the taxing unit and have accurately calculated the tax rates using values that are the same as the values shown in the taxing unit's certified appraisal roll or certified estimate of taxable value, in accordance with requirements in Tax Code. ⁵⁰

print
here

Printed Name of Taxing Unit Representative

sign
here

Taxing Unit Representative

Date

⁴⁸ Tex. Tax Code §26.042(c)

⁴⁹ Tex. Tax Code §26.042(b)

⁵⁰ Tex. Tax Code §§ 26.04(c-2) and (d-2)



EXECUTIVE SUMMARY
08/04/2022

AGENDA SUBJECT:

Discuss and action on the Third Addendum to the Development and Reimbursement Agreement for the Village at Leander Station; and authorize the City Manager to execute any and all necessary documents.

BACKGROUND:

The City, TIRZ #1, the Leander Development Authority, and Transit Village Investments, Ltd. are parties to that certain Development and Reimbursement Agreement for the Village at Leander Station, which has been amended by subsequent amendments (the "TVI Agreement"). Northline Leander Development Company ("NLDC") is the owner of 45.3395 acres of land, which is a portion of the real property covered by the TVI Agreement (the "NLDC Property"). In connection with the conveyance of the NLDC Property by TVI to NLDC, NLDC received an Assignment of Partial Interest in the TVI Agreement from TVI of all Developer's right, title, and interest in and to all amounts, payments and credits due and payable to TIV under the Agreement with respect to the NLDC Property. To simplify that assignment and the agreement between TVI and NLDC, the purpose of this Third Addendum is to amend the TVI Agreement to remove the NLDC Property from the TVI Agreement and make it solely subject to the Northline TIRZ Reimbursement Agreement. TIRZ reimbursements for the property tax increment from the NLDC Property for calendar year 2022 and forward shall be paid to NLDC, subject to the terms, conditions, limitations, and priorities in the Northline TIRZ Reimbursement Agreement. Further, the Third Addendum amends the definition of Applicable Regulations applicable to the TVI property to encompass zoning changes and amendments adopted after the original effective date of the TVI.

The TIRZ Board approved this item unanimously at their August, 1, 2022 meeting.

PRESENTER:

Paige Saenz, City Attorney

Attachments

1. Third Addendum TVI
2. Assignment of Partial Interest
3. Location Map
4. TIRZ Draft Minutes 08.01.2022

THIRD ADDENDUM TO THE DEVELOPMENT AND REIMBURSEMENT AGREEMENT FOR THE VILLAGE AT LEANDER STATION

This Third Addendum to Development and Reimbursement Agreement for the Village at Leander Station (this “**Third Addendum**”) is made, entered into, and effective, as of the Effective Date, as defined below, by and among the CITY OF LEANDER, TEXAS, a home rule municipality (the “**City**”); the LEANDER DEVELOPMENT AUTHORITY, a non-profit corporation formed pursuant to *Subchapter D, Chapter 431, Texas Transportation Code*, and the *City Charter* of the City of Leander (the “**Authority**”); REINVESTMENT ZONE NUMBER ONE, CITY OF LEANDER, TEXAS, a legal entity created by the City pursuant to *Chapter 311, Texas Tax Code* (the “**Zone**”); TRANSIT VILLAGE INVESTMENTS, LTD., a Texas limited partnership (“**Developer**”); and NORTHLINE LEANDER DEVELOPMENT COMPANY, LP, a Texas limited partnership (“**NLDC**”).

WHEREAS, the City executes this Third Addendum for the limited purposes of: (1) approving this Third Addendum as a contractual obligation of the Authority; and (2) to hold the rights and obligations expressly set forth herein as rights and obligations of the City.

WHEREAS, NLDC is the owner of 45.3395 acres of land more particularly described in a Deed executed by Developer to NLDC recorded under Document No. 2018031159 in the Official Public Records of Williamson County, Texas (the “**NLDC Property**”), which is a portion of the real property covered by the Agreement, and in connection with the sale and conveyance of the NLDC Property by Developer to Northline Leander Development Company, LLC (NLDC’s predecessor-in-interest), NLDC received an Assignment of Partial Interest in Development Agreement from Developer of all Developer’s right, title, and interest in and to all amounts, payments and credits due and payable to Developer under the Agreement with respect to the NLDC Property, subject to certain agreements between Developer and NLDC with respect to allocation of reimbursements as between them, but not with respect to any of the rest of the Property covered by the Agreement. All of Northline Leander Development Company, LLC’s right, title and interest in and to the agreements between Northline Leander Development Company, LLC and Developer have been assigned to NLDC by Assignment recorded under Document No. 2022069967 of the Official Public Records of Williamson County, Texas, as part of the conveyance of the NLDC Property as part of the conveyance of the Northline property to NLDC by Deed recorded under Document No. 2022069952 of the Official Public Records of Williamson County, Texas.

Section 1. DEFINITIONS. Words and phrases used in this Third Addendum shall, if defined in the Agreement and not specifically modified in this Third Addendum, have the same definition and meaning as provided in the Agreement.

Section 2. DEVELOPMENT AND REIMBURSEMENT AGREEMENT CONTROLLING. The terms, conditions and provisions of the Development and Reimbursement Agreement for the Village at Leander Station dated October 6, 2011, with the Leander Development Authority, the City of Leander, and the Reinvestment Zone Number One,

City of Leander, Texas (the “**Original Agreement**”), as modified and amended by (i) Addendum to Development and Reimbursement Agreement for the Village at Leander Station dated March 15, 2012 (the “**Addendum**”), (ii) Amended Addendum to the Development and Reimbursement Agreement for the Village at Leander Station dated January 23, 2014 (the “**First Amended Addendum**”), and (iii) by Second Addendum to the Development and Reimbursement Agreement for the Village at Leander Station dated May 5, 2016 (the “**Second Addendum**”), which Second Addendum is recorded under Document No. 2016043754 in the Official Public Records of Williamson County, Texas, shall be and remain in full force and effect for all purposes, save and except as amended and modified below. The Original Agreement, as amended by the Addendum, the First Amended Addendum and the Second Addendum is hereinafter referred to as the “**Agreement**”. Words and phrases used in this Third Addendum shall, if defined in the Agreement and not specifically modified by this Third Addendum, shall have the definition and meaning as provided in the Agreement.

Section 3. LIMITED PURPOSE OF THIRD ADDENDUM. The purpose of this Third Addendum is to amend the Agreement to amend the definition of Applicable Regulations and to provide that the Property Tax Increment Receipts with respect to the NLDC Property shall be treated separately and independently from the Property Tax Increment Receipts for the rest of the Property, and shall be subject to and defined by the terms, conditions, and limitations of the NLDC Agreement (defined below).

Section 4. AMENDMENTS OF AGREEMENT.

(a) Section 2.01 of the Original Agreement is hereby amended in its entirety to read as follows:

2.01. “Applicable Regulations” means all applicable federal and State law, including environmental regulations, and the City’s Code of Ordinances, including the Smart Code, the TODD PUD Ordinance, the Village at Leander Station MF PUD, established by Ordinance No. 13-036-00, as amended from time to time, the ALTA Leander Station PUD established by Ordinance No. 20-044-00, as amended from time to time, the Leander Marketplace PUD established by Ordinance No. 21-065-00, as amended from time to time, and all other ordinances, rules, regulations, technical manuals, official policies, and applicable building and construction code of the City that exist on the Effective Date, except as specifically modified by this Agreement.

(b) Accordingly, the Parties agree that effective as of April 1, 2022, the Agreement shall be amended as follows:

(a) The “**Parties**” shall mean the Authority, Developer and NLDC.

(b) The “**Property**” shall mean all of the 144.7 acres of land located generally northeast of the intersection of US 183 and RR 2243 in the City of Leander, Williamson County, Texas, said land being located in TIRZ #1 and the TODD PUD, and being more particularly described in **Exhibit “A,”** which is attached hereto for all purposes, SAVE AND EXCEPT the NLDC Property. Effective as of January 1, 2022, the NLDC Property shall be removed from the description of the Property in

this Agreement and the NLDC Property shall no longer be subject to this Agreement and shall be subject to the Development and Reimbursement Agreement for Northline Leander Development, as amended from time to time (the “**NLDC Agreement**”) by and among the City, the Authority, the Zone and NLDC.

(c) The remaining balance of the Reimbursement Amount as of the effective date of this Third Addendum is **\$571,883.95** (the “**Developer Reimbursement Amount**”).

(d) The Authority will pay to Developer the portion of the Payment Account attributable to the Property and the NLDC Property through December 31, 2021. Beginning January 1, 2022, the Authority will pay the portion of the Payment Account attributable to the remainder of the Property, specifically excluding the NLDC Property, to Developer on or before April 30th of each calendar year until the first to occur of (a) the expiration or earlier termination of the Agreement, or (b) the full amount of the Developer Reimbursement Amount has been paid to Developer. Beginning January 1, 2022, the Authority will pay the portion of the Payment Account attributable to the NLDC Property to NLDC on or before April 30th of each calendar year in accordance with and subject to the terms, conditions, and limitations of the NLDC Agreement.

(e) NLDC’s rights under the Agreement as relates to the NLDC Property may be assigned by NLDC to one or more purchasers of all or part of the NLDC Property; provided, however, the Authority shall not be required to recognize any such assignment unless and until a true and accurate copy of the fully executed assignment document has been delivered to the Authority.

(f) Any notice mailed to NLDC shall be addressed to:

Northline Leander Development Company, LP
2106 Woolridge Drive
Austin, Texas 78703
Attn: Alex Tynberg

With required copy to:

R. Alan Haywood
Graves, Dougherty, Hearon & Moody
P.O. Box 98
Austin, Texas 78767

(l) NLDC confirms and agrees that it shall have no right, title or interest in and to any of the Property Tax Increment Receipts, the Property Tax Basic Amount, or the Property Tax Additional Amount related to any of the Property covered by the Agreement prior to December 31, 2021. Beginning January 1, 2022, NLDC shall

have all rights to the Property Tax Increment Receipts, the Property Tax Basic Amount and the Property Tax Additional Amount related to the NLDC Property, as those terms are defined in the NLDC Agreement, and Developer shall have all rights to the Property Tax Increment Receipts, the Property Tax Basic Amount and the Property Tax Additional Amount related to all remaining Property, specifically excluding the NLDC Property. Developer confirms and agrees that it shall have no right, title or interest in and to any of the Property Tax Increment Receipts, the Property Tax Basic Amount, or the Property Tax Additional Amount related to the NLDC Property on or after January 1, 2022.

Section 5. MISCELLANEOUS.

(a) This Third Addendum, together with the Agreement, set forth the entire understanding of the parties and supersedes all prior agreements and understandings, whether written or oral, with respect to the subject matter hereof.

(b) The terms and provisions hereof shall be binding upon the Developer and NLDC, and their respective successors and assigns.

(c) The Parties agree that, except as modified hereby, the Agreement remains valid, binding, and in full force and effect. If there is any conflict or inconsistency between this Third Addendum and the Agreement, this Third Addendum will control and modify the Agreement.

(d) This Third Addendum may be executed in any number of counterparts, including, without limitation, facsimile counterparts or images of executed signatures transmitted by electronic format (including, without limitation, “.pdf”, “.tif” or “.jpg”) and other electronic signatures (including, without limitation, DocuSign and AdobeSign), with the same effect as if the parties had signed the same document, and all counterparts will constitute one and the same agreement. The use of electronic signatures and electronic records generated, sent, communicated, received or stored by electronic means shall be of the same legal effect, validity and enforceability as a manually executed signature or use of a paper-based recordkeeping system to the fullest extent permitted by applicable law.

(e) To the extent the Agreement constitutes a contract for goods or services within the meaning of Section 2270.002 of the Texas Government Code, as amended, solely for purposes of compliance with Chapter 2270 of the Texas Government Code, and subject to applicable Federal law, the Developer represents that neither the Developer nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of Owner (i) boycotts Israel or (ii) will boycott Israel through the term of the Agreement. The terms “boycotts Israel” and “boycott Israel” as used in this paragraph have the meanings assigned to the term “boycott Israel” in Section 808.001 of the Texas Government Code, as amended.

(f) To the extent the Agreement constitutes a governmental contract within the meaning of Section 2252.151 of the Texas Government Code, as amended, solely for purposes of compliance with Chapter 2252 of the Texas Government Code, and except to the extent otherwise

required by applicable federal law, Owner represents that Owner nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of Owner is a company listed by the Texas Comptroller of Public Accounts under Sections 2270.0201, or 2252.153 of the Texas Government Code.

(g) To the extent the Agreement constitutes a contract for goods or services for which a written verification is required under Section 2274.002 (as added by Senate Bill 13 in the 87th Texas Legislature, Regular Session), Texas Government Code, as amended, the Owner hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott energy companies and will not boycott energy companies during the term of this Agreement. The foregoing verification is made solely to enable the City to comply with such Section and to the extent such Section does not contravene applicable Texas or federal law. As used in the foregoing verification, “boycott energy companies” shall mean, without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company (a) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; or (b) does business with a company described by (a) above.

(h) To the extent the Agreement constitutes a contract for goods or services for which a written verification is required under Section 2274.002 (as added by Senate Bill 19 in the 87th Texas Legislature, Regular Session), Texas Government Code, as amended, the Owner hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of this Agreement against a firearm entity or firearm trade association. The foregoing verification is made solely to enable the City to comply with such Section and to the extent such Section does not contravene applicable Texas or federal law. As used in the foregoing verification, (a) ‘discriminate against a firearm entity or firearm trade association’ means, with respect to the firearm entity or firearm trade association, to: (i) refuse to engage in the trade of any goods or services with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association, (ii) refrain from continuing an existing business relationship with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association, or (iii) terminate an existing business relationship with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association; and (b) does not include (i) the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories and (ii) a company’s refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship (A) to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency or (B) for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity’s or association’s status as a firearm entity or firearm trade association. As used in the foregoing verification, (a) ‘firearm entity’ means a manufacturer, distributor, wholesaler, supplier, or retailer of firearms (i.e., weapons that expel projectiles by the action of explosive or expanding gases), firearm accessories (i.e., devices specifically designed or adapted to enable an individual to

wear, carry, store, or mount a firearm on the individual or on a conveyance and items used in conjunction with or mounted on a firearm that are not essential to the basic function of the firearm, including detachable firearm magazines), or ammunition (i.e., a loaded cartridge case, primer, bullet, or propellant powder with or without a projectile) or a sport shooting range (as defined by Section 250.001, Texas Local Government Code); and (b) ‘firearm trade association’ means a person, corporation, unincorporated association, federation, business league, or business organization that: (i) is not organized or operated for profit (and none of the net earnings of which inures to the benefit of any private shareholder or individual), (ii) has two or more firearm entities as members, and (iii) is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c) of that code.

[separate signature pages follow]

EXECUTED each of the Parties on the date of their respective acknowledgements to be effective the date of the last such acknowledgement (the “**Effective Date**”).

CITY OF LEANDER, TEXAS

By: _____
Richard B. Beverlin, III, City Manager

ATTEST:

Dara Crabtree,
City Secretary

APPROVED AS TO FORM:

By: _____
Paige H. Saenz,
City Attorney

THE STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this the _____ day of _____, 2022, personally appeared Richard B. Beverlin, III, City Manager, on behalf of the City of Leander, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Notary Public - State of Texas

LEANDER DEVELOPMENT AUTHORITY

By: _____
Christine DeLisle, Chair

THE STATE OF TEXAS

§
§
§

COUNTY OF WILLIAMSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State,
on this the _____ day of _____, 2022, personally
appeared Christine DeLisle, Chair on behalf of the Leander Development Authority, known to
me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that
he/she executed the same for the purposes and consideration therein expressed and in the capacity
therein stated.

Notary Public - State of Texas

REINVESTMENT ZONE NUMBER ONE,
CITY OF LEANDER

By: _____

Name: _____

Title: _____

THE STATE OF TEXAS

§

§

COUNTY OF WILLIAMSON

§

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State,
on this the _____ day of _____, 2022, personally appeared
_____, _____, on behalf of the Reinvestment Zone Number
One, City of Leander, known to me to be the person whose name is subscribed to the foregoing
instrument, and acknowledged that he/she executed the same for the purposes and consideration
therein expressed and in the capacity therein stated.

Notary Public - State of Texas

TRANSIT VILLAGE INVESTMENTS, LTD.,
a Texas limited partnership

By: TVI GP, LLC, a Texas limited liability
company, its General Partner

By: _____
Lance R. Hughes, Manager

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on this _____ day of _____, 2022, by Lance R. Hughes, as Manager of TVI GP, LLC, a Texas limited liability company, as General Partner of Transit Village Investments, Ltd., a Texas limited partnership, on behalf of said limited partnership.

Notary Public -- State of Texas

NORTHLINE LEANDER DEVELOPMENT
COMPANY, LP

By: NLDC GP, LLC, a Texas limited liability
company, General Partner

By: Tynberg, LLC, a Texas limited liability
company, Manager

By: _____
Alex Tynberg, Manager

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the _____ day of _____, 2022,
by Alex Tynberg, as Manager of Tynberg, LLC, a Texas limited liability company, on behalf of said
limited liability company as Manager of NLDC GP, LLC, a Texas limited liability company, on
behalf of said limited liability company as the General Partner of NORTHLINE LEANDER
DEVELOPMENT COMPANY, LP, a Texas limited partnership, on behalf of said limited
partnership.

NOTARY PUBLIC, State of Texas

EXHIBIT A

TRACT NO. 1: Being 61.05 acres of land, more or less, known as Lot 2, San Gabriel Park, a Subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Cabinet Y, Slide 364, Plat Records of Williamson County, Texas.

TRACT NO. 2: Being 4.33 acres of land, more or less, out of the William Mandl Survey, Abstract No. 437, and the Talbot Chambers Survey, Abstract No. 125, in Williamson County, Texas, and being more particularly described as Tract B in metes and bounds attached hereto as Exhibit "A-1".

TRACT NO. 3: Being 94.24 acres of land, more or less, out of the Talbot Chambers Survey, Abstract No. 125, and the Elijah Harmon Survey, Abstract No. 6, in Williamson County, Texas, and being more particularly described as Tract A in metes and bounds attached hereto as Exhibit "A-1".

EXHIBIT A-1

UDG #99-085
FN # 764

Leander Tracts
Williamson County, Texas

DESCRIPTION

DESCRIBING TWO TRACTS OF LAND HEREINAFTER REFERRED TO AS TRACT A, AND TRACT B, TRACT A, CONTAINING 94.24 ACRES AND BEING A PART OF THE TALBOT CHAMBERS SURVEY A-125 AND THE ELIJAH HARMON SURVEY A-6, WILLIAMSON COUNTY, TEXAS AND BEING FURTHER DESCRIBED AS BEING ALL OF THAT 23.41 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO LEANDER PARTNERS, LTD. EXECUTED ON FEBRUARY 14, 2002 AND RECORDED IN DOCUMENT NUMBER 2002014215 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND ALSO BEING THE REMAINING PORTION OF THAT 71.146 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO LEANDER PARTNERS, LTD. EXECUTED ON FEBRUARY 14, 2002 AND RECORDED IN DOCUMENT NUMBER 2002014216 OF SAID OFFICIAL PUBLIC RECORD, TRACT B, CONTAINING 4.33 ACRES AND BEING A PART OF THE WILLIAM MANCIL SURVEY, A-437 AND THE TALBOT CHAMBERS SURVEY A-125, WILLIAMSON COUNTY, TEXAS AND BEING FURTHER DESCRIBED AS BEING THE REMAINING PORTION OF THAT 5.24 ACRE TRACT DESCRIBED IN THE SAID DOCUMENT NUMBER 2002014216, SAID TRACT A AND TRACT B BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

TRACT A, 94.24 ACRES

BEGINNING at an iron rod found at the southwest corner of said 71.146 acre tract, said iron rod also being in the east right-of-way line of the Austin and Northwestern Railroad as described in a quit-claim deed to the City of Austin as recorded in Volume 1417 Page 282 of the Official Records of said County:

THENCE, with the common line of said 71.146 acre tract and the Austin and Northwestern Railroad, N21°04'35"W, 1,274.19 feet to an iron rod set at the southwest corner of Lot 1 of San Gabriel Park, a subdivision recorded in Cabinet Y Slides 364-367 of the Plat Records of said County;

THENCE, with the south line of said Lot 1, N68°53'56"E, 233.70 feet to an iron rod set in the south line of said Lot 1 at the southern most west corner of Lot 2 of said San Gabriel Park, said iron rod also being in a north line of said 71.146 acre tract;

THENCE, with the common line of said 71.146 acre tract and Lot 2, the following six courses:

- 1) N89°23'28"E, 244.36 feet to an iron rod set;
- 2) N88°57'28"E, 514.09 feet to an iron rod set;
- 3) N88°15'02"E, 93.74 feet to an iron rod set;
- 4) N89°01'20"E, 64.20 feet to an iron rod set;

- 5) N72°21'08"E, 47.15 feet to an iron rod set;
- 6) N88°31'51"E, 185.62 to an iron rod found at the southeast of said Lot 2, same being a southwest corner of that 101.01 acre tract of land described in a deed to J LTS Investments as recorded in Document Number 1999941721 of said Official Public Records;

THENCE, with the common line of said 71.146 acre tract and the 101.01 acre tract, the following five courses;

- 1) N88°30'12"E, 338.67 feet to an iron rod set;
- 2) N84°33'43"E, 56.88 feet to an iron rod found;
- 3) N76°37'12"E, 52.75 feet to an iron rod set;
- 4) N74°43'36"E, 106.62 feet to an iron rod set;
- 5) N74°17'41"E, 482.07 feet to an iron rod found at a northeast corner of said 71.146 acre tract, same being the northwest corner of that 9.16 acre tract described in a deed to Malcolm Leo Nauman and Virginia Nauman as recorded in Document Number 2003009014 of said Official Public Records;

THENCE, with the common line of said 71.146 acre tract and the 9.16 acre tract, S54°48'53"E, 139.40 feet to an iron rod found at the northwest corner of that 23.402 acre tract described in a deed to House Medical Center Convalescent Home, Incorporated as recorded in Volume 1726 Page 941 of the said Deed Records;

THENCE, with the common line of said 71.146 acre tract and the 23.402 tract, 521°38'49"E, 1,913.59 feet to an iron rod found at the southeast corner of said 71.146 acre tract, same being the southwest corner of said 23.402 acre tract and also being in the north right-of-way line of FM 2243;

THENCE, with the common line of said 71.146 acre tract and the north line of FM 2243, the following two courses;

- 1) S70°26'57"W, 86.91 feet to an iron rod set;
- 2) Along a curve to the right having a radius of 5769.58 feet , an arc length of 9.79 feet, a central angle of 00°05'50" and a chord which bears S70°24'02"W, 9.79 feet to an iron rod found at a southwest corner of said 71.146 acre tract, same being the southeast corner of that 12.12 acre tract of land described in a deed to Harvey Evans and Gloria Evans as recorded in Volume 1135 Page 7 of the said Official Public Records;

THENCE, with a common line of said 71.146 acre tract and the 12.12 acre tract, N21°15'51"W, 321.79 feet to an iron rod found at the northeast corners of the said 12.12 acre tract;

THENCE, with a common line of said 71.146 acre tract and the 12.12 acre tract, S67°45'06"W, 777.42 feet to an iron rod found at a southwest corner of said 71.146 acre tract same be the southeast corner of said 23.41 acre tract recorded in Document Number 2002014215;

THENCE, with the common line of said 23.41 acre tract and the 12.12 acre tract, 567°49'16"W, 896.02 feet to an iron rod found at the southwest corner of the said 23.41 acre tract, same being the northwest corner of said 12.12 acre tract and also being in the east right-of-way line of East Street (55' R.O.W., dedicated Volume 33 Page 549, said Official Public Records);

THENCE, with the common line of said 23.41 acre tract and East Street, N21°00'44"W, 1,067.99 feet to an iron rod found at the northwest corner of said 23.41 acre tract, same being the northeast corner of said East Street and an interior corner of said 71.146 acre tract;

UDG #99-085
FN 14 764

Leander Tracts
Williamson County, Texas
Page 3

THENCE, with the common line of said 71.146 acre tract and East Street and the City of Leander, as recorded in said Volume 33 Page 549, S67°32'15"W, 554.12 feet to an iron rod found at the northwest corner of Lot 2 Block 2 of said City of Leander, same being an interior corner of said 71.146 acre tract;

THENCE, with the common line of said 71 146 acre tract and Lot 2 Block 2 S21 °06'45"E, 18.50 feet to an iron rod set at a southeast corner of said 71.146 acre tract;

THENCE, with a south line of said 71.146 acre tract, S68°34'33"W, 101.35 feet to the POINT OF BEGINNING and containing 94.24 acres of land.

TRACT B, 4.33 ACRES

BEGINNING at an iron rod found at the northwest corner of the said 5.24 acre tract of land described in Document Number 2002014216, same being the southwest corner of that 5.855 acre tract of land described in said deed to Sam Winters and Roy Butler recorded in Volume 511 Page 54 of the said Deed Records, said iron rod also being in the east right-of-way line of U.S. Highway 183 (120' R.O.W)

THENCE, with the common line of said 5.24 acre tract and the 5.855 acre tract, N67°34'25"E, 108.00 feet to an iron rod found at the northeast corner of said 5.24 acre tract, same being the southeast corner of said 5.855 acre tract and in the west right-of-way line of said Austin and Northwestern Railroad;

THENCE, with the common line of said 5.24 acre tract and the Austin and Northwestern Railroad, S21°07'1 1"E, 1,719.08 feet to an iron rod set at the northeast corner of that 0.91 of an acre of land described in a deed to Capital Metropolitan Transportation Authority as recorded in Document Number 2004089006 of the said Official Public Records;

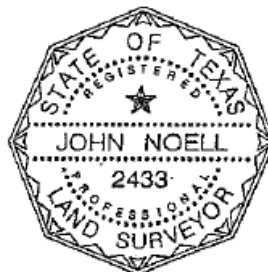
THENCE, through the interior of said 5.24 acre tract and with the north line of the said 0.91 acre tract, the following two courses:

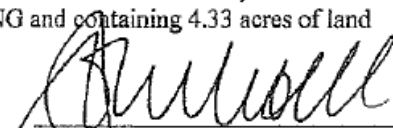
- 1) S69°00'05"W, 80.83 feet to an iron rod set;
- 2) S21°43'25"W, 36.73 feet to an iron rod set at the northwest corner of the said 0.91 acre tract, same being in the common line of said 5.24 acre tract and U.S. Highway 183;

THENCE, with said common line of the 5.24 acre tract and U.S. Highway 183, the following two courses:

- 1) Along a curve to the right having a radius of 1851.68 feet, an arc length of 147.86 feet, a central angle of 4°34'31" and a chord which bears N23°15'58"W, 147.83 feet to an iron rod found;
- 2) N20°59'55"W, 1,595.66 feet to the POINT OF BEGINNING and containing 4.33 acres of land

Surveyed by:
URBAN DESIGN GROUP
3660 Stoneridge Road, # E101
Austin, Texas 78746
(512) 347-0040




John Noell, R.P.L.S. #2433

Date: 12.22.06

Map attached.

Bearing Basis: Texas State Plane Coordinate System, NAD 83, Texas Central Zone

ASSIGNMENT OF PARTIAL INTEREST IN DEVELOPMENT AGREEMENT

STATE OF TEXAS §

COUNTY OF WILLIAMSON §

THIS Assignment of Partial Interest in Development Agreement (this "**Assignment**") is executed and delivered to be effective as of the date set forth below (the "**Effective Date**"), by and between TRANSIT VILLAGE INVESTMENTS, LTD., a Texas limited partnership ("**TVI**"), with an address of 2215 Westlake Drive, Suite 300, Austin, Texas 78746, Attn: Lance Hughes, and NORTHLINE LEANDER DEVELOPMENT COMPANY, LP, a Texas limited partnership ("**NLDC**"), with an address of 2106 Woolridge Drive, Austin, Texas 78703, Attn: Alex Tynberg, with respect that certain tract of land containing 45.3395 acres, more or less, and being a part of Lot 2, SAN GABRIEL PARK, a subdivision in Williamson County, Texas, according to the map or plat thereof, recorded in Cabinet Y, Slide 364 of the Plat Records of Williamson County, Texas, said 45.3395 acres being more particularly described in Deed executed by TVI to NLDC recorded under Document No. 2018031159 in the Official Public Records of Williamson County, Texas (the "**NLDC Property**").

The NLDC Property comprises a portion of the 144.7 acres described in and subject to that certain Development and Reimbursement Agreement for the Village at Leander Station dated October 6, 2011, with the Leander Development Authority, the City of Leander, and the Reinvestment Zone Number One, City of Leander, Texas, as modified and amended by Addendum to Development and Reimbursement Agreement for the Village at Leander Station dated March 15, 2012, by Amended Addendum to Development and Reimbursement Agreement for the Village at Leander Station dated January 23, 2014, by Second Addendum to the Development and Reimbursement Agreement for the Village at Leander Station dated May 5, 2016, with Second Amended Addendum Development and Reimbursement Agreement for the Village at Leander Station is recorded under Document No. 2016043754 in the Official Public Records of Williamson County, Texas (collectively, the "**Development Agreement**"). The Development Agreement pertains to a total of 144.7 acres of land, including the NLDC Property.

For good and valuable consideration, TVI hereby sells, assigns, transfers, sets over, and conveys to NLDC all of TVI's right, title, and interest in and to all amounts, payments, and credits due and payable to TVI under the Development Agreement applicable to the NLDC Property from and after January 1, 2022 (the "**Assigned Interest**"); provided, however, it is expressly understood and agreed that TVI retains all of its right, title, and interest under the Development Agreement to seek reimbursements for amounts, payments and credits due to TVI under the Development Agreement applicable to the NLDC Property prior to December 31, 2021.

NLDC hereby assumes the obligations of TVI under or with respect to the Development Agreement, to the extent of the Assigned Interest and as it relates to the NLDC Property, arising from and after January 1, 2022. NLDC shall defend, indemnify, and hold harmless TVI from and against any liabilities, losses, damages, causes of action, costs, and expenses (including,

without limitation, reasonable attorney's fees, associated legal expenses and costs of court) incurred by TVI by reason of the failure of NLDC to fulfill, perform, discharge and observe its obligations under or with respect to the Development Agreement, solely as it relates to the NLDC Property and solely to the extent of the Assigned Interest, arising from and after January 1, 2022. TVI shall defend, indemnify, and hold harmless NLDC from and against any liabilities, losses, damages, causes of action, costs and expenses (including, without limitation, reasonable attorneys' fees, associated legal expenses and costs of court) incurred by NLDC by reason of the failure of the TVI to fulfill, perform, discharge and observe its obligations (i) under or with respect to the Development Agreement arising prior to January 1, 2022, and (ii) under or with respect to the Development Agreement, except as it relates to the NLDC Property and except to the extent of the Assigned Interest, arising from and after January 1, 2022.

NLDC and TVI hereby further agree that TVI shall be entitled to receive one hundred percent (100%) of all reimbursements under the Development Agreement related to the NLDC Property through December 31, 2021. Beginning January 1, 2022, TVI agrees that the NLDC Property shall be removed from the Development Agreement and shall be added to the Development and Reimbursement Agreement for the Northline Leander Development by and among the City, the Authority, the Zone and NLDC (the "**NLDC Development Agreement**") and NLDC shall be entitled to one hundred percent (100%) of all reimbursement proceeds payable by the City, the Authority or the Zone for the NLDC Property.

This Assignment can be executed in counterparts, each of which shall be original and, when signed and delivered by all parties, together will constitute a fully executed and binding Assignment.

(remainder of page intentionally left blank; signature pages follow)

IN WITNESS WHEREOF, the undersigned have caused this Assignment of Partial Interest in Development Agreement to be executed on the dates of their respective acknowledgements below to be effective as of the date of the last such acknowledgement.

TVI:

TRANSIT VILLAGE INVESTMENTS, LTD.,
a Texas limited partnership

By: TVI GP, LLC, a Texas limited liability
company, its General Partner

By: _____
Lance R. Hughes, Manager

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on this _____ day of _____, 2022, by Lance R. Hughes, as Manager of TVI GP, LLC, a Texas limited liability company, as General Partner of Transit Village Investments, Ltd., a Texas limited partnership, on behalf of said limited partnership.

Notary Public -- State of Texas

NLDC:

NORTHLINE LEANDER DEVELOPMENT
COMPANY, LP

By: NLDC GP, LLC, a Texas limited liability
company, General Partner

By: Tynberg, LLC, a Texas limited liability
company, Manager

By: _____
Alex Tynberg, Manager

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the _____ day of _____, 2022, by Alex Tynberg, as Manager of Tynberg, LLC, a Texas limited liability company, on behalf of said limited liability company as Manager of NLDC GP, LLC, a Texas limited liability company, on behalf of said limited liability company as the General Partner of NORTHLINE LEANDER DEVELOPMENT COMPANY, LP, a Texas limited partnership, on behalf of said limited partnership.

NOTARY PUBLIC, State of Texas

tables.

EXHIBIT "A-1 "

Talbot Chambers Survey, Abstract No. 125

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 45.3395 ACRES (1,974,990 SQUARE FEET) OUT OF THE TALBOT CHAMBERS SURVEY, ABSTRACT NO. 125, IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT 2, SAN GABRIEL PARK, A SUBDIVISION RECORDED IN CABINET Y, SLIDES 364-367 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS (P.R.W.C.T.), SAID 45.3395 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND AS FOLLOWS:



BEGINNING, at a 1/2-inch iron rod found in the east right-of-way line of the Capital Metropolitan Transportation Authority Railroad (100' right-of-way), conveyed in Document No. 2000020773 of the Official Public Records of Williamson County, Texas (O.P.R.W.C.T.), being the southwest corner of a called 12.931 acre tract conveyed to Area Leander 1, L.P. in Document No. 2016069577 (O.P.R.W.C.T.), and being the northwest corner of said Lot 2, for the northwest corner hereof, from which a 1/2-inch iron rod found at the intersection of the south right-of-way line of San Gabriel Parkway (right-of-way width varies), partially dedicated in Document No. 2004068740 (O.P.R.W.C.T.), and the east right-of-way line of said Railroad, bears N21°12'43"W, a distance of 477.90 feet;

THENCE, leaving the east right-of-way line of said Railroad, with the common line of said 12.931 acre tract and said Lot 2, the following four (4) courses and distances:

- 1) N70°11'45"E, a distance of 314.90 feet to a 1/2-inch iron rod found for an angle point hereof,
- 2) N70°43'28"E, a distance of 728.71 feet to a 1/2-inch iron rod found for an angle point hereof,
- 3) N69°06'10"E, a distance of 90.47 feet to a 1/2-inch iron rod found for an angle point hereof, and
- 4) N71°06'42"E, a distance of 61.67 feet to a 1/2-inch iron rod with "Ward-5811" cap set for the northeast corner hereof, being an angle point in the west right-of-way line of Mel Mathis Boulevard (right-of-way width varies), partially dedicated in Document No. 2014077239 (O.P.R.W.C.T.), and being the northeast corner of said Lot 2;

THENCE, with the west right-of-way line of said Mel Mathis Boulevard and the east line of said Lot 2, the following three (3) courses and distances:

- 1) S20°36'40"E, a distance of 1,117.48 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,
- 2) S20°26'00"E, a distance of 27.68 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof, and
- 3) S20°29'52"E, a distance of 128.25 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof;

THENCE, with the east line of said Lot 2, in part being the west right-of-way line of Mel Mathis Boulevard, and in part being the west line of a called 3.827 acre tract conveyed to the City of Leander, Texas in Document No. 2014005725 (O.P.R.W.C.T.), S20°28'10"E, a distance of 493.39 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof, and being an angle point in the common line of said Lot 2 and said 3.827 acre tract;

THENCE, continuing with the common line of said Lot 2 and said 3.827 acre tract, the following seven (7) courses and distances:

- 1) S22°49'04"E, a distance of 50.01 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,

- 2) S16°12'32"E, a distance of 67.74 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,
- 3) S21°18'20"E, a distance of 61.32 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,
- 4) S20°56'16"E, a distance of 136.77 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,
- 5) S21°13'59"E, a distance of 70.93 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,
- 6) S25°02'37"E, a distance of 366.51 feet to a Mag nail with "4Ward Boundary" washer set for an angle point hereof, and
- 7) S24°25'23"W, a distance of 17.00 feet to a calculated point for southeast corner hereof, from which a 1/2-inch iron rod found for an angle point in the common line of said Lot 2 and said 3.827 acre tract bears S24°25'23"W, a distance of 33.09 feet;

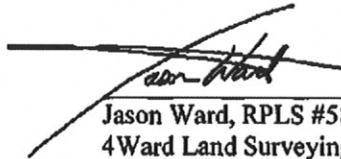
THENCE, over and across said Lot 2, the following twenty-five (25) courses and distances:

- 1) N50°07'41"W, a distance of 60.74 feet to a calculated point for an angle point hereof,
- 2) N73°38'59"W, a distance of 66.59 feet to a calculated point for an angle point hereof,
- 3) N01°56'09"E, a distance of 123.08 feet to a calculated point for an angle point hereof,
- 4) N57°13'47"W, a distance of 201.97 feet to a calculated point for an angle point hereof,
- 5) N26°00'29"W, a distance of 171.59 feet to a calculated point for an angle point hereof,
- 6) N54°28'17"W, a distance of 188.91 feet to a calculated point for an angle point hereof,
- 7) N64°34'23"W, a distance of 73.26 feet to a calculated point for an angle point hereof,
- 8) S70°35'47"W, a distance of 116.88 feet to a calculated point for an angle point hereof,
- 9) N85°17'49"W, a distance of 101.63 feet to a calculated point for an angle point hereof,
- 10) N64°04'31"W, a distance of 40.75 feet to a calculated point for an angle point hereof,
- 11) N23°03'16"W, a distance of 40.58 feet to a calculated point for an angle point hereof,
- 12) N23°06'23"E, a distance of 108.63 feet to a calculated point for an angle point hereof,
- 13) N38°35'17"W, a distance of 36.64 feet to a calculated point for an angle point hereof,
- 14) N82°04'13"W, a distance of 84.65 feet to a calculated point for an angle point hereof,
- 15) N67°25'14"W, a distance of 33.59 feet to a calculated point for an angle point hereof,
- 16) N28°42'54"W, a distance of 32.70 feet to a calculated point for an angle point hereof,
- 17) N66°18'33"W, a distance of 60.73 feet to a calculated point for an angle point hereof,
- 18) S58°21'10"W, a distance of 86.21 feet to a calculated point for an angle point hereof,
- 19) S46°19'59"W, a distance of 131.18 feet to a calculated point for an angle point hereof,
- 20) S57°26'06"W, a distance of 63.53 feet to a calculated point for an angle point hereof,
- 21) N80°03'30"W, a distance of 169.03 feet to a calculated point for an angle point hereof,
- 22) N51°26'55"W, a distance of 123.90 feet to a calculated point for an angle point hereof,
- 23) N35°13'10"W, a distance of 149.36 feet to a calculated point for an angle point hereof,
- 24) N18°38'44"W, a distance of 183.61 feet to a calculated point for an angle point hereof,
- 25) N32°05'59"W, a distance of 222.61 feet to a calculated point for an angle point hereof, said point being in the east right-of-way line of said Railroad, and being in the west line of said Lot 2, from which a 1/2-inch iron rod with "Ward-5811" cap set in the common line of said Lot 2 and said Railroad, for the northwest corner of a called 0.548 acre right-of-way dedication conveyed in Document No. 2014003534 (O.P.R.W.C.T.), bears S21°06'14"E, a distance of 930.19 feet;

THENCE, with the east right-of-way line of said Railroad and the west line of said Lot 2, N21°06'14"W, a distance of 779.40 feet to the **POINT OF BEGINNING**, and containing 45.3395 Acres (1,974,990 Square Feet) more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203), all distances were adjusted to surface using a combined scale factor of 1.000138805545. See attached sketch (reference drawing: 00508_45 Acre Title-Tree-Topo (2017).dwg)


Jason Ward, RPLS #5811
4 Ward Land Surveying, LLC

3/19/18



UDG #99-085
FN # 764

EXHIBIT "A-1"

Leander Tracts
Williamson County, Texas

DESCRIPTION

DESCRIBING TWO TRACTS OF LAND HEREINAFTER REFERRED TO AS TRACT A, AND TRACT B, TRACT A, CONTAINING 94.24 ACRES AND BEING A PART OF THE TALBOT CHAMBERS SURVEY A-125 AND THE ELIJAH HARMON SURVEY A-6, WILLIAMSON COUNTY, TEXAS AND BEING FURTHER DESCRIBED AS BEING ALL OF THAT 23.41 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO LEANDER PARTNERS, LTD. EXECUTED ON FEBRUARY 14, 2002 AND RECORDED IN DOCUMENT NUMBER 2002014215 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND ALSO BEING THE REMAINING PORTION OF THAT 71.146 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO LEANDER PARTNERS, LTD. EXECUTED ON FEBRUARY 14, 2002 AND RECORDED IN DOCUMENT NUMBER 2002014216 OF SAID OFFICIAL PUBLIC RECORD, TRACT B, CONTAINING 4.33 ACRES AND BEING A PART OF THE WILLIAM MANCIL SURVEY, A-437 AND THE TALBOT CHAMBERS SURVEY A-125, WILLIAMSON COUNTY, TEXAS AND BEING FURTHER DESCRIBED AS BEING THE REMAINING PORTION OF THAT 5.24 ACRE TRACT DESCRIBED IN THE SAID DOCUMENT NUMBER 2002014216, SAID TRACT A AND TRACT B BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

TRACT A, 94.24 ACRES

BEGINNING at an iron rod found at the southwest corner of said 71.146 acre tract, said iron rod also being in the east right-of-way line of the Austin and Northwestern Railroad as described in a quit-claim deed to the City of Austin as recorded in Volume 1417 Page 282 of the Official Records of said County;

THENCE, with the common line of said 71.146 acre tract and the Austin and Northwestern Railroad, N21°04'35"W, 1,274.19 feet to an iron rod set at the southwest corner of Lot 1 of San Gabriel Park, a subdivision recorded in Cabinet Y Slides 364-367 of the Plat Records of said County;

THENCE, with the south line of said Lot 1, N68°53'56"E, 233.70 feet to an iron rod set in the south line of said Lot 1 at the southern most west corner of Lot 2 of said San Gabriel Park, said iron rod also being in a north line of said 71.146 acre tract;

THENCE, with the common line of said 71.146 acre tract and Lot 2, the following six courses:

- 1) N89°23'28"E, 244.36 feet to an iron rod set;
- 2) N88°57'28"E, 514.09 feet to an iron rod set;
- 3) N88°15'02"E, 93.74 feet to an iron rod set;
- 4) N89°01'20"E, 64.20 feet to an iron rod set;

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Leander Tracts
Williamson County, Texas
Page 2

5) N72°21'08"E, 47.15 feet to an iron rod set;
6) N88°31'51"E, 185.62 to an iron rod found at the southeast of said Lot 2, same being a southwest corner of that 101.01 acre tract of land described in a deed to JLTS Investments as recorded in Document Number 1999941721 of said Official Public Records;

THENCE, with the common line of said 71.146 acre tract and the 101.01 acre tract, the following five courses;

- 1) N88°30'12"E, 338.67 feet to an iron rod set;
- 2) N84°33'43"E, 56.88 feet to an iron rod found;
- 3) N76°37'12"E, 52.75 feet to an iron rod set;
- 4) N74°43'36"E, 106.62 feet to an iron rod set;
- 5) N74°17'41"E, 482.07 feet to an iron rod found at a northeast corner of said 71.146 acre tract, same being the northwest corner of that 9.16 acre tract described in a deed to Malcolm Leo Nauman and Virginia Nauman as recorded in Document Number 2003009014 of said Official Public Records;

THENCE, with the common line of said 71.146 acre tract and the 9.16 acre tract, S54°48'53"E, 139.40 feet to an iron rod found at the northwest corner of that 23.402 acre tract described in a deed to House Medical Center Convalescent Home, Incorporated as recorded in Volume 1726 Page 941 of the said Deed Records;

THENCE, with the common line of said 71.146 acre tract and the 23.402 tract, S21°38'49"E, 1,913.59 feet to an iron rod found at the southeast corner of said 71.146 acre tract, same being the southwest corner of said 23.402 acre tract and also being in the north right-of-way line of FM 2243;

THENCE, with the common line of said 71.146 acre tract and the north line of FM 2243, the following two courses;

- 1) S70°26'57"W, 86.91 feet to an iron rod set;
- 2) Along a curve to the right having a radius of 5769.58 feet, an arc length of 9.79 feet, a central angle of 00°05'50" and a chord which bears S70°24'02"W, 9.79 feet to an iron rod found at a southwest corner of said 71.146 acre tract, same being the southeast corner of that 12.12 acre tract of land described in a deed to Harvey Evans and Gloria Evans as recorded in Volume 1135 Page 7 of the said Official Public Records;

THENCE, with a common line of said 71.146 acre tract and the 12.12 acre tract, N21°15'51"W, 321.79 feet to an iron rod found at the northeast corners of the said 12.12 acre tract;

THENCE, with a common line of said 71.146 acre tract and the 12.12 acre tract, S67°45'06"W, 777.42 feet to an iron rod found at a southwest corner of said 71.146 acre tract same be the southeast corner of said 23.41 acre tract recorded in Document Number 2002014215;

THENCE, with the common line of said 23.41 acre tract and the 12.12 acre tract, S67°49'16"W, 896.02 feet to an iron rod found at the southwest corner of the said 23.41 acre tract, same being the northwest corner of said 12.12 acre tract and also being in the east right-of-way line of East Street (55' R.O.W., dedicated Volume 33 Page 549, said Official Public Records);

THENCE, with the common line of said 23.41 acre tract and East Street, N21°00'44"W, 1,067.99 feet to an iron rod found at the northwest corner of said 23.41 acre tract, same being the northeast corner of said East Street and an interior corner of said 71.146 acre tract;

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Leander Tracts
Williamson County, Texas
Page 3

THENCE, with the common line of said 71.146 acre tract and East Street and the City of Leander, as recorded in said Volume 33 Page 549, S67°32'15"W, 554.12 feet to an iron rod found at the northwest corner of Lot 2 Block 2 of said City of Leander, same being an interior corner of said 71.146 acre tract;

THENCE, with the common line of said 71.146 acre tract and Lot 2 Block 2 S21°06'45"E, 18.50 feet to an iron rod set at a southeast corner of said 71.146 acre tract;

THENCE, with a south line of said 71.146 acre tract, S68°34'33"W, 101.35 feet to the POINT OF BEGINNING and containing 94.24 acres of land.

TRACT B, 4.33 ACRES

BEGINNING at an iron rod found at the northwest corner of the said 5.24 acre tract of land described in Document Number 2002014216, same being the southwest corner of that 5.855 acre tract of land described in said deed to Sam Winters and Roy Butler recorded in Volume 511 Page 54 of the said Deed Records, said iron rod also being in the east right-of-way line of U.S. Highway 183 (120' R.O.W)

THENCE, with the common line of said 5.24 acre tract and the 5.855 acre tract, N67°34'25"E, 108.00 feet to an iron rod found at the northeast corner of said 5.24 acre tract, same being the southeast corner of said 5.855 acre tract and in the west right-of-way line of said Austin and Northwestern Railroad;

THENCE, with the common line of said 5.24 acre tract and the Austin and Northwestern Railroad, S21°07'11"E, 1,719.08 feet to an iron rod set at the northeast corner of that 0.91 of an acre of land described in a deed to Capital Metropolitan Transportation Authority as recorded in Document Number 2004089006 of the said Official Public Records;

THENCE, through the interior of said 5.24 acre tract and with the north line of the said 0.91 acre tract, the following two courses:

- 1) S69°00'05"W, 80.83 feet to an iron rod set;
- 2) S21°43'25"W, 36.73 feet to an iron rod set at the northwest corner of the said 0.91 acre tract, same being in the common line of said 5.24 acre tract and U.S. Highway 183;

THENCE, with said common line of the 5.24 acre tract and U.S. Highway 183, the following two courses:

- 1) Along a curve to the right having a radius of 1851.68 feet, an arc length of 147.86 feet, a central angle of 4°34'31" and a chord which bears N23°15'58"W, 147.83 feet to an iron rod found;
- 2) N20°59'55"W, 1,595.66 feet to the POINT OF BEGINNING and containing 4.33 acres of land

Surveyed by:
URBAN DESIGN GROUP
3660 Stoneridge Road, # E101
Austin, Texas 78746
(512) 347-0040



John Noell, R.P.L.S. #2433

Date: 12.22.00

Map attached.

Bearing Basis: Texas State Plane Coordinate System, NAD 83, Texas Central Zone



**MINUTES
TIRZ NO. 1
CITY OF LEANDER, TEXAS**

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday - August 1, 2022 at 7:00 PM



Place 1 –Christine DeLisle - *Chair*
Place 2 – Cynthia Long
Place 3 – Joseph Eckels

Place 4 – Andrew Naudin
Place 5 – Kelsey Stone

1. Call to Order at 8:31 a.m.
2. Roll Call reflected all present except Commissioner Naudin.

CONSENT AGENDA: ACTION

Motion by County Commissioner Cynthia Long, Seconded by Commissioner Joseph Eckels to approve the minutes for the meeting held on March 10, 2022.

Vote: 4 - 0

3. Approval of minutes for meeting held on March 10, 2022.

REGULAR AGENDA

4. Discuss and consider action on the Proposed Annual Budget for Fiscal Year 2023 Tax Increment Reinvestment Zone (TIRZ) No. 1.

Motion by Commissioner Joseph Eckels, Seconded by Wilco Representative Kelsey Stone to approve the Proposed Annual Budget for Fiscal Year 2023 Tax Increment Reinvestment Zone (TIRZ) No. 1 as presented, following a discussion.

Vote: 4 - 0

5. Discuss and consider action on the Third Addendum to the Development and Reimbursement Agreement for the Village at Leander Station.

Motion by Commissioner Joseph Eckels, Seconded by Wilco Representative Kelsey Stone to approve the Third Addendum to the Development and Reimbursement Agreement for the Village at Leander Station, following a discussion.

Vote: 4 - 0

6. Adjourned 9:01 a.m.

APPROVED:

CHAIR

ATTEST:

CITY SECRETARY



EXECUTIVE SUMMARY
08/04/2022

AGENDA SUBJECT:

Discuss and consider an ordinance amending the Council Rules of Procedure to amend procedures related to Council requested agenda items and address charter enforcement procedures; and providing an effective date.

BACKGROUND:

Council will review and discuss proposed amendments to the Council Rules of Procedure.

PRESENTER:

Councilmember Czernek
Councilmember Ross

Attachments

1. Ordinance adopting Council Rules of Procedure
2. Redline Council Rules of Procedure

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, FOR THE PURPOSE OF ADOPTING AND AMENDING RULES OF PROCEDURE TO GOVERN THE CONDUCT OF CITY COUNCIL MEETINGS AND TO PROVIDE FOR ENFORCEMENT OF THE CITY CHARTER; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City Council of the City of Leander, Texas (the “City”) is authorized by the City Charter and state law to determine its own rules;

Whereas, Section 4.03(b) of the City Charter charges the City Council with ensuring the enforcement of the provisions of the City Charter and the ordinances of the City. and

Whereas, the City Council wishes to adopt and amend the rules of procedure of the City of Leander to provide for the orderly conduct of City Council meetings and to provide for the enforcement of the City Charter;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Adoption of Rules of Council. The City Council hereby adopts the amended City of Leander Rules of Procedure as set forth in Exhibit A.

Section 3. Conflicting Ordinances. Any ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 4. Savings. 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 City Council Rules of Procedure 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 5. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov’t. Code.

Section 6. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this 4th day of August, 2022.

CITY OF LEANDER, TEXAS

Christine DeLisle
Mayor

ATTEST:

Dara Crabtree
City Secretary

Exhibit "A"
Rules of Procedure

**CITY OF LEANDER, TEXAS
CITY COUNCIL RULES OF PROCEDURE**

Pursuant to Section 3.05 of the City Charter, which states that the Council may determine the rules of its proceedings, the City Council hereby adopts the following Rules of Procedure.

A. GENERAL GUIDELINES

- 1) Focus on governing (policy making), not administration.
- 2) Treat everyone with respect. No personal attacks on City Staff or each other.
- 3) Address the present issue and let each item stand on its own.
- 4) Be brief and concise. Focus comments for item under consideration.
- 5) Support the validity and integrity of the process even when you disagree with the outcome.
- 6) Listen before judging or taking action. Do not pre-judge the motives of your fellow Councilmembers.
- 7) Wait for recognition from the Mayor before speaking.
- 8) Agree to disagree. No need to over-talk an issue.
- 9) Council directs as a body. Be clear on directions, follow plans, and support City policies.
- 10) No surprises. Share all information equally with each other and the City Manager.

B. AGENDAS

- 1) Preparation of the Agenda. The City Manager shall cause the City Secretary to prepare the agenda for the Mayor's review and approval.
- 2) Consent Agenda. The following matters may be placed on the Consent Agenda: minutes; contracts or expenditures requiring Council approval that are within the budget; contracts city staff was authorized to negotiate and bring back for approval; second reading of ordinances; plat approvals where variances are not accepted; acceptance of subdivision infrastructure; and other similar routine, administrative matters that do not require deliberation. Items on the Consent Agenda may be approved with a single motion and vote; provided that any Councilmember may request that an item be pulled from the Consent Agenda for discussion and action during the regular agenda.
- 3) Councilmember Requested Agenda Items. Section 3.07 of the City Charter provides that any Councilmember may require any item be placed on an agenda for which timely notice may be given.
 - a. A Councilmember that wishes to place an item on an agenda must submit the agenda item and the background material described in subsection (b) below to the City Manager's Office by 12:00 p.m. on the ~~Wednesday~~ Tuesday of the week preceding ~~before the~~ week of the next regular Council meeting. A Councilmember may submit no more than two (2) agenda items per meeting. The Mayor may consult

with a Councilmember about placement of an agenda item on a later meeting. All items submitted by the deadline will appear on the agenda for the meeting unless the Councilmember agrees to delay the agenda item to a later meeting. Items that are submitted after the deadline or that do not include the required background material will not appear on the agenda. The Mayor may waive the deadline for agenda items that are time sensitive.

- b. The Councilmember shall provide the City Manager with materials providing background information on the agenda item that consists of, at a minimum: (i) a written explanation about the purpose of the agenda item; and (ii) any additional relevant information or documents, or in the alternative, a description of the information that will be needed to discuss the agenda item. The City Secretary will assist with preparing the Executive Summary based on the Councilmember's written explanation for the Councilmember's review and approval.
 - c. The Councilmember requested agenda items will be identified as "Council Directive" in the Executive Summary.
 - d. Councilmember requested items will be placed at the end of the agenda.
- 4) Councilmember Closing Statements. When this item appears on the agenda, Councilmembers may make statements about the following items only:
- a. Expressions of thanks, congratulations, or condolence;
 - b. Information regarding holiday schedules;
 - c. An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
 - d. A reminder about an upcoming event organized or sponsored by the governing body;
 - e. Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
 - f. Announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

C. CONDUCTING THE MEETING

- 1) Presiding Officer. The Mayor or, in their absence, the Mayor Pro Tem shall preside over and conduct all City Council meetings. In the absence of both the Mayor and the Mayor Pro Tem, the City Council shall, by majority vote of those present, determine which

member shall preside over and conduct the meeting.

- 2) General Conduct. Councilmembers shall show respect and courtesy to, and refrain from making disparaging comments about, fellow Councilmembers, the public, and City staff in the conduct of a City Council meeting, outside of Council meetings, in social settings, and on social media.
- 3) Consideration of Agenda Items.
 - a. Councilmembers shall confine their discussions concerning a motion or a question to the merits of a motion made and seconded or to a question already presented to them.
 - b. When an item is raised for discussion, the Presiding Officer will ask for input from each member of the Council. Each Councilmember will be given an opportunity to speak before a Councilmember who has spoken may speak again. Councilmembers shall raise their hands to indicate a desire to speak. The presiding officer will recognize a member whose hand is raised. The same procedure will be followed for discussion on an item after a motion has been made and seconded.
 - c. Debate shall normally be closed after every Councilmember wishing to speak has been given every opportunity to speak and no Councilmember has any additional comments to make. When the debate appears to have closed, the Mayor or Presiding Officer shall call for a vote.
 - d. Any Councilmember may call for the question on any issue, and upon seconding by another Councilmember, the issue shall immediately be put to vote. Passage of the motion to address the previous question shall terminate debate on the motion, amendment, or amended motion, and the matter shall move on immediately.
- 4) Executive Session. Matters discussed in executive session will be kept confidential and City Councilmembers shall not discuss matters discussed in executive session outside of the executive session.
- 5) Adjournment. After 11:00 p.m., if more than two items remain on the agenda (excluding Councilmember closing remarks), the Council may vote on the question of adjourning the meeting and postponing the remaining items. If three-fourths of Councilmembers present and voting at the meeting (but no less than four) vote to postpone the items and adjourn the meeting, then the remaining items will be posted on the next regular City Council agenda, or an earlier agenda if approved by the City Council or Mayor. Such agenda items shall be the first items listed under the Regular Agenda.
- 6) Participation by Videoconference. One (1) or more Councilmember(s) may participate in City Council meetings remotely by means of videoconference, and shall be counted as present, if all of the following conditions apply:
 - a. Attendance by the Councilmember at the physical meeting location is unreasonably difficult or impossible.

- b. The Councilmember has notified the City Secretary of his/her request to participate remotely by means of videoconference no later than one week prior to the scheduled meeting date.
 - c. The meeting notice specifies a physical meeting location and the intent to have a quorum of City Council present at the physical meeting location.
 - i. If the Mayor plans to participate remotely by means of videoconference, the Mayor Pro Tem (or other Councilmember designated pursuant to Section C.1) shall serve as the Presiding Officer.
 - d. The technology used to facilitate two-way audio and video communication among participating City Council members, which is audible and visible to the public during the meeting, operates in accordance with Texas Open Meetings Act requirements.
 - 1. If a quorum of City Council is present at the physical meeting location, and the Councilmember participating remotely by means of videoconference is no longer visible and audible to those in attendance at the physical meeting location, the meeting may continue in accordance with the Texas Open Meetings Act.
 - e. During any executive session or closed meeting, to protect confidentiality and preserve attorney-client privilege, the Councilmember participating remotely by means of videoconference must safely prohibit all audio and video communication from being seen, heard or recorded by unauthorized persons.
- 7) Meetings by Teleconference. A quorum of City Council may conduct meetings remotely by means of teleconference if all of the following conditions apply:
- a. An emergency or public necessity exists, as defined by Texas Open Meetings Act provisions for telephone meetings.
 - b. Physical attendance at one location by a quorum of City Council is unreasonably difficult or impossible.
 - c. The technology used to facilitate two-way audio communication among participating City Council members, which is audible to the public during the meeting, operates in accordance with Texas Open Meetings Act requirements.

D. INTERACTION WITH CITY STAFF

- 1) City Charter Requirement. Section 4.05 of the City Charter provides that: "No member of the council shall give orders directly to any city employee, except when empowered to do so by an emergency proclamation, and all members of the council shall deal with the nonelective officers, employees and administrative offices of the city solely through the city manager."
- 2) Council Requests for Staff Reports. City Council Members may request staff reports and

other staff work through the City Manager. If the request involves a significant use of staff resources (generally defined as approximately four hours or more of staff time), the City Manager shall have the discretion to ask the Council member to bring the request forward as an agenda item and the request must receive a consensus from the City Council.

- 3) Council Request for Information. The City Council may ask for information from City Staff by making the request to the City Manager or getting authorization from the City Manager to request the information from City Staff. Written materials or written responses to questions or requests for information shall be provided to the entire City Council.

- 3+4) Procedure to Implement Section 4.05 of the City Charter and Section D. The City Manager shall establish and maintain with the City Secretary's Office a written procedure for Council to request information from City Staff in a manner consistent with the City Charter. The City Manager shall cause the procedure, as well as any amendments, to be distributed to the City Staff and City Council. In the event of a conflict between Section D(2) and (3) and the City Manager's procedure, the City Manager's procedure shall control; provided that it does not conflict with Section 4.05 of the City Charter.

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E. RECONSIDERATION OF MATTERS

- 1) In order for an action to be reconsidered, a Councilmember may request that an item considered be submitted to the City Manager's Office no later than 5:00 p.m. on the first Wednesday after the City Council Meeting in which a vote was taken on the item. A request to reconsider an item can only be sponsored by a Council Member who voted with the prevailing side. A motion to reconsider any action of the Council can be made not later than the next succeeding official City Council Meeting following its submission to the City Manager's Office. Such motion can only be made by a member who voted with the prevailing side. It can be seconded by any member. No question shall be twice reconsidered, except by unanimous consent of the Council.
- 2) For matters that have not received four votes of Council either for or against a motion on the matter, any member of Council can request that the matter be placed on the agenda for reconsideration. The request may be made at the meeting at which the motion failed to pass, or the request may be made in writing and submitted to the City Manager and the City Secretary by 5:00 p.m. on the first Wednesday after the City Council Meeting in which the matter failed to receive four votes.
- 3) Reconsideration of matter under this Section will not be limited to the motion or motions made at the prior meeting.

F. MISCELLANEOUS

- 1) Email and Cell Phone Usage. Councilmembers to the greatest extent possible will use city-issued cell phones and email accounts to conduct City business.
- 2) Robert's Rules. Where needed for structure and order, the City Council may use Roberts Rules of Order as a guide for its proceedings, unless they conflict with these rules.

- 3) Suspension of Rules. Any provision of these rules not governed by the City Charter or Code may be temporarily suspended by a two-thirds vote of all members of the Council.
- 4) Amendment to Rules. These rules may be amended, or new rules adopted, by a majority vote of all members of the Council. Council shall review these rules annually
- 5) Recording of Meetings. A video and audio recording of reasonable quality shall be made for all regular or special called open meetings where a quorum of City Council members are present and a vote is taken. At least an audio recording of reasonable quality shall be made for all work sessions or special called open meetings where a quorum of City Council members are present but a vote is not taken.

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G. CHARTER ENFORCEMENT

1) Purpose. Section 4.03(b) of the City Charter charges the City Council with ensuring the enforcement of the provisions of the City Charter and the ordinances of the City. The City Charter sets forth certain duties, responsibilities, and limitations on Councilmembers when acting in their official capacity. The purpose of this Section G is to establish a process for addressing complaints of violations of the City Charter by Councilmembers.

2) Complaint of Charter Violation.

- (a) A sworn complaint alleging a violation of the City Charter: i) must be in writing; ii) must be based on personal knowledge; iii) shall describe the specific conduct that is alleged to violate the City Charter; iv) shall specify the provision(s) of the City Charter alleged to have been violated; and v) shall name the City Councilmember being charged.
- (b) A complaint alleging a violation of the City Charter must be filed with the city secretary within two (2) years from the date of the action alleged as a violation, and not afterward.

3) Processing of Complaint.

- (a) Not later than three (3) business days after the city secretary receives a sworn complaint, the city secretary shall acknowledge the receipt of the complaint to the complainant, and provide a copy of the complaint to the city attorney, the City Council, and the person against whom the complaint was alleged.
- (b) The city attorney shall review the complaint to ensure compliance with Section G(2) above within five (5) business days of receipt of the complaint. If the complaint does not comply with the requirements of Section G(2) it shall be returned to the complainant with a written explanation of noncompliance. If the complainant does comply it shall be referred to the City Council.

4) Limitations

- (a) After a complaint has been filed, and during the pending hearing of a complaint before the Council, a member of the Council that will deliberate regarding the violation may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the Council.
- (b) The person against whom a complaint is made will not participate in City Council discussions, deliberation, or action about the complaint except as the subject of the complaint.

(c) A complaint filed by an individual member of the Council shall be deemed to have been filed in the Councilmember's capacity as a private citizen and, in such event, the Councilmember filing the complaint shall not thereafter participate in City Council discussions, deliberation, or action regarding such complaint save and except as a complainant.

5) Action on Complaint

a) The City Council may conduct its own hearings on the complaint or may refer the complaint to the Charter Enforcement Commission for the purpose of determining the facts related to the complaint, whether a violation of the City Charter has occurred, and recommending action to the Council. The Ethics Commission shall serve as the Charter Enforcement Commission. The City Council shall generally use the procedures set forth in Section 9.05.010(j)(7) and (8) of the City Code in conducting hearings on a complaint. The CEC shall generally use the procedures set forth in Section 9.05.010(j)(6), (7) and (8) of the City Code to review the complaint.

b) If the complaint alleges a violation of the Ethics Ordinance, the City Council shall refer the complaint to the Ethics Commission to be addressed in accordance with Article 9.05 of the Code of Ordinances.

c) If the City Council determines that a violation of the City Charter has occurred, it may impose one, or a combination, of the following courses of action. The Council may receive additional testimony or statements before considering the following courses of action, but is not required to do so. If the Councilmember named in the complaint acted in reliance upon a written opinion of the city attorney, the Council shall consider that fact.

(i) A referral for training.

(ii) A letter of notification shall be the appropriate sanction when the violation is clearly unintentional, or when the Councilmember's violation was made in reliance on a written opinion of the city attorney. A letter of notification shall advise of any steps to be taken to avoid future violations.

(iii) A letter of admonition shall be the appropriate sanction in those cases in which the Council finds that the violation is minor and/or may have been unintentional, but calls for a more substantial response than a letter of notification.

(iv) A reprimand shall be the appropriate sanction when the Council finds that a violation has been committed intentionally or through disregard of the Charter. A letter of reprimand shall be transmitted to the city secretary and shall be sent to the city council, and thereafter published in the official newspaper of the city and the City website.

(v) A letter of censure shall be the appropriate sanction when the Council finds that a serious or repeated violation(s) of the Charter has been committed intentionally or through culpable disregard of the Charter. A letter of censure shall be transmitted to the city secretary, and shall be sent to the city council, and thereafter published in the official newspaper of the city and the City website.

(vi) Consideration of whether the conduct, or repeated conduct rises to the level of conduct that warrants removal from office under Section 3.05 of the City Charter.

6) Dismissal of Complaint

The Council may dismiss a complaint if the complaint does not allege conduct which would be a violation of the City Charter. Before a complaint is dismissed for failure to allege a violation, the complainant shall be permitted one opportunity, within ten (10) days of written notice from the City of the intent to dismiss the complaint, to revise and resubmit the complaint.

7) Baseless complaints

(a) In the event a complaint is subsequently found to be knowingly baseless, and the City Council deems based upon the substance of the complaint and evidence presented that the complaint was filed with the intent to:

(1) Harass the person named in the complaint;

(2) Damage the respondent's reputation;

(3) Benefit the person filing the complaint either personally, professionally, or politically; or

(4) Damage a related third party;

the City Council may take disciplinary action(s) against the individual who filed the complaint including but not limited to referral to law enforcement for investigation and filing of legal charges as outlined in subsection(s) (b), (c), or (d) of this section. The City Council may also make consider other action(s) up to and including barring from the filing of further complaints on the same or similar subject matter or event. The Council may refer a complaint to the CEC for a determination of whether the complaint is baseless and for recommendation on subsequent action.

(b) A person commits an offense if he knowingly communicates or circulates a report of a violation of this Section by a public servant that he knows is false or baseless and that would ordinarily cause an official proceeding to be held by the City in response to the complaint. An offense under this section may be punishable by fine not to exceed the sum of five hundred dollars (\$500.00). The CEC may recommend to the city council that violations under this subsection (b) may be referred for criminal prosecution.

(c) Any person who knowingly files a false sworn statement under this chapter is subject to criminal prosecution for perjury under the laws of the State of Texas Penal Code section 37.02. The CEC may recommend to the city council that violations under this subsection (c) may be referred for criminal prosecution.

(d) Any person who knowingly testifies under oath before the Council or CEC and knowingly makes a false statement material to the proceedings is subject to criminal prosecution for aggravated perjury under the laws of the State of Texas Penal Code section 37.03. The CEC may recommend to city council that violations under this subsection (d) may be referred for criminal prosecution.

(e) Proceedings under this section may be undertaken by the City at any time after a complaint is dismissed.

8). Definitions. The City Council hereby adopts the following definitions applicable to Section 3.05 of the City Charter.

a) "Incompetency" shall mean gross ignorance of official duties; gross carelessness in the discharge of official duties; or inability or unfitness to promptly and properly discharge official duties because of a serious mental or physical defect that did not exist at the time of the officer's election.

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b). "Misconduct" shall mean intentional behavior relating to official duties by an elected officer, including an intentional or corrupt failure, refusal, or neglect of an elected official to perform a duty imposed on the officer by law.

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c) "Malfeasance" shall mean means willful misconduct or the knowingly improper performance of any act, duty, or responsibility of the elected official, including non-performance, that interrupts, interferes with, or attempts to interfere with the administration, operation, and management of the City or any elected official's duties under the Charter, City ordinances, or state law.

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