



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

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday, June 20, 2024
Briefing Workshop at 6:00 PM
Regular Meeting at 7:00 PM



Mayor – Christine DeLisle

Place 1 – Kathryn Pantalion-Parker

Place 2 – Michael Herrera

Place 3 – David McDonald

Place 4 – Na'Cole Thompson

Place 5 – Chris Czernek

Place 6 – Becki Ross

City Manager – Todd Parton

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. Discussion regarding landscape ordinance requirements and artificial turf; Leander, Williamson and Travis Counties, Texas.

REGULAR MEETING – CONVENE AT 7:00 PM

4. Open Meeting, Invocation and Pledges of Allegiance.
5. Roll Call.
6. 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.

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

7. Staff Reports
 - Parks and Recreation Department
8. Recognitions/Proclamations/Visitors.
 - Parks and Recreation Month (July)
9. Leander History

CONSENT AGENDA: ACTION

10. Approval of the minutes for meeting held on June 06, 2024.
11. Approval of an amendment to the City Manager Employment Agreement.
12. Award of purchase of eight (8) vehicles for the Police Department from Caldwell Country Chevrolet pursuant to BuyBoard Contract No. 724-23 in the amount of \$376,895.00; and authorize the City Manager to execute any and all necessary documents.
13. Approval of expenditure for the upfitting of seven (7) vehicles for the Police Department of lights, sirens, computers, graphics, etc. from Farrwest Specialty Vehicles pursuant to HGAC Contract No. EP11-20 in the amount of \$171,047.10; and authorize the City Manager to execute any and all necessary documents.
14. Approval authorizing the BCRUA Board President to execute a construction contract with Control Panels USA, Inc. (CP USA) in the amount of \$612,000.28 for the Delivery Points Improvements Phase 2 project.
15. Acceptance of public improvements for Bar W Ranch Phase 10 including streets and erosion, drainage, wastewater, water, streetlights, and landscape improvements.
16. Approval of the Second Reading of an Ordinance regarding Zoning Case Z-23-0065 to amend the current zoning of PEC PUD (Planned Unit Development) to change the zoning to GC-2-C (General Commercial) on one (1) parcel of land approximately 12.405 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R623019; and legally described as Lot 1, Block A, PEC Data Center, Leander, Williamson County, Texas.
17. Approval of the Second Reading of an Ordinance regarding Zoning Case Z-23-0091 to amend the current zoning of PEC PUD (Planned Unit Development) to adopt the North Creekside Commons Minor PUD (Planned Unit Development) with the base zoning of GC-2-A (General Commercial) on a portion of the original PUD, on two (2) parcels of land approximately 14.88 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031359 and R635253; and generally located 850 feet to the southeast of the intersection of RM 2243 and 183A Toll Road, Leander, Williamson County, Texas.
18. Approval of the Second Reading of an Ordinance regarding Ordinance Case OR-24-0019 to amend the Composite Zoning Ordinance to update definitions, add uses and create criteria for Vape Shops, Smoke Shops and Cosmetic Services, and to provide for related matters; Williamson & Travis Counties, Texas.
19. Approval of Second Reading of an Ordinance Case OR-24-0020 to adopt administrative guidelines and procedures for obtaining and applying offsets against roadway impact fees and to amend Appendix A, Article A3.000 to establish an application fee for requesting an offset.
20. Approval of the extension of the completion date for Subdivision Case 20-PICP-0032 Leander Platinum Public Improvement Construction Plans; more particularly described by Williamson Central Appraisal District Parcel R372083, commonly known as 17680 Ronald W. Reagan Boulevard, Leander, Williamson County, Texas.
21. Approval of the extension of the application expiration for Subdivision Case FP-21-0019 Rosenbusch Phase 4 Final Plat; more particularly described by Williamson Central Appraisal District Parcel R599344; generally located to the east of the intersection of Vista Ridge Drive and Lakeline Boulevard; Leander, Williamson County, Texas.
22. Approval of the extension of the application expiration for Subdivision Case PICP-21-0017 Rosenbusch Ranch Phase 4 Construction Plan; more particularly described by Williamson Central Appraisal District Parcel R599344; generally located to the east of the intersection of Vista Ridge Drive and Lakeline Boulevard; Leander, Williamson County, Texas.

REGULAR AGENDA

23. Discuss and consider action on the Second Reading of an Ordinance regarding Special Use Case Z-24-0111 to allow for temporary buildings on one (1) parcel of land approximately 0.775 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R505808; and more commonly known as 449 San Gabriel Campus Drive, Leander, Williamson County, Texas.
24. Discuss and consider action on the approval of the Glory Hill Phasing Plan associated with Subdivision Case CP-24-0030 on four (4) parcels of land approximately 16.4 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R568149, R551919, R082172, and R082171; generally located east of the intersection of Raider Way and East Woodview Drive, Leander, Williamson County, Texas.
25. Discuss and consider action on an Ordinance amending Article 1.04 of the City of Leander Code of Ordinances to establish a Civil Service Commission in accordance with Chapter 143 of the Texas Local Government Code for the implementation and administration of civil service for firefighters; providing for a civil service director; and providing for severability, effective date, open meetings, and related matters.
26. Discuss and consider action on a Resolution confirming the appointment of Commissioners to the Firefighters' Civil Service Commission; and providing for open meetings.
27. Discuss and consider action on an Ordinance granting authority to the City Manager to establish purchasing policies and procedures; authorizing the City Manager to execute change orders or amendments to agreements within the authority level set forth in the City Charter and applicable State law; authorizing the City Manager to execute contracts approved by the City Council; amending conflicting ordinances; making findings of fact; and providing an effective date.
28. Council Member Future Agenda Items *[Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.]*
29. Council Member Closing Statements.
30. Convene into Executive Session pursuant to:
 1. Section 551.071, Texas Government Code, and Section 1305, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding Public Utilities Commission Docket No. 53063, petition by outside city ratepayers appealing the water rates established by the City of Leander, Texas; and
 2. Section 551.071, Texas Government Code, and Section 1305, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding Cause No. 20-0217-C425 Daniel Brown, Maria Brown, and ZG Properties, LLC vs. City of Leander; and
 3. Section 551.071 and 551.087, Texas Government Code, Section 1.05, Texas Disciplinary Rules of Professional Conduct, deliberate proposed economic development incentives for one or more business prospects that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body is conducting economic development negotiations regarding Project EDA-24-002; and
 4. Section 551.072, Texas Government Code, to deliberate the acquisition of properties located in the Elijah D. Harmon Survey, Abstract No. 6 for a water line easements and temporary construction easements relating to the RM 2243 Water Main Project.

Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding:

1. Public Utilities Commission Docket No. 53063, petition by outside city ratepayers appealing the water rates established by the City of Leander, Texas; and
2. Cause No. 20-0217-C425 Daniel Brown, Maria Brown, and ZG Properties, LLC vs. City of Leander; and
3. Project EDA-24-002; and
4. Acquisition of properties for water line easements and temporary construction easements relating to the RM 2243 Water Main Project.

31. 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 14 day of June 2024 by 5:00 p.m. pursuant to Chapter 551 of the Texas Government Code.



Dara Crabtree, City Secretary, TRMC



EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Staff Reports

- Parks and Recreation Department

BACKGROUND:

The Parks & Recreation Department will update Council members on the upcoming Liberty Fest 2024 special event at Devine Lake Park on Wednesday, July 3.

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

PRESENTER:

Fiscal Impact

Attachments:

1. Liberty Fest Presentation 2024



CITY OF LEANDER

LIBERTY FEST

The background of the slide features a stylized American flag. The top portion shows a blue field with white stars, while the bottom portion shows red and white stripes. The stripes are depicted with a sense of motion, as if they are waving or flowing.

Wednesday, July 3

Devine Lake Park

6 PM Gates open

9:30 PM Fireworks

A stylized graphic of the American flag, featuring white stars on a blue field in the upper left and red and white stripes in the lower right.

Offsite Parking at Glenn High School

5 PM Offsite parking opens

5:30 PM Buses begin loading

VIP Parking

Leander Activity Center



The After Party & Hannah Kay





JOIN US FOR

Live music

Over 40 vendors

Fun children's activities

Spectacular fireworks display

See you there!

[LEANDERTX.GOV/LIBERTY](https://leandertx.gov/liberty)



EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Leander History

BACKGROUND:

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

PRESENTER:

Fiscal Impact

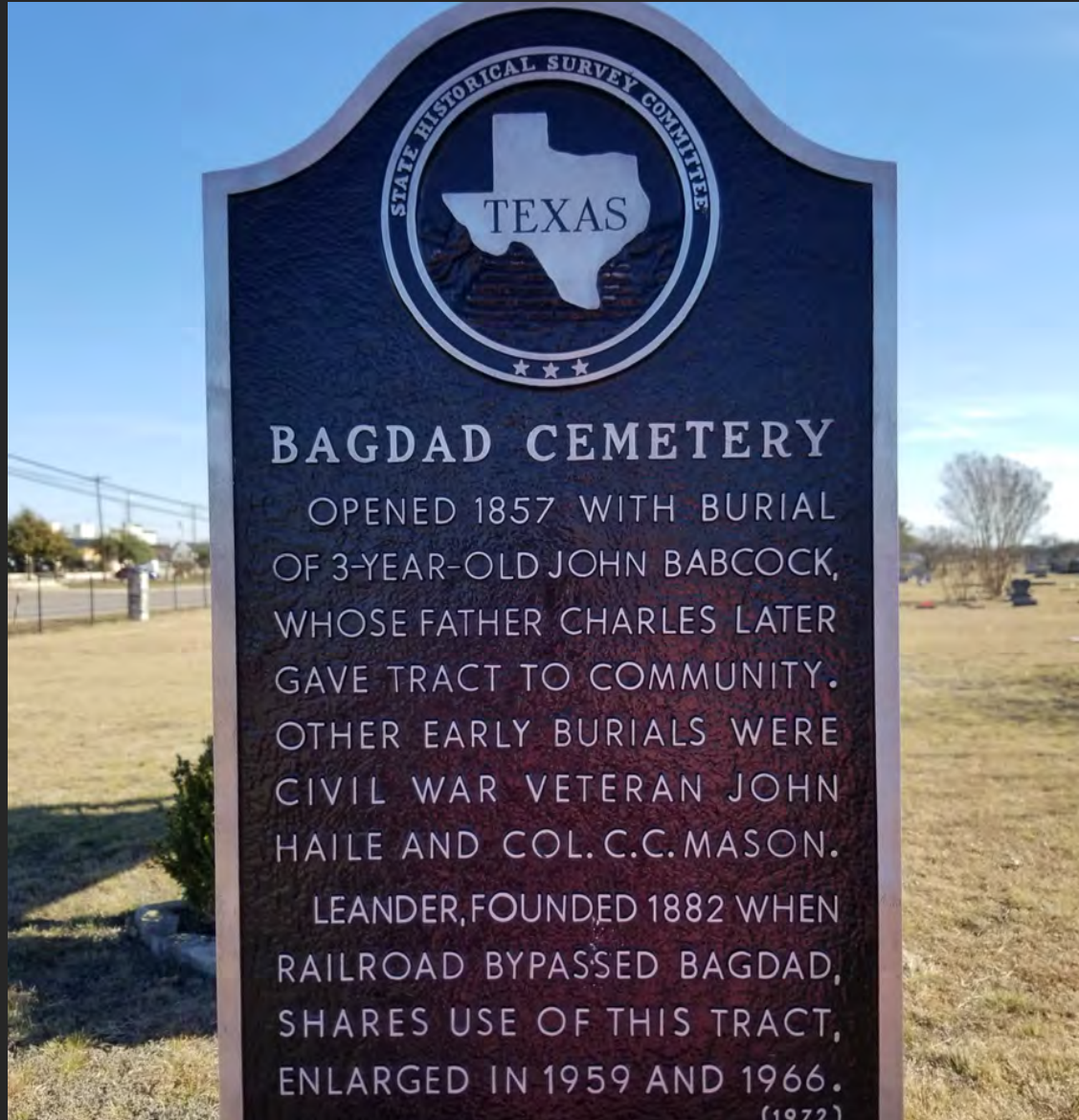
Attachments:

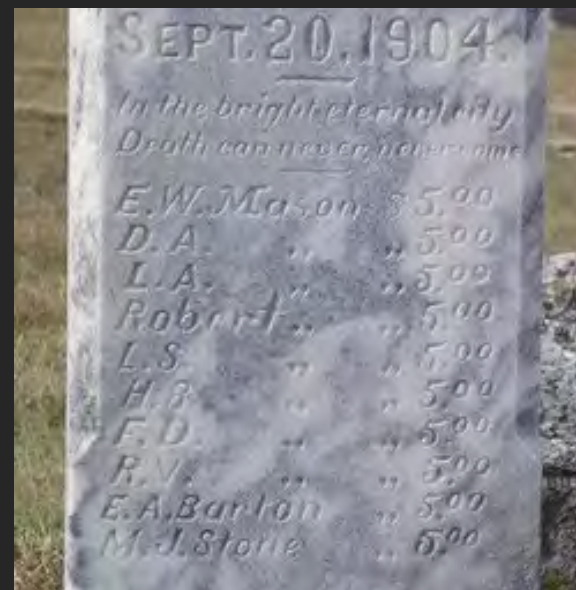
1. Bagdad Cemetery

The background of the image is a photograph of a cemetery. In the center, there is a large, rectangular, light-colored stone monument. To its left, there is a tall, narrow, rectangular stone monument. To its right, there is a tall, narrow, rectangular stone monument. In the background, there is a tall, thin, fluted obelisk. The sky is overcast with grey clouds. The overall tone of the image is somber and historical.

SPIRITS OF BAGDAD

**COMING
OCTOBER 17, 2024**















EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Approval of the minutes for meeting held on June 06, 2024.

BACKGROUND:

Attached are the minutes for the meeting held on June 4, 2024.

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

PRESENTER:

Dara Crabtree, City Secretary

Fiscal Impact

Attachments:

1. Draft Minutes 06.06.2024



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

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday, June 6, 2024
Briefing Workshop at 6:00 PM
Regular Meeting at 7:00 PM



Mayor – Christine DeLisle

Place 1 – Kathryn Pantalion-Parker

Place 2 – Michael Herrera

Place 3 – David McDonald

Place 4 – Na'Cole Thompson

Place 5 – Chris Czernek

Place 6 – Becki Ross

City Manager – Todd Parton

BRIEFING WORKSHOP - CONVENE AT 6:00 PM

1. Open Meeting.

City Secretary Crabree opened meeting at 6:04 p.m. In the absence of the Mayor and Mayor Pro Tem, the Councilmembers present supported Councilmember Ross leading the meeting.

2. Roll Call.

Roll call reflected Mayor DeLisle, Councilmember McDonald and Councilmember Thompson absent.

3. Convene into Executive Session pursuant to Section 551.072, Texas Government Code, to deliberate the acquisition of property located in the Elijah D. Harmon Survey, Abstract No. 6 for a water line easement and temporary construction easements relating to the RM 2243 Water Main Project.

Convened into Executive Session at 6:04 p.m.; reconvened into open session at 6:14 p.m.

Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding acquisition of property for water line easement and temporary construction easements relating to the RM 2243 Water Main Project.

Motion: Approve the acquisition of property located in Elijah D. Harmon Survey, Abstract No. 6 for a water line easement and temporary construction easements relating to the RM 2243 Water Main Project as discussed in Executive Session.

By: Councilmember Czernek

Seconded: Councilmember Pantalion-Parker

Vote: 4 - 0

Adjourned briefing workshop at 6:16 p.m.

REGULAR MEETING – CONVENE AT 7:00 PM

4. Open Meeting, Invocation and Pledges of Allegiance.

Opened meeting at 7:02 p.m.; invocation was provided by Fire/Police Chaplain Joe Bob Ellison; followed by Pledges of Allegiance.

5. Roll Call.

Roll call reflected Mayor DeLisle, Councilmember McDonald and Councilmember Thompson absent.

6. 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.

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

Carl Norman, 1821 Cross Draw Trail - commented on low turn out during General Election; partisan display; Runoff Election; and candidate video.

Kathy Howell, 11330 Hero Way W - commented on local artist Kathleen McLain; Davis House; and scheduled demolition.

CONSENT AGENDA: ACTION

Councilmember Ross stated Item 18 has been pulled from the consent agenda and will be considered separately.

Motion: Approve consent agenda items 7 through 17, 19 and 20.

By: Councilmember Pantalione-Parker

Seconded: Councilmember Czernek

Vote: 4 - 0

7. Approval of the minutes for meeting held on May 14, 2024 and May 16, 2024.

8. Approval of road closure for Liberty Fest on July 3, 2024.

9. Approval of award of Solicitation S24-006 to Protime Sports Incorporated and Elite Sports Embroidery & Screen Printing LLC for customized athletic apparel for an annual amount of \$90,000.00 divided among the contractors for a total contract amount of \$450,000.00 for the term of the contract; and authorize the City Manager onto execute any and all necessary documents.

10. Approval of a Resolution of the City of Leander, Texas accepting the petition for the San Gabriel Annexation Case A-24-0013 regarding the voluntary annexation of 1.109 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R633380; and generally located south of CR 274, approximately 550 feet to the east of San Gabriel Parkway and approximately 860 feet to the west of Ronald W. Reagan Boulevard, Leander, Williamson County, Texas.

11. Approval of a Resolution of the City of Leander, Texas accepting the petition for the Bagdad Retail Center Annexation Case A-24-0014 regarding the voluntary annexation of 4.586 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R023980; and generally located northwest of the intersection of North Bagdad Road and CR 281, Leander, Williamson County, Texas.

12. Approval of the Second Reading of an Ordinance regarding Special Use Case Z-24-0107 to adopt a Special Use Permit to allow for the operation of a mobile food establishment park on one (1) parcel of

land approximately 0.18 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R036077; and more commonly known as 203 North Brushy Street, Leander, Williamson County, Texas.

13. Approval of the Second Reading of an Ordinance regarding Zoning Case Z-24-0112 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to adopt the Hero Ranch Minor PUD (Planned Unit Development) with the base zoning of GC-3-C (General Commercial) on four (4) parcels of land approximately 14.5 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031758, R098017, R473771, and R098019; and generally located approximately 475 feet to the west of the intersection of Hero Way and Ronald W. Reagan Boulevard on the north side of Hero Way, Leander, Williamson County, Texas.
14. Approval of the extension of the application expiration for Subdivision Case SFP-22-0002 Leander Business Center; more particularly described by Williamson Central Appraisal District Parcel R031713, generally located south of Mockingbird Hill, approximately 500 feet east of North Bagdad Road, Leander, Williamson County, Texas.
15. Approval of the Roadway Impact Fee Offset Agreement for the Barksdale Phase 1 Subdivision by and between the City of Leander and M/I Homes of Austin, LLC; and authorize the City Manager to execute any and all necessary documents.
16. Approval of Task Order TR-KHA-CIPS23-019-01 for the Raider Way Alignment Study with Kimley-Horn Associates, Inc. in the amount of \$52,705.00 for the purpose of identifying a horizontal and vertical alignment for future planning of the roads and developments near the intersection of Raider Way and RM 2243 east of 183A Toll Road; and authorize the City Manager to execute any and all documents.
17. Approval of Amendment No. 1 with K Friese & Associates, LLC, for the Ronald Reagan Pump Station and Ground Storage Tank Project design (CIP W.46), for additional scope to include surge analysis, maintenance building, adjust scope for larger pump station building increasing the current contract amount by \$100,142.00, for a new total contract of \$1,657,085.00, with no extension in contract term; and authorize the City Manager to execute any and all necessary documents.
18. Approval of an updated Water Conservation Plan and associated Water Conservation Plan Adoption Ordinance.

Motion: Approve updated Water Conservation Plan and associated Water Conservation Plan Adoption Ordinance, following a discussion.

By: Councilmember Czernek

Seconded: Councilmember Pantalion-Parker

Vote: 4 - 0 None

19. Approval of Change Order No.4 with Chasco Constructors, for the Raider Way and Woodview Drive Improvements (T.12), decreasing the current contract amount of \$15,696,569.50 by an amount of \$57,679.45, providing for miscellaneous changes to bring the contract up to date to reflect the current construction work, for a new total of \$15,638,890.05, with no extension of term duration, and authorize the City Manager to execute any and all necessary documents.
20. Approval of Amendment No. 2 to Master Professional Service Agreement No. MATLT-REL-CIPS23-019 for Material Testing Services to add Field Density Test unit cost item to the approved schedule of services for UES Professional Solutions 45, LLC; and authorize the City Manager to execute all necessary documents.

PUBLIC HEARING: ACTION

21. Conduct a Public Hearing regarding Zoning Case Z-23-0065 to amend the current zoning of PEC PUD (Planned Unit Development) to change the zoning to GC-2-C (General Commercial) on one (1) parcel of land approximately 12.405 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R623019; and legally described as Lot 1, Block A, PEC Data Center, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-23-0065 as described above.

Opened Public Hearing at 7:20 p.m.; closed Public Hearing at 7:20 p.m. No one spoke in favor or opposition of the request.

Motion: Approve Zoning Case Z-23-0065.

By: Councilmember Pantalion-Parker

Seconded: Councilmember Czernek

Vote: 4 - 0

22. Conduct a Public Hearing regarding Zoning Case Z-23-0091 to amend the current zoning of PEC PUD (Planned Unit Development) to adopt the North Creekside Commons Minor PUD (Planned Unit Development) with the base zoning of GC-2-A (General Commercial) on a portion of the original PUD, on two (2) parcels of land approximately 14.88 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031359 and R635253; and generally located 850 feet to the southeast of the intersection of RM 2243 and 183A Toll Road, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-23-0091 as described above.

Open Public Hearing at 7:22 p.m.; closed at Public Hearing at 7:22 p.m. No one spoke in favor or opposition of the request.

Motion: Approve Zoning Case Z-23-0091.

By: Councilmember Pantalion-Parker

Seconded: Councilmember Herrera

Vote: 4 - 0

23. Conduct a Public Hearing regarding Special Use Case Z-24-0111 to consider action on a Special Use Permit to allow for temporary buildings on one (1) parcel of land approximately 0.775 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R505808; and more commonly known as 449 San Gabriel Campus Drive, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-24-0111 as described above.

Open Public Hearing at 7:23 p.m.; closed Public Hearing at 7:23 p.m. No one spoke in favor or opposition of the request.

Motion: Approve Special Use Case Z-24-0111 with the removal of the screening, if no opposition from developer to the north, following a discussion.

By: Councilmember Czernek

Seconded: Councilmember Pantalion-Parker

Vote: 4 - 0 None

24. Conduct a Public Hearing regarding Ordinance Case OR-24-0014 to amend sections of Article 10.02, Exhibit A, the Subdivision Ordinance to adopt updates to the approval process for subdivision applications, and to provide for related matters; Williamson & Travis Counties, Texas.

- Discuss and consider action regarding Ordinance Case OR-24-0014 as described above.

Opened Public Hearing at 7:30 p.m.; closed Public Hearing at 7:30 p.m. No one spoke in favor or opposition of the request.

Motion: Approve Ordinance Case OR-24-0014.

By: Councilmember Pantalion-Parker

Seconded: Councilmember Herrera

Vote: 4 - 0

25. Conduct a Public Hearing regarding Ordinance Case OR-24-0019 to amend the Composite Zoning Ordinance to update definitions, add uses and create criteria for Vape Shops, Smoke Shops and Cosmetic Services, and to provide for related matters; Williamson & Travis Counties, Texas.

- Discuss and consider action regarding Ordinance Case OR-24-0019 as described above.

Opened Public Hearing at 7:33 p.m.; closed Public Hearing at 7:33 p.m. No one spoke in favor or opposition of the request.

Motion: Approve Ordinance Case OR-24-0019.

By: Councilmember Czernek

Seconded: Councilmember Pantalion-Parker

Vote: 4 - 0

REGULAR AGENDA

26. Council Member Future Agenda Items *[Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.]*

None.

27. Council Member Closing Statements.

Kathryn Pantalion- Parker - commented on recent Old Town Street Festival; and D-Day.

Michael Herrera - commented on upcoming Juneteenth Block Party; and thanked Leander Public Arts & Culture Commission for putting together the event.

Chris Czernek - commented on recent Old Town Street Festival; upcoming Juneteenth Block Party; and awesome time to be a part of the City.

Becki Ross - stated dinner came from Smokey Mo's tonight; thanked Chamber of Commerce and Parks Department for their work on Old Town Street Festival; and commented on upcoming Juneteenth Block Party.

28. Adjournment

Adjourned at 7:45 p.m.

APPROVED

MAYOR

ATTEST:

CITY SECRETARY



EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Approval of an amendment to the City Manager Employment Agreement.

BACKGROUND:

The City Manager Employment Agreement dated effective April 16, 2024 provides for the Manager's participation in the City's 457(b) deferred compensation plan. The Amendment provides, in the alternative, for the Manager's participation in a 401(a) defined contribution plan, because such plan offers better tax treatment for both the City and the employee, or other investment vehicle approved by the City Council.

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

Approval of the amendment is recommended.

PRESENTER:

Paige Saenz, City Attorney

Fiscal Impact

Attachments:

1. Amendment_Todd Parton Employment Agreement 06.20.2024

AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT

This Amendment to the City Manager Employment Agreement (this “**Amendment**”) is entered into effective as of _____, 2024 (the “**Effective Date**”), between the City of Leander, a Texas home-rule municipal corporation (the “**City**”) and Todd Parton (the “**Manager**”), collectively referred to as the “**Parties**”.

WITNESSETH

WHEREAS, the City and the Manager are parties to that certain City Manager Employment Agreement dated effective April 16, 2024 (the “**Employment Agreement**”) that establish and set forth the terms and conditions of the employment of the Manager as the City Manager of the City; and

WHEREAS, the City and the Manager desire to amend the Employment Agreement as provided herein;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and other good and valuable consideration, the City and the Manager hereby contract, covenant and agree as follows:

1. **Amendment of Section 9B, Retirement Plans.** Section 9B of the Employment Agreement is hereby amended in part to read as follows:

9. Retirement Plans.

B. The Manager may participate in the City’s defined contribution plan established under section 401(a) Internal Revenue Code, or other investment vehicle approved by the City Council, and the City will contribute four hundred and fifty dollars (\$450) per month contingent upon the Manager’s enrollment in the program.

2. **Binding Effect.** The terms and provisions hereof shall be binding upon and inure to the benefit of the heirs at law and executors of Manager and to the successors and assigns of the City.

3. **Effect of Amendment.** The Parties agree that, except as modified hereby, the Employment Agreement remains valid, binding, and in full force and effect. If there is any conflict or inconsistency between this Amendment and the Employment Agreement, this Amendment will control and modify the Employment Agreement.

4. **Severability.** If any provision, or any portion thereof, contained in this Amendment is held unconstitutional invalid or unenforceable, the remainder of this Amendment, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the City has caused this Amendment to be signed and executed on behalf of its Council, and duly attested by its City Secretary, and the

Manager has signed and executed this Amendment, both in duplicate, the day and year first written above.

CITY:

City of Leander, Texas

a Texas home-rule municipal corporation

Attest:

By: _____

Name: Dara Crabtree

Title: City Secretary

By: _____

Name: Christine DeLisle

Title: Mayor

AGREED TO AND ACCETED this the ____ day of _____, 2024.

Todd Parton



EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Award of purchase of eight (8) vehicles for the Police Department from Caldwell Country Chevrolet pursuant to BuyBoard Contract No. 724-23 in the amount of \$376,895.00; and authorize the City Manager to execute any and all necessary documents.

BACKGROUND:

The Leander Police Department has eight (8) vehicles that have met or exceeded their asset life (six years for Police vehicles) and are recommended to be replaced in the upcoming FY25 budget. Replacement vehicles are budgeted in the City's Vehicle Reserve Fund. Each year, departments are assessed an internal service fund charge based on the future replacement cost of their respective fleet vehicles. Due to long delivery lead times for new vehicles, including associated upfitting such as lights, sirens, computers, graphics, etc., staff is recommending moving forward with placing orders for these eight (8) vehicles from Caldwell Country Chevrolet in the amount of \$376,895 instead of waiting until October. Since these vehicles have met the minimum asset life of six years, sufficient funds currently exist in the Vehicle Reserve Fund, including funds for upfitting the seven (7) Patrol Tahoes (contracted separately from Farrwest Speciality Vehicles HGAC Contract #EP11-20 at a unit cost of \$24,435.30 each or \$171,047.10.) The per unit cost for each of the seven (&) Patrol Tahoes with unfitting is \$72,735.30. However, as part of the unfitting, the City supplies certain equipment such as radio, radar, cameras, MDT and docking station.

The eight (8) vehicles being replaced include:

<u>Department Name</u>	<u>UnitID</u>	<u>Model Year</u>	<u>Make</u>	<u>Model</u>
Police CID*	CID 4	2012	Dodge	Charger
Police Uniform Services	L58	2018	Chevrolet	Tahoe
Police Uniform Services	L62	2018	Chevrolet	Tahoe
Police Uniform Services	L55	2017	Chevrolet	Tahoe
Police Uniform Services	L74	2018	Chevy	Tahoe
Police Uniform Services	L73	2018	Chevy	Tahoe
Police Uniform Services	L72	2018	Chevy	Tahoe
Police Uniform Services	L71	2018	Chevy	Tahoe

* The 2012 Charger is an Admin vehicle and will not need upfitting. It is for staff to use go to training or other purposes.

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

Recommend Approval

PRESENTER:

Robert G. Powers, Executive Finance Director

Greg Minton, Chief of Police

	<u>Fiscal Impact</u>
<u>Amount requested:</u>	376,895.00
<u>Approved in current budget (Yes / No):</u>	No
<u>Expenditure (New / Amended):</u>	Amended
<u>Recurring or one-time:</u>	One-time
<u>Fund source (Operating / Utility / etc.):</u>	Vehicle Reserve Fund (14-41-7000)

Attachments:

1. CITY OF LEANDER - 2023 CHEVROLET TAHOE CK10706 4WD PPV WHITE - QT JS6524-1
2. CITY OF LEANDER - 2025 CHEVROLET BLAZER 1NK26 LT RIPTIDE BLUE - QT JS6524-1
3. Est_2552_from_FARRWEST_SPECIALTY_VEHICLES_LLC_27640

CALDWELL COUNTRY CHEVROLET

800 HWY. 21 E. CALDWELL, TEXAS 77836

BUYBOARD 724-23

End User: CITY OF LEANDERCaldwell Rep: JAKE SCHOBINGER QT# JS52324-1Contact: LT. JACKSON MITCHELLPhone: 979.429.8847Phone/email: JMITCHELL@LEANDERTX.GOVDate: Wednesday, June 5, 2024Product Description: CHEVROLET TAHOE PPVemail: jake@usaautomotivepartners.com

A. Bid Series: _____

A. Base Price: \$ **39,550.00**

B. Published Options [Itemize each below]

Code	Options	Bid Price	Code	Options	Bid Price
AMF	REMOTE KEYLESS ENTRY PACKAGE	INCL		POWER WINDOWS	INCL
BCV	AUTO DOOR LOCK DISABLE	INCL		POWER LOCKS	INCL
L84	ENGINE: 5.3L ECOTEC3 V8	INCL		AM/FM RADIO	INCL
MHU	TRANSMISSION: 10 SPEED AUTO	INCL		AIR CONDITIONING	INCL
PQA	SAFETY PACKAGE	INCL		CHEVY INFOTAINMENT 3	INCL
V76	FRONT RECOVERY HOOKS	INCL		CENTER CONSOLE DELETE	INCL
	FORWARD COLLISION ALERT	INCL	GAZ	SUMMIT WHITE	INCL
	LANE KEEP ASSIST	INCL	H1T	JET BLACK CLOTH SEATS	INCL
	DEPARTURE WARNING	INCL			
	FOLLOWING DISTANCE INDICATOR	INCL			
	AUTO EMERGENCY BRAKING	INCL			
Total of B. Published Options:					\$ 8,400.00

C. Unpublished Options [Itemize each below, not to exceed 25%]

Disclaimer	Unpublished Options	Bid Price
PRICES AND AVAILABILITY CAN CHANGE AT ANY TIME WITHOUT FURTHER NOTICE DUE TO SUPPLY CHAIN CHALLENGES. REVERIFY PRICING BEFORE ISSUING A PURCHASE ORDER. FINAL PRICE IS NOT CONFIRMED UNTIL VEHICLE ORDER IS ACCEPTED BY THE MANUFACTURER. ACKNOWLEDGE BY EMAIL RECEIPT THAT THE PURCHASE ORDER WAS RECEIVED BY USA AUTOMOTIVE PARTNERS, LLC. (CALDWELL COUNTRY CHEVROLET, ROCKDALE COUNTRY FORD dba CALDWELL COUNTRY FORD, CAMERON COUNTRY CDJR)	2023 CHEVROLET TAHOE STOCK UNITS X7 - GSA	COLOR / DELIVERY
Total of C. Unpublished Options:		

D. Registration, Inspection, Paperwork, Postage cost, Courthouse time, & Runner time:

\$ -

E. UPFITTERS:

F. Manufacturer Destination/Delivery:

G. Floor Plan Interest (for in-stock and/or equipped vehicles):

\$ -

H. Lot Insurance (for in-stock and/or equipped vehicles):

\$ -

I. Contract Price Adjustment: _____

\$ -

J. Additional Delivery Charge: 100 miles\$ **350.00**

K. Subtotal:

\$ **48,300.00**L. Quantity Ordered 7 x K =\$ **338,100.00**

M. Trade in: _____

N. BUYBOARD FEE PER PURCHASE ORDER

\$ **400.00**O. **TOTAL PURCHASE PRICE WITH BUYBOARD FEE (PRICES AND AVAILABILITY ARE SUBJECT TO CHANGE WITHOUT NOTICE)**\$ **338,500.00**

CALDWELL COUNTRY CHEVROLET

800 HWY. 21 E. CALDWELL, TEXAS 77836

BUYBOARD 724-23

End User: CITY OF LEANDERCaldwell Rep: JAKE SCHOBINGER QT# JS6524-1Contact: LT. JACKSON MITCHELLPhone: 979.429.8847Phone/email: JMITCHELL@LEANDERTX.GOVDate: Wednesday, June 5, 2024Product Description: 2025 CHEVROLET BLAZER LTemail: jake@usaautomotivepartners.com

A. Bid Series: _____

A. Base Price: \$ **30,500.00**

B. Published Options [Itemize each below]

Code	Options	Bid Price	Code	Options	Bid Price
LSY	Engine, 2.0L Turbo, 4-cylinder,	INCL	VK3	License plate front mounting package	INCL
M3T	Transmission, 9-speed automatic	INCL	UD7	Rear Park Assist with audible warning	INCL
FHB	Axle, 3.47 final drive ratio	INCL	UFG	Rear Cross Traffic Alert	INCL
2LT	LT Preferred Equipment Group	INCL	UKC	Lane Change Alert w/ Side Blind Zone A	INCL
RV3	Wheels, 18" Grazen Metallic aluminum	INCL		Power windows	INCL
QMX	Tires, P235/65R18 all-season blackwall	INCL		Power locks	INCL
GJV	Riptide Blue Metallic	INCL		Air conditioning	INCL
AR9	Seats, front bucket	INCL		LED headlamps	INCL
H1T	Jet Black/Medium Gray, Premium Cloth se	INCL		Manual rear lift gate	INCL
IOS	Audio system, Chevrolet Infotainment 3 Pl	INCL		Apple car play/wireless android audio	INCL
WPA	Driver Confidence Package	INCL		Cruise control	INCL
Total of B. Published Options:					\$ 7,145.00

C. Unpublished Options [Itemize each below, not to exceed 25%]

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Total of C. Unpublished Options:		

D. Registration, Inspection, Paperwork, Postage cost, Courthouse time, & Runner time:

\$ -

E. UPFITTERS:

F. Manufacturer Destination/Delivery:

G. Floor Plan Interest (for in-stock and/or equipped vehicles):

\$ -

H. Lot Insurance (for in-stock and/or equipped vehicles):

\$ -

I. Contract Price Adjustment: _____

\$ -

J. Additional Delivery Charge: 100 miles\$ **350.00**

K. Subtotal:

\$ **37,995.00**L. Quantity Ordered 1 x K =\$ **37,995.00**

M. Trade in: _____

N. BUYBOARD FEE PER PURCHASE ORDER

\$ **400.00**O. **TOTAL PURCHASE PRICE WITH BUYBOARD FEE (PRICES AND AVAILABILITY ARE SUBJECT TO CHANGE WITHOUT NOTICE)**\$ **38,395.00**



FARRWEST

SPECIALTY VEHICLES

108 COMMERCIAL PLACE
SUITE 206
SCHERTZ, TX 78154
(210)566-1857

Estimate

Date	Estimate #
5/24/2024	2552

Name / Address	Ship To
Leander Police Department B Girdler 705 Leander Dr, Leander, TX 78641	Leander Police Department B Girdler 705 Leander Dr, Leander, TX 78641

Requested By	P.O. No.	Terms	Project
		Net 30	

Item	Description	Qty	Rate	Total
UNIT#	- HGAC CONTRACT # EP11-20 VIN # - UNIT # - 2025 Tahoe Patrol Leander PD LT Jackson Mitchell - 512-528-2804 - jmitchell@leandertx.gov		0.00	0.00T
1FSV-CSE-	CUSTOMER SUPPLIED EQUIPMENT: Radio, Control Head, Data Cables, Mic, Speaker, Power Cables, Antenna & Coax. - Motorola APX 6500 Radar, Counting Unit, Antennas, Cables. - Stalker DSR Video - Axon Fleet 2 Havis dock & Cradlepoint - BR900-1200M-B			0.00T
C-VSW-1012-TAH	HAVIS VEHICLE SPECIFIC WIDE BODY CONSOLE 22IN 10-12	1	672.75	672.75T
C-EB40-CCS-1P	HAVIS BRACKET FOR WHELEN CENCOM REMOTE HEAD	1	0.00	0.00T
C-EB25-XTL-1P	HAVIS 1 PIECE 2.5IN EQUIPMENT BRACKET FOR MOTOROLA XTL5000 RADIO	1	0.00	0.00T
CUP2-1001	HAVIS 4IN SELF DUAL CUP HOLDER SELF ADJUSTING	1	50.25	50.25T

PRICES VALID FOR 30 DAYS BUT ARE SUBJECT TO CHANGE DUE TO SUPPLY CHAIN CHALLENGES. VERIFY PRICING BEFORE ISSUING A PO. SURCHARGES MAY APPLY.	Subtotal
	Sales Tax (0.0%)
	Total
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5/24/2024	2552

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Requested By	P.O. No.	Terms	Project
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Item	Description	Qty	Rate	Total
C-AP-0325-1	HAVIS 3 INCH ACCESSORY POCKET 2.5 DEEP	1	38.25	38.25T
C-MD-112	HAVIS 11IN SLIDE OUT LOCKING SWING ARM WITH MOTION ADAPTER	1	275.25	275.25T
C-HDM-204	HAVIS 8.5IN HEAVY DUTY TELESOPING POLE SIDE MOUNT SHORT HANDLE	1	172.50	172.50T
C-MCB	HAVIS MIC CLIP BRACKET	2	14.25	28.50T
C-APW-1258	HAVIS WIDE ACCESSORY POCKET 5.8 X 3.3 X 12	1	41.25	41.25T
C-W-LP2	HAVIS DUAL LIGHTER PLUG SOCKET BRACKET W/ 2 LIGHTER PLUGS FOR WIDE VSW CONSOLES	1	32.76	32.76T
C-W-USB2-1	HAVIS CONSOLE ACCESSORY BRACKET KIT WITH 2 USB-C & USB TYPE A DUAL PORT CHARGERS FOR 3.3? SECTION OF VSW CONSOLES	1	171.75	171.75T
C-FPW-1	HAVIS 1 IN VSW FILLER PLATE	1	0.00	0.00T
C-FP-35	HAVIS 3 1/2IN FILLER PLATE	1	0.00	0.00T
C-FP-2	HAVIS 2IN FILLER PLATE	1	0.00	0.00T
C-FP-3	HAVIS 3IN FILLER PLATE	1	0.00	0.00T
MMSU-1	MAGNETIC MIC SINGLE UNIT CONVERSION KIT	3	35.00	105.00T

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Requested By	P.O. No.	Terms	Project
		Net 30	

Item	Description	Qty	Rate	Total
FSV-IEXD	WHELEN INNER EDGE DUO WECANX FST & RST SIREN & SPEAKER PROMOTION - PROMO CODE JW FARRWEST 0204B	1	4,598.75	4,598.75T
BSFW54X	WHELEN INNER EDGE FST WCX SOLO OR DUO 12-LIGHT 2021 TAHOE ***ADD ISS SOLO OR ISD DUO MODULES	1	0.00	0.00T
BSSP2XJW	WHELEN 12 6 RED/WHITE DRIVER 6 BLUE/WHITE PASSENGER DUO	1	0.00	0.00T
BSRW10	WHELEN INNER EDGE RST WCX 10-LT TRAY	1	0.00	0.00T
BSSP2ZJA	WHELEN 5/5 DUO K/M LTHD D/P PROMO PKG - 10 LIGHT 5 R/A & 5 B/A	1	0.00	0.00T
OEWD54	WHELEN OUTER EDGE UPPER 2021+ TAHOE DUO - REQUIRES 6 OEI2 LIGHTHEADS ***Delete	-1	400.00	-400.00T
OEI2K	WHELEN ADD 1 R/A ION OUTER EDGE	-3	0.00	0.00T
OEI2M	WHELEN ADD 1 B/A ION OUTER EDGE	-3	0.00	0.00T
C399	WHELEN CENCOM CORE WCX CONTROL CENTER CONTROL HEAD SOLD SEPARATELY. CCTL*	1	0.00	0.00T
CCTL7	WHELEN WECANX CENCOM CORE CONTROL HEAD 21 BUTTON WITH SLIDE	1	0.00	0.00T

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Requested By	P.O. No.	Terms	Project
		Net 30	

Item	Description	Qty	Rate	Total
SA315U	WHELEN 100 WATT SIREN SPEAKER	1	0.00	0.00T
SAK70	WHELEN SA315P SPEAKER BRACKET	1	0.00	0.00T
	CHEVY TAHOE 2021			
I3JC	WHELEN ION TRIO R/B/W	4	0.00	0.00T
	(4) Grill guard mesh top surface mount			
TLI3JC	WHELEN ION T-SERIES LINEAR TRIO	4	0.00	0.00T
	R/B/W			
	(2) Running board surface mount - White			
	override Alley - Driver			
	(2) Running board surface mount - White			
	override Alley - Passenger			
CEM16	WHELEN WECANX 16 OUTPUT	2	0.00	0.00T
	EXPANSION MODULE			
CV2V	WHELEN VEHICLE-TO-VEHICLE SYNC	1	0.00	0.00T
	MODULE			
C399SP	WHELEN SCANPORT KIT FOR C399 CORE	1	132.76	132.76T
CHOWLER	WHELEN WCX LOW FREQUENCY SIREN	1	638.25	638.25T
	SYSTEM			
HWLRB32	WHELEN HOWLER BRACKET 2021	1	0.00	0.00T
	TAHOE			
CEM16	WHELEN WECANX 16 OUTPUT	1	167.50	167.50T
	EXPANSION MODULE			

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Requested By	P.O. No.	Terms	Project
		Net 30	

Item	Description	Qty	Rate	Total
TLI2J	WHELEN ION T-SERIES LINEAR DUO R/B (2) Rear bumper surface mount - Horizontal	2	121.10	242.20T
TLI3JC	WHELEN ION T-SERIES LINEAR TRIO R/B/W (2) Grill guard uprights FSV-SB (2) C pillar 1 each side TIONWEDG - White override Alley	4	134.14	536.56T
TIONWEDG	WHELEN ION T SERIES WEDGE. INCLUDES ONE 15 DEGREE & ONE 5 DEGREE WEDGE	2	16.21	32.42T
LINSV2B	WHELEN V-SERIES COMBINATION LIGHT BLUE	1	208.38	208.38T
LINSV2R	WHELEN V-SERIES COMBINATION LIGHT RED	1	208.38	208.38T
LSVBKT54	WHELEN LINSV MIRROR KIT 2021+ TAHOE	1	23.46	23.46T
60CREGCS	WHELEN INTERIOR LIGHT SPLIT R/W 6IN ROUND SURFACE MOUNT (1) Rear liftgate	1	173.88	173.88T
FSV-SB	INNOVATIVE SWIVEL BRACKET UNIVERSAL - SINGLE	2	30.00	60.00T
RNHGGC21SBL1	21-22 CHEVROLET LEGEND TAHOE/SUBURBAN GRILLE GUARD	1	766.25	766.25T

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Leander Police Department B Girdler 705 Leander Dr, Leander, TX 78641	Leander Police Department B Girdler 705 Leander Dr, Leander, TX 78641

Requested By	P.O. No.	Terms	Project
		Net 30	

Item	Description	Qty	Rate	Total
P1826T21AOSB	PROGARD 2021 TAHOE DUAL COMPARTMENTS, PRO-CELL, FULL PARTITION, (INCLUDES RECESSED PANEL), W/ OUTBOARD SEAT BELT. INCLUDES: ½ OR FULL PARTITION, TRANSPORT SEAT, PAIR DOOR PANELS, PAIR WINDOW BARS, LOWER EXTENSION PANEL, POLY CENTER DIVIDER,..POLY WINDO...	1	3,604.50	3,604.50T
GVPMD-H	PROGARD GVPM SERIES, VERTICAL PARTITION MOUNT GUN RACK (FOR USE WITH RECESSED PANEL) DUAL WEAPON, PARTITION MOUNT (IN PARTITION'S RECESSED PANEL) *****UNIVERSAL LOCK UPGRADE X 2	1	405.75	405.75T
PP-TAH-2021-L1-2D-11...	PLASTIX PLUS TAHOE 2021-2024 LOW SECURITY TWO 11" TALL DRAWERS SIZED FOR USE WITH MOST FULL PRISONER CAGES	1	2,485.00	2,485.00T
PP-TAH-2021-TRAY	PLASTIX PLUS 2021 CHEVY TAHOE TRAY INSERT FOR MOUNTING EQUIPMENT UNDER POLY VAULT 45IN BY 22IN, WITH 3.25IN ALLOWABLE EQUIPMENT HEIGHT.	1	235.00	235.00T

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	Sales Tax (0.0%)
	Total



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Requested By	P.O. No.	Terms	Project
		Net 30	

Item	Description	Qty	Rate	Total
WINDOW TINT	WINDOW TINT 25% FRONT 2 Ceramic - Clear Ceramic on Windshield and rear windows Leander PD Tahoe	1	375.00	375.00T
GRAPHICS-OSD	VEHICLE GRAPHICS - Estimate # Leander PD Tahoe Design - Print - Install	1	2,250.00	2,250.00T
PROGRAM FEE	PROGRAM FEE - Initial Core set up for LPD	1	200.00	200.00T
SHIPPING/FRIEGHT		1	463.00	463.00T
INSTALLATION SUPP...	SHOP SUPPLIES- WIRE, LOOM, FUSE BLOCKS, ETC.	1	400.00	400.00T
VEHICLE INSTALLAT...	LABOR HOURS	1	5,040.00	5,040.00T

PRICES VALID FOR 30 DAYS BUT ARE SUBJECT TO CHANGE DUE TO SUPPLY CHAIN CHALLENGES. VERIFY PRICING BEFORE ISSUING A PO. SURCHARGES MAY APPLY.	Subtotal	\$24,435.30
	Sales Tax (0.0%)	\$0.00
	Total	\$24,435.30
***** DISCLAIMER ***** LABOR PRICING IS ONLY GOOD FOR ALL PRODUCTS AND SERVICES INCLUDED IN THIS QUOTE.		

**EXECUTIVE SUMMARY**
6/20/2024**AGENDA SUBJECT:**

Approval of expenditure for the upfitting of seven (7) vehicles for the Police Department of lights, sirens, computers, graphics, etc. from Farrwest Specialty Vehicles pursuant to HGAC Contract No. EP11-20 in the amount of \$171,047.10; and authorize the City Manager to execute any and all necessary documents.

BACKGROUND:

Elsewhere on the City Council agenda is request to approve the purchase of eight (8) replacement vehicles in the Police Department that have met or exceeded their asset life {six (6) years for Police vehicles} and are recommended to be replaced in the upcoming FY25 budget. Replacement vehicles are budgeted in the City's Vehicle Reserve Fund. Each year, departments are assessed an internal service fund charge based on the future replacement cost of their respective fleet vehicles. Seven (7) of the vehicles are patrol vehicles and therefore must be upfitted for lights, sirens, computers, graphics, etc. This request would authorize contracting with Farrwest Speciality Vehicles using the Houston-Galveston Area Council of Governments (HGAC) Contract #EP11-20 at a unit cost of \$24,435.30 each; a total cost of \$171,047.10.

The (7) vehicles being replaced include:

Department Name	Unit ID	Model Year	Make	Model
Police Uniform Services	L58	2018	Chevrolet	Tahoe
Police Uniform Services	L62	2018	Chevrolet	Tahoe
Police Uniform Services	L55	2017	Chevrolet	Tahoe
Police Uniform Services	L74	2018	Chevy	Tahoe
Police Uniform Services	L73	2018	Chevy	Tahoe
Police Uniform Services	L72	2018	Chevy	Tahoe
Police Uniform Services	L71	2018	Chevy	Tahoe

HISTORY/TIMELINE:**APPLICANT/AGENT:****RECOMMENDATION:**

Recommend Approval

PRESENTER:

Robert G. Powers, Executive Finance Director
Greg Minton, Chief of Police

Fiscal Impact

Vehicle Reserve Fund - \$171,047.10
GL Account: 14-41-7000

Attachments:

1. Farrwest Specialty Vehicles Estimate



FARRWEST

SPECIALTY VEHICLES

108 COMMERCIAL PLACE
SUITE 206
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(210)566-1857

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Requested By	P.O. No.	Terms	Project
		Net 30	

Item	Description	Qty	Rate	Total
UNIT#	- HGAC CONTRACT # EP11-20 VIN # - UNIT # - 2025 Tahoe Patrol Leander PD LT Jackson Mitchell - 512-528-2804 - jmitchell@leandertx.gov		0.00	0.00T
IFSV-CSE-	CUSTOMER SUPPLIED EQUIPMENT: Radio, Control Head, Data Cables, Mic, Speaker, Power Cables, Antenna & Coax. - Motorola APX 6500 Radar, Counting Unit, Antennas, Cables. - Stalker DSR Video - Axon Fleet 2 Havis dock & Cradlepoint - BR900-1200M-B			0.00T
C-VSW-1012-TAH	HAVIS VEHICLE SPECIFIC WIDE BODY CONSOLE 22IN 10-12	1	672.75	672.75T
C-EB40-CCS-1P	HAVIS BRACKET FOR WHELEN CENCOM REMOTE HEAD	1	0.00	0.00T
C-EB25-XTL-1P	HAVIS 1 PIECE 2.5IN EQUIPMENT BRACKET FOR MOTOROLA XTL5000 RADIO	1	0.00	0.00T
CUP2-1001	HAVIS 4IN SELF DUAL CUP HOLDER SELF ADJUSTING	1	50.25	50.25T

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	Total
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C-W-LP2	HAVIS DUAL LIGHTER PLUG SOCKET BRACKET W/ 2 LIGHTER PLUGS FOR WIDE VSW CONSOLES	1	32.76	32.76T
C-W-USB2-1	HAVIS CONSOLE ACCESSORY BRACKET KIT WITH 2 USB-C & USB TYPE A DUAL PORT CHARGERS FOR 3.3? SECTION OF VSW CONSOLES	1	171.75	171.75T
C-FPW-1	HAVIS 1 IN VSW FILLER PLATE	1	0.00	0.00T
C-FP-35	HAVIS 3 1/2IN FILLER PLATE	1	0.00	0.00T
C-FP-2	HAVIS 2IN FILLER PLATE	1	0.00	0.00T
C-FP-3	HAVIS 3IN FILLER PLATE	1	0.00	0.00T
MMSU-1	MAGNETIC MIC SINGLE UNIT CONVERSION KIT	3	35.00	105.00T

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FARRWEST

SPECIALTY VEHICLES

108 COMMERCIAL PLACE
SUITE 206
SCHERTZ, TX 78154
(210)566-1857

Estimate

Date	Estimate #
5/24/2024	2552

Name / Address	Ship To
Leander Police Department B Girdler 705 Leander Dr, Leander, TX 78641	Leander Police Department B Girdler 705 Leander Dr, Leander, TX 78641

Requested By	P.O. No.	Terms	Project
		Net 30	

Item	Description	Qty	Rate	Total
FSV-IEXD	WHELEN INNER EDGE DUO WECANX FST & RST SIREN & SPEAKER PROMOTION - PROMO CODE JW FARRWEST 0204B	1	4,598.75	4,598.75T
BSFW54X	WHELEN INNER EDGE FST WCX SOLO OR DUO 12-LIGHT 2021 TAHOE ***ADD ISS SOLO OR ISD DUO MODULES	1	0.00	0.00T
BSSP2XJW	WHELEN 12 6 RED/WHITE DRIVER 6 BLUE/WHITE PASSENGER DUO	1	0.00	0.00T
BSRW10	WHELEN INNER EDGE RST WCX 10-LT TRAY	1	0.00	0.00T
BSSP2ZJA	WHELEN 5/5 DUO K/M LTHD D/P PROMO PKG - 10 LIGHT 5 R/A & 5 B/A	1	0.00	0.00T
OEWD54	WHELEN OUTER EDGE UPPER 2021+ TAHOE DUO - REQUIRES 6 OEI2 LIGHTHEADS ***Delete	-1	400.00	-400.00T
OEI2K	WHELEN ADD 1 R/A ION OUTER EDGE	-3	0.00	0.00T
OEI2M	WHELEN ADD 1 B/A ION OUTER EDGE	-3	0.00	0.00T
C399	WHELEN CENCOM CORE WCX CONTROL CENTER CONTROL HEAD SOLD SEPARATELY. CCTL*	1	0.00	0.00T
CCTL7	WHELEN WECANX CENCOM CORE CONTROL HEAD 21 BUTTON WITH SLIDE	1	0.00	0.00T

PRICES VALID FOR 30 DAYS BUT ARE SUBJECT TO CHANGE DUE TO SUPPLY CHAIN CHALLENGES. VERIFY PRICING BEFORE ISSUING A PO. SURCHARGES MAY APPLY. ***** DISCLAIMER ***** LABOR PRICING IS ONLY GOOD FOR ALL PRODUCTS AND SERVICES INCLUDED IN THIS QUOTE.	Subtotal
	Sales Tax (0.0%)
	Total



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Requested By	P.O. No.	Terms	Project
		Net 30	

Item	Description	Qty	Rate	Total
SA315U	WHELEN 100 WATT SIREN SPEAKER	1	0.00	0.00T
SAK70	WHELEN SA315P SPEAKER BRACKET	1	0.00	0.00T
	CHEVY TAHOE 2021			
I3JC	WHELEN ION TRIO R/B/W	4	0.00	0.00T
	(4) Grill guard mesh top surface mount			
TLI3JC	WHELEN ION T-SERIES LINEAR TRIO	4	0.00	0.00T
	R/B/W			
	(2) Running board surface mount - White			
	override Alley - Driver			
	(2) Running board surface mount - White			
	override Alley - Passenger			
CEM16	WHELEN WECANX 16 OUTPUT	2	0.00	0.00T
	EXPANSION MODULE			
CV2V	WHELEN VEHICLE-TO-VEHICLE SYNC	1	0.00	0.00T
	MODULE			
C399SP	WHELEN SCANPORT KIT FOR C399 CORE	1	132.76	132.76T
CHOWLER	WHELEN WCX LOW FREQUENCY SIREN	1	638.25	638.25T
	SYSTEM			
HWLRB32	WHELEN HOWLER BRACKET 2021	1	0.00	0.00T
	TAHOE			
CEM16	WHELEN WECANX 16 OUTPUT	1	167.50	167.50T
	EXPANSION MODULE			

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	Sales Tax (0.0%)
	Total



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Requested By	P.O. No.	Terms	Project
		Net 30	

Item	Description	Qty	Rate	Total
TLI2J	WHELEN ION T-SERIES LINEAR DUO R/B (2) Rear bumper surface mount - Horizontal	2	121.10	242.20T
TLI3JC	WHELEN ION T-SERIES LINEAR TRIO R/B/W (2) Grill guard uprights FSV-SB (2) C pillar 1 each side TIONWEDG - White override Alley	4	134.14	536.56T
TIONWEDG	WHELEN ION T SERIES WEDGE. INCLUDES ONE 15 DEGREE & ONE 5 DEGREE WEDGE	2	16.21	32.42T
LINSV2B	WHELEN V-SERIES COMBINATION LIGHT BLUE	1	208.38	208.38T
LINSV2R	WHELEN V-SERIES COMBINATION LIGHT RED	1	208.38	208.38T
LSVBKT54	WHELEN LINSV MIRROR KIT 2021+ TAHOE	1	23.46	23.46T
60CREGCS	WHELEN INTERIOR LIGHT SPLIT R/W 6IN ROUND SURFACE MOUNT (1) Rear liftgate	1	173.88	173.88T
FSV-SB	INNOVATIVE SWIVEL BRACKET UNIVERSAL - SINGLE	2	30.00	60.00T
RNHGGC21SBL1	21-22 CHEVROLET LEGEND TAHOE/SUBURBAN GRILLE GUARD	1	766.25	766.25T

PRICES VALID FOR 30 DAYS BUT ARE SUBJECT TO CHANGE DUE TO SUPPLY CHAIN CHALLENGES. VERIFY PRICING BEFORE ISSUING A PO. SURCHARGES MAY APPLY.	Subtotal
	Sales Tax (0.0%)
	Total
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Requested By	P.O. No.	Terms	Project
		Net 30	

Item	Description	Qty	Rate	Total
P1826T21AOSB	PROGARD 2021 TAHOE DUAL COMPARTMENTS, PRO-CELL, FULL PARTITION, (INCLUDES RECESSED PANEL), W/ OUTBOARD SEAT BELT. INCLUDES: ½ OR FULL PARTITION, TRANSPORT SEAT, PAIR DOOR PANELS, PAIR WINDOW BARS, LOWER EXTENSION PANEL, POLY CENTER DIVIDER,..POLY WINDO...	1	3,604.50	3,604.50T
GVPMD-H	PROGARD GVPM SERIES, VERTICAL PARTITION MOUNT GUN RACK (FOR USE WITH RECESSED PANEL) DUAL WEAPON, PARTITION MOUNT (IN PARTITION'S RECESSED PANEL) *****UNIVERSAL LOCK UPGRADE X 2	1	405.75	405.75T
PP-TAH-2021-L1-2D-11...	PLASTIX PLUS TAHOE 2021-2024 LOW SECURITY TWO 11" TALL DRAWERS SIZED FOR USE WITH MOST FULL PRISONER CAGES	1	2,485.00	2,485.00T
PP-TAH-2021-TRAY	PLASTIX PLUS 2021 CHEVY TAHOE TRAY INSERT FOR MOUNTING EQUIPMENT UNDER POLY VAULT 45IN BY 22IN, WITH 3.25IN ALLOWABLE EQUIPMENT HEIGHT.	1	235.00	235.00T

PRICES VALID FOR 30 DAYS BUT ARE SUBJECT TO CHANGE DUE TO SUPPLY CHAIN CHALLENGES. VERIFY PRICING BEFORE ISSUING A PO. SURCHARGES MAY APPLY. ***** DISCLAIMER ***** LABOR PRICING IS ONLY GOOD FOR ALL PRODUCTS AND SERVICES INCLUDED IN THIS QUOTE.	Subtotal
	Sales Tax (0.0%)
	Total



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Estimate

Date	Estimate #
5/24/2024	2552

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Requested By	P.O. No.	Terms	Project
		Net 30	

Item	Description	Qty	Rate	Total
WINDOW TINT	WINDOW TINT 25% FRONT 2 Ceramic - Clear Ceramic on Windshield and rear windows Leander PD Tahoe	1	375.00	375.00T
GRAPHICS-OSD	VEHICLE GRAPHICS - Estimate # Leander PD Tahoe Design - Print - Install	1	2,250.00	2,250.00T
PROGRAM FEE	PROGRAM FEE - Initial Core set up for LPD	1	200.00	200.00T
SHIPPING/FRIEGHT		1	463.00	463.00T
INSTALLATION SUPP...	SHOP SUPPLIES- WIRE, LOOM, FUSE BLOCKS, ETC.	1	400.00	400.00T
VEHICLE INSTALLAT...	LABOR HOURS	1	5,040.00	5,040.00T

PRICES VALID FOR 30 DAYS BUT ARE SUBJECT TO CHANGE DUE TO SUPPLY CHAIN CHALLENGES. VERIFY PRICING BEFORE ISSUING A PO. SURCHARGES MAY APPLY.	Subtotal	\$24,435.30
	Sales Tax (0.0%)	\$0.00
	Total	\$24,435.30
***** DISCLAIMER ***** LABOR PRICING IS ONLY GOOD FOR ALL PRODUCTS AND SERVICES INCLUDED IN THIS QUOTE.		



EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Approval authorizing the BCRUA Board President to execute a construction contract with Control Panels USA, Inc. (CP USA) in the amount of \$612,000.28 for the Delivery Points Improvements Phase 2 project.

BACKGROUND:

This item recommends a construction bid award for the Delivery Points Improvements Phase 2 project. This project was originally bid on March 2024, but the one proposal received was substantially over budget and the pricing of many bid items in the proposal was not competitive with recent bid data for similar work.

The bid was rejected, and the design was revised to postpone most of the heavy mechanical valves and structures until the Phase 2A treatment plant expansion project is built.

The revised design removed elements which were to be funded by Cedar Park and Round Rock, so Leander will be funding the entire project, using utility CIP funding sources.

The Delivery Points Improvements Phase 2 will consist of instrumentation, control and programming, which is more critical at this time.

HISTORY/TIMELINE:

BCRUA Water Treatment Plant, provides and distributes finished water to Cedar Park, Leander, and Round Rock (the Cities) from the transmission system through seven (7) existing delivery points and one (1) additional future delivery point for the City of Round Rock. Each delivery point comprises different equipment with different control and monitoring capabilities.

It was determined that several improvements should be made to the existing delivery points to improve the operational control and to standardize the control and monitoring of flows through the delivery valves.

The Delivery Point Improvements Project consists of designing improvements for Leander, one (1) Cedar Park, and one (1) proposed consolidated Round Rock delivery points.

Phase 1 (interim) improvements project consisted of:

1. Improvements at the City of Leander Ronald Reagan Delivery Point:
 - a) Retrofit existing Bermad Globe Valve with Electronic Controller and accessories
 - b) Control Panel Replacement
 - c) Power/Battery Back-up Power Improvements
2. Communications Improvements for the City of Leander and BCRUA at the BCRUA elevated storage tank located on the BCRUA WTP

3. Improvements at the City of Round Rock Delivery Point:
 - a) Control Panel Replacement
 - b) Power/Battery Back-up Power Improvements

The remaining scope of work needed will be part of the Delivery Points Improvements Phase 2.

Delivery Points Improvements Phase 1 project was awarded on November 27, 2023, with final completion on June 24, 2024. The cost of Delivery Points Improvements Phase 1 was \$448,000, which included improvements to the Round Rock and Leander. The cost was split as 35.6 percent for Round Rock and 64.4 percent for Leander.

The Delivery Points Improvements Phase 2 was originally bid in March 2024 and then was re-bid on June 6, 2024, using the competitive sealed proposal delivery method. Two (2) responsive proposals were submitted by Control Panels USA, Inc. (CP USA) of Austin, Texas and Prime Controls, LP (Prime Controls) of Lewisville, Texas.

CP USA submitted the lowest bid at \$612,000.28 and Prime Controls bid was \$796,691. Both bids are well below the engineer’s estimate. The engineer’s letter of recommendation for award is attached along with a tabulation of the bids and the proposal's scoring.

APPLICANT/AGENT:

RECOMMENDATION:

Staff recommends approval of authorizing the BCRUA Board President to execute a construction contract with Control Panels USA, Inc. (CP USA) in the amount of \$612,000.28 for the Delivery Points Improvements Phase 2 construction project.

PRESENTER:

Gina Ellison, PE, Director of Public Works

	<u>Fiscal Impact</u>
<u>Amount requested:</u>	\$612,000.28
<u>Approved in current budget (Yes / No):</u>	Yes
<u>Expenditure (New / Amended):</u>	New
<u>Recurring or one-time:</u>	One-time
<u>Fund source (Operating / Utility / etc.):</u>	CIP Utility 27-02-5760 (Regional Water System) FY24 Budget \$2,000,000

Attachments:

1. BCRUA Delivery Points Ph 2 Recommendation to Award
2. Proposal Tab
3. CSP Scoring Summary

June 6, 2024

Brushy Creek Regional Utility Authority (BCRUA)
221 E. Main St.
Round Rock, TX 78664

Attn: Sam Roberts, P.E., General Manager

Re: BCRUA Delivery Points Improvements Phase 2
Project No.: 03-00816

Dear Mr. Roberts:

On June 6, 2024, Walker Partners assisted the BCRUA in opening competitive sealed proposals for the above referenced project. Two responsive, competitive sealed proposal were submitted by Control Panels USA, Inc. (CP USA) of Austin, Texas and Prime Controls, LP (Prime Controls) of Lewisville, Texas. Neither of the proposals included any deviations from the contract documents and both noted substantial completion of the project within the required 270 calendar days schedule. The proposals were evaluated for conformance with the contract requirements and the following selection criteria: 30% for Contractor Relevant Experience and References, 60% for Cost Proposal, and 10% for Proposed Schedule. Based on evaluation of the proposals, CP USA is the highest ranked proposer offering best value, as determined by the selection criteria and ranking assessment.

Evaluation of CP USA's proposal included a review of their technical qualifications and experience, including major subcontractors. CP USA presented a highly qualified project manager, programmer, and field superintendent with a supporting subcontractor team featuring Sun Tech Electric and BMP Specialist. CP USA is currently working on BCRUA's Delivery Points Phase 1 project, currently supports and maintains Leander's SCADA system, and is also the preferred SCADA integrator for the City of Round Rock.

Based on the information presented and evaluation of the proposal, Walker Partners recommends that the BCRUA award a contract to CP USA for the total Base Proposal amount of **\$612,000.28** for the Delivery Points Improvements Phase 2 project. We will prepare the Notice of Intent to Award Letter and other contract documents for transmittal to CP USA, pending final acceptance and direction from the BCRUA.

Sincerely,



Jason Bybel, PE, PMP
Project Manager

Electronic Delivery

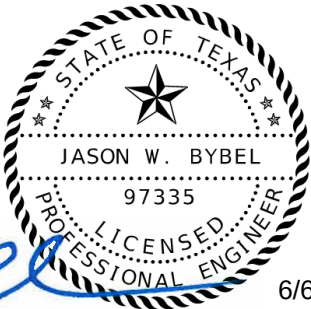
Cc: Project File

Proposer				CP USA		Prime Controls	
Address				16310 Bratton Lane, Suite 100 Austin, TX 78728		1725 Lakepoint Drive Lewisville, TX 75057	
Acknowledgements/Attachments:							
Acknowledgement of Addendum 1, 2, & 3				☒		☒	
Proposal Security (5%)				☒		☒	
Proposal Form (Section 00300)				☒		☒	
W-9 (Section 00300)				☒		☒	
Conflict of Interest Questionnaire (Section 00300-A)				☒		☒	
Certificate of Interested Parties - Form 1295 (Section 00300-B)				☒			
Statement of Proposers Experience (Section 00400)				☒			
BASE PROPOSAL ITEMS							
Proposal Item	Description	Quantity	Units	Unit Price	Total Price	Unit Price	Total Price
1	Bonds, Insurance, Mobilization, and Demobilization	1	LS		\$ 25,000.00		\$ 38,953.00
2	Silt Fence Erosion Control	444	LF	\$ 8.87	\$ 3,938.28	\$ 50.83	\$ 22,569.00
3	Revegetate Disturbed Areas	4,300	SF	\$ 1.06	\$ 4,558.00	\$ 15.99	\$ 68,756.00
4	BCRUA-City of Leander Raw Water Delivery Point - Control Valve and Meter Vault Improvements	1	LS		\$ 46,443.00		\$ 52,538.00
5	BCRUA-City of Leander Raw Water Delivery Point - Demolition of Radio Tower and Existing Control Panels.	1	LS		\$ 2,747.00		\$ 21,630.00
6	BCRUA-City of Leander Raw Water Delivery Point - BCRUA Control System, Power Supply, and Communications Equipment Improvements.	1	LS		\$ 64,113.00		\$ 66,330.00
7	BCRUA-City of Leander Raw Water Delivery Point - Fall-of-Potential Testing of Electrical Grounding System.	1	LS		\$ 3,496.00		\$ 9,392.00
8	BCRUA-City of Leander Raw Water Delivery Point – Grounding System Improvements	1	LS		\$ 6,866.00		\$ 18,355.00
9	BCRUA-City of Leander Solenoid Valve - Modifications in Existing Solenoid Valve Vault.	1	LS		\$ 19,454.00		\$ 29,586.00
10	BCRUA-City of Leander Solenoid Valve - New Wall Mounted Control Panel Improvements.	1	LS		\$ 95,553.00		\$ 56,290.00
11	BCRUA-City of Leander Solenoid Valve - New Wall Mounted Shade Awning over new Control Panel, Complete and In Place.	1	LS		\$ 12,894.00		\$ 37,099.00
12	BCRUA-City of Leander Solenoid Valve - Modification of PLC Programming at Adjacent Leander WWTP to Remove Solenoid Valve Controls.	1	LS		\$ 2,136.00		\$ 33,610.00
13	BCRUA-City of Leander Solenoid Valve – Fall-of-Potential Testing	1	LS		\$ 3,496.00		\$ 9,392.00
14	BCRUA-City of Leander Solenoid Valve – Grounding System Improvements	1	LS		\$ 6,866.00		\$ 13,011.00
15	BCRUA-City of Leander Travisso Delivery Point - New Canopy over Existing Electrical/Control Panel Rack, Complete and In Place.	1	LS		\$ 29,552.00		\$ 59,095.00
16	BCRUA-City of Leander Travisso Delivery Point - Existing Motorized Actuator Improvements	1	LS		\$ 3,745.00		\$ 18,012.00
17	BCRUA-City of Leander Travisso Delivery Point - BCRUA Travisso Control Cabinet Improvements and Programming.	1	LS		\$ 59,386.00		\$ 45,457.00
18	BCRUA-City of Leander Travisso Delivery Point - BCRUA EST Control Panel Improvements and Programming	1	LS		\$ 44,044.00		\$ 20,167.00
19	BCRUA-City of Leander Travisso Delivery Point – Fall-of-Potential Testing	1	LS		\$ 3,496.00		\$ 9,392.00
20	BCRUA-City of Leander Travisso Delivery Point – Grounding System Improvements	1	LS		\$ 6,866.00		\$ 16,058.00
21	BCRUA-City of Leander Bagdad Delivery Point - Control Panel Components, Power Supply, Communications, and Programming Improvements.	1	LS		\$ 47,405.00		\$ 41,210.00

Proposer				CP USA		Prime Controls	
Address				16310 Bratton Lane, Suite 100 Austin, TX 78728		1725 Lakepoint Drive Lewisville, TX 75057	
Acknowledgements/Attachments:							
Acknowledgement of Addendum 1, 2, & 3				☒		☒	
Proposal Security (5%)				☒		☒	
Proposal Form (Section 00300)				☒		☒	
W-9 (Section 00300)				☒		☒	
Conflict of Interest Questionnaire (Section 00300-A)				☒		☒	
Certificate of Interested Parties - Form 1295 (Section 00300-B)				☒			
Statement of Proposers Experience (Section 00400)				☒			
BASE PROPOSAL ITEMS							
Proposal Item	Description	Quantity	Units	Unit Price	Total Price	Unit Price	Total Price
22	BCRUA-City of Leander Bagdad Delivery Point - Fall-of-Potential Testing of Electrical Grounding System.	1	LS		\$ 3,496.00		\$ 9,392.00
23	BCRUA-City of Leander Bagdad Delivery Point – Grounding System Improvements	1	LS		\$ 6,866.00		\$ 13,011.00
24	BCRUA Ignition HMI Reprogramming, Graphics Updates, and Alarm Updates.	1	LS		\$ 45,504.00		\$ 50,415.00
25	Leander Ignition HMI Reprogramming, Graphics Updates, and Alarm Updates.	1	LS		\$ 64,080.00		\$ 36,971.00
TOTAL BASE PROPOSAL				\$ 612,000.28		\$ 796,691.00	

I, Jason W. Bybel, Texas P.E. # 97335, do hereby certify that this proposal tab is accurate and true.

Walker Partners, LLC
TBPE Registration No. 8053
6504 Bridge Point Parkway, Suite 200
Austin, Texas 78730
512-382-0021 Telephone
www.walkerpartners.com



6/6/2024

Brushy Creek Regional Utility Authority
Delivery Points Improvements Phase 2
Competitive Sealed Proposal - Proposal Opening

Competitive Sealed Proposal - Scoring Summary				
Contract Substantial Completion Days	270			
Contract Final Completion Days	300			
Lowest Proposed Contract Price	\$ 612,000.28			
Highest Proposed Contract Price	\$ 796,691.00			
Evaluation Criteria	Points	Proposer 1	Proposer 2	Notes
		CP USA	Prime Controls	
		\$ 612,000.28	\$ 796,691.00	
A Cost Proposal	60	\$ 612,000.28	\$ 796,691.00	
Point Value		60.00	46.09	
B Relevant Experiences and References	30	28.5	18	Good Experience, No QC Manager identified for either, Prime controls didn't identify an Electrical Sub
C Proposed Schedule	10	10	10	270 days, as required and indicated in proposal
Total (100 Possible Points)		98.50	74.09	



EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Acceptance of public improvements for Bar W Ranch Phase 10 including streets and erosion, drainage, wastewater, water, streetlights, and landscape improvements.

BACKGROUND:

The public infrastructure improvements required for Bar W Ranch Phase 10 include the following public improvement categories: streets and erosion, drainage, wastewater, water, streetlights, and landscape improvements which have been installed, inspected, and satisfactorily completed. All documentation required for acceptance of this project has been received, including record drawings, statement of substantial completion prepared by a professional engineer licensed by the State of Texas, copies of all inspection reports and certified test results, electronic files of the improvements and final plat, affidavit of all bills paid, and a two (2)- year term maintenance bond.

The maintenance bond will commence its two (2)- year term upon City Council acceptance, as anticipated, on June 20, 2024, which will provide warranty and maintenance coverage for public infrastructure improvements through June 20, 2026. The Engineering Department will perform a formal inspection of the improvements approximately thirty (30) days prior to the expiration of the maintenance bond to assure that any defects in materials, quality construction, or maintenance are corrected prior to expiration of the bond.

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

Staff recommend the City Council's formal acceptance of all of Bar W Ranch Phase 10 public infrastructure improvements.

PRESENTER:

Emily D. Truman, P.E., CFM, City Engineer

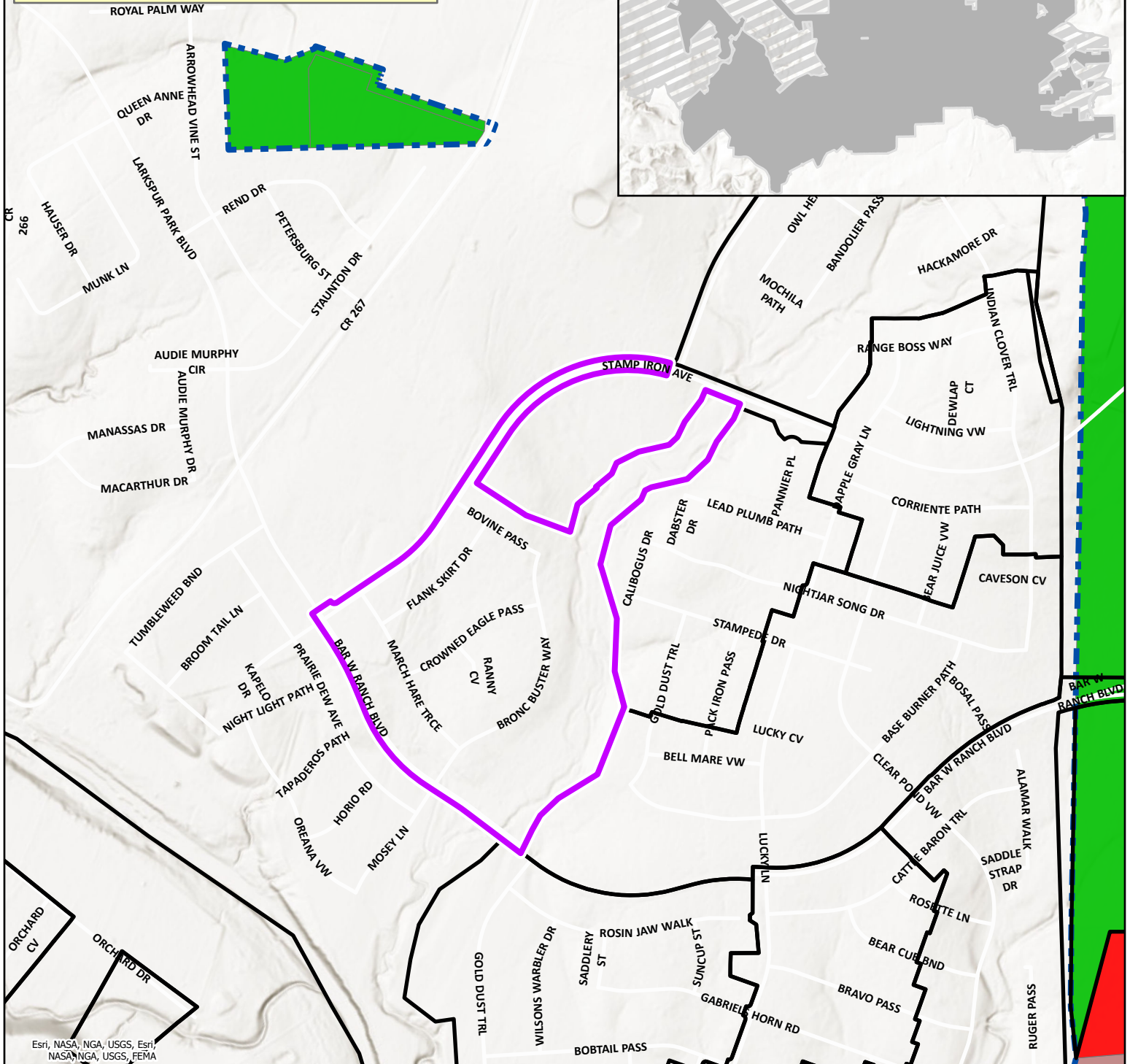
Fiscal Impact

Attachments:

1. Bar W Ranch West Ph 10 Acceptance Documents

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, please refer to the appraisal district website for official property data. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

Leander City Limits
Extra-Territorial
Jurisdiction

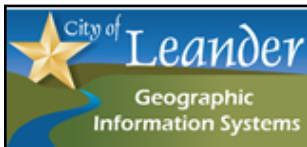


SUBDIVISION ACCEPTANCE

Bar W Ranch West Ph 10 - 22-PICP-0016

City Limits

Accepted Subdivision



RESIDENTIAL

SFR - Single-Family Rural

SFE - Single-Family Estate

RETAIL / COMMERCIAL

LC - Local Commercial

GC - General Commercial



0 500 1,000
Feet



March 12, 2024

Brian Oliver
D.R. Horton
10700 Pecan Park Blvd., Ste. 400
Austin, Texas 78750

Re: Bar W Phase 10

RE-INSPECTION COMPLETED – NO VIOLATIONS

Dear Brian:

This report presents the findings of the re-inspection for the Bar W Phase 10 Project in Leander, Texas for compliance with the Texas Accessibility Standards (TAS) Rule 68.102 and the Public Right-of-Way Guidelines (PROWAG). This report is limited to re-inspecting the elements for compliance with the applicable technical standards and not scoping. A re-inspection was conducted on March 12, 2024.

All of the pedestrian elements were found to be in compliance with the Texas Accessibility Standards Rule 68.102 and the Public Right-of-Way Guidelines. The scope of work is limited to the re-inspection of the elements and excludes project registration with TDLR and a formal plan review of the design documents.

Feel free to contact me at (512) 410-7059 or at jel@alturalp.com with any questions.

Sincerely,

A handwritten signature in black ink that reads 'Jesús Lardizábal'.

Jesús Lardizábal, RAS #1051
President



Carlson, Brigance & Doering, Inc.

Civil Engineering ♦ Surveying

ENGINEERING CONCURRENCE LETTER

March 12, 2024

Bar W Ranch West Phase 10

LEANDER, TEXAS

Subdivision Construction Plans File # 22-PICP-0016

CBD # 5430

On this day, 03/12/2024 I, the undersigned professional engineer made a final visual inspection of the above referenced project. I also visited the site during construction and observed that the streets, site grading, utilities and drainage structures were constructed per the approved plans, with insignificant deviation. I, therefore, verify the adequate completion of the following items:

All curbs, pavement, sidewalks, storm sewers, inlets, water, wastewater, walls, stormwater facilities and similar construction items.

Sincerely,
CARLSON, BRIGANCE & DOERING, INC.

3-12-24

LEE A. WHITED, P.E.



MAINTENANCE BOND
Subdivision Improvements

Bond #022237659

THE STATE OF TEXAS §

COUNTY OF WILLIAMSON §

KNOW ALL BY THESE PRESENTS, that Chasco Constructors, LTD
as Principal, whose address is 2801 E. Old Settlers Blvd, Round Rock, TX 78665 and
Liberty Mutual Insurance Company a Corporation organized under the
laws of the State of Massachusetts, and duly authorized to do business in the State of Texas, as
Surety, are held and firmly bound unto the City of Leander, Texas as Obligee, in the penal sum
of Eight Hundred Ten Thousand Ninety Eight Dollars & no/100----- Dollars
(\$ 810,098.00) to which payment will and truly to be made we do bind ourselves, our
and each of our heirs, executors, administrators, successors and assigns jointly and severally,
firmly by these presents.

WHEREAS, the said Principal has constructed Bar W Phase 10 Public Improvements Construction
Plan including streets & erosion, drainage, wastewater, water & streetlights (the
“improvements”) pursuant to the ordinances of the Obligee, which ordinances are hereby
expressly made a part hereof as though the same were written and embodied herein;

WHEREAS, said Obligee requires that the Principal furnish a bond conditioned to
guarantee for the period of two (2) years after acceptance by the Obligee, against all defects in
workmanship and materials which may become apparent during said period;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, if the
Principal keeps and perform the requirement of the Obligee’s ordinances and this Maintenance
Bond to maintain the improvements and keep the same in good repair and shall indemnify the
Obligee for all loss that the Obligee may sustain by reason of any defective materials or
workmanship which become apparent during the period of two (2) years from and after the date
of acceptance by the Owner, then this obligation shall be void, otherwise to remain in full force
and effect, and Owner shall have and cover from said Principal and Surety damages in the
premises, as provided, and it is further agreed that this obligation shall be a continuing one
against the Principal and Surety hereon, and that successive recoveries may be had thereon for
successive breaches until the full amount shall have been exhausted; and it is further understood
that the obligation herein to maintain said improvements shall continue throughout the
maintenance period, and the same shall not be diminished in any manner from any cause during
said time.

Principal agrees to repair or reconstruct the improvements in whole or in part at any time
within the two year period to such extent as the Obligee deems necessary to properly correct all
defects except for normal wear and tear. If the Principal fails to make the necessary corrections
within ten days after being notified, the Obligee may do so or have done all said corrective work
and shall have recovery hereon for all expenses thereby incurred. Principal will maintain and
keep in good repair the improvements for a period of two years from the date of acceptance; it
being understood that the purpose of this Maintenance Bond is to cover all defective conditions
arising by reason of defective material, work, or labor performed by said Principal or its

subcontractors, and in the case the said Principal shall fail to do so within ten days after being notified, it is agreed that the Obligee may do said work and supply such materials, and charge the same against Principal and Surety on this obligation.

The Surety shall notify the Obligee at least fifteen (15) days prior to the end of the first full calendar year and prior to the lapse of this Maintenance Bond at the end of the second full calendar year.

Surety and Principal agree that whenever a defect or failure of the improvement occurs within the period of coverage under this Bond, the Surety and Principal shall provide a new maintenance bond or other surety instrument in a form acceptable to the Obligee and compliant with the Obligee's ordinances conditioned to guarantee for the period of two (2) years after the Obligee's acceptance of the corrected defect or failure, against all defects in workmanship and materials associated with the corrected defect or failure which may become apparent during said period, which shall be in addition to this Maintenance Bond.

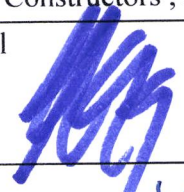
The Surety agrees to pay the Obligee upon demand all loss and expense, including attorneys' fees, incurred by the Obligee by reason of or on account of any breach of this obligation by the Surety. Provided further, that in any legal action be filed upon this bond, venue shall lie in the county where the improvements are constructed.

This Bond is a continuing obligation and shall remain in full force and effect until cancelled as provided for herein.

Surety, for value received, stipulates and agrees that no change, extension of time, alteration or addition to the improvements, or the work to be performed thereon, or the plans, specifications or drawings accompanying the same, shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the improvements, or the work to be performed thereon.

IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed
this instrument this 4th day of March, 20 24.

Chasco Constructors, LTD
Principal

By: 

Title: VP

Address: 2801 E. Old Settlers Blvd

Round Rock, TX 78665

Liberty Mutual Insurance Company
Surety

By: 

Title: Robert James Nitsche, Attorney-In-Fact

Address: 1001 4th Ave.

Ste 3800

Seattle, WA 98154

The name and address of the Resident Agent of Surety is:

The Nitsche Group

143 E. Austin, Giddings, TX 78942

(Seal)



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8211035 - 974127**

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Craig Parker, Gary A. Nitsche, Jennifer J Biehle, Kenneth Nitsche, Nina Smith, Robert James Nitsche, Robert K. Nitsche,

all of the city of Giddings state of TX each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 29th day of November, 2023.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By:

David M. Carey

David M. Carey, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 29th day of November, 2023 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By:

Teresa Pastella

Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 4th day of March, 2024.



By:

Renee C. Llewellyn

Renee C. Llewellyn, Assistant Secretary



Figure: 28 TAC § 1.601(a)(2)(B)

Have a complaint or need help?

If you have a problem with a claim or your premium, call your insurance company or HMO first. If you can't work out the issue, the Texas Department of Insurance may be able to help.

Even if you file a complaint with the Texas Department of Insurance, you should also file a complaint or appeal through your insurance company or HMO. If you don't, you may lose your right to appeal.

Liberty Mutual Insurance Company

To get information or file a complaint with your insurance company or HMO:

Call: Liberty Mutual Surety Claims **at** 206-473-6210

Online: www.LibertyMutualSuretyClaims.com

Email: HOSCL@libertymutual.com

Mail: P.O. Box 34526 Seattle, WA 98124

The Texas Department of Insurance

To get help with an insurance question or file a complaint with the state:

Call with a question: 1-800-252-3439

File a complaint: www.tdi.texas.gov

Email: ConsumerProtection@tdi.texas.gov

Mail: MC 111-1A, P.O. Box 149091, Austin, TX 78714-9091

¿Tiene una queja o necesita ayuda?

Si tiene, un problema con una reclamación o con su prima de seguro, llame primero a su compañía de seguros o HMO. Si no puede resolver el problema, es posible que el Departamento de Seguros de Texas (Texas Department of Insurance, por su nombre en inglés) pueda ayudar.

Aun si usted presenta una queja ante el Departamento de Seguros de Texas, también debe presentar una queja a través del proceso de quejas o de apelaciones de su compañía de seguros o HMO. Si no lo hace, podría perder su derecho para apelar.

Liberty Mutual Insurance Company

Para obtener información o para presentar una queja ante su compañía de seguros o HMO:



Carlson, Brigrance & Doering, Inc.

Civil Engineering ❖ Surveying

February 23, 2024

City of Leander- Engineering
201 N. Brushy Street
Leander, Texas 78641

**RE: Bar W Ranch West, Phase 10
PICP-22-0016**

Final Plat Legal Name as Recorded:

Bar W Ranch West Phase 10

Name on Approved Construction Documents:

Bar W Ranch West, Phase 10 Public Improvement Construction Plan

Name on Bank Bond for Fiscal Posting:

N/A

COST CATAGORIES	AMOUNT (INTERIOR)	AMOUNT (MAJOR)	TOTAL INSPECTION AMOUNT
STREETS & EROSION	\$ 830,249.25	\$ 1,348,584.25	\$ 2,178,833.50
DRAINAGE	\$ 1,103,478.00	\$ 1,484,617.50	\$ 2,588,095.50
WASTEWATER	\$ 902,282.50	\$ 36,877.00	\$ 939,159.50
WATER	\$ 623,147.50	\$ 1,194,969.00	\$ 1,818,116.50
STREETLIGHTS	\$ 348,585.00	\$ 228,190.00	\$ 576,775.00
LANDSCAPE IMPROVEMENTS	\$ -	\$ 665,000.00	\$ 665,000.00
TOTAL	\$ 3,807,742.25	\$ 4,958,237.75	\$ 8,765,980.00

Total Improvements = **\$8,765,980.00**

Maintenance Bond (10% of total, minus landscaping) = **\$810,098.00**

Total inspection Improvements = **\$8,765,980.00**

Inspection Fees (3.5%) = **\$306,809.30**

Currently Paid Inspection Fees = **\$257,677.79**

Check submitted w/ Closeout Pkg= **\$49,131.51**

Remaining Insp. Fees to be Paid = **\$0.00**

2-23-24

Please call if you have any questions.

Sincerely,

Lee A. White, P.E.
Carlson, Brigrance, & Doering, Inc.
Email: Lee@cbdeng.com



AFFIDAVIT OF BILLS PAID

THE STATE OF TEXAS
COUNTY OF Williamson

Charles King Being first duly sworn, state
that he is VP/CFO of Chasco Constructors of
Williamson County of Texas, hereinafter call "Company", and The said Company has
performed work and/or furnished Williamson County, Texas hereinafter called "Owner" pursuant
to a contract, dated with Owner (hereinafter called "Contract") for the construction of:

PROJECT: Bar W Ranch West Phase 10
PROJECT NO: 23070

That all just and lawful invoices against the Company for Labor, materials and expendable equipment
employed in the performance of the Contract for which company has been paid by the owner.

That the Company agrees to indemnify and hold the Owner and Engineers harmless from all liability
arising from claims by subcontractors, materialmen and suppliers under Contract, and

That no claims have been made or filed upon the payment bond,

That the Company has not received any claims or notice of claims from the subcontractor, materialmen
and suppliers.

By [Signature]

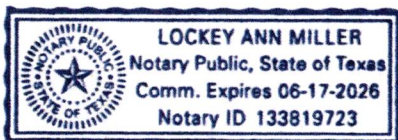
VP/CFO
Title

THE STATE OF TEXAS
COUNTY OF Williamson

BEFORE ME, The undersigned authority, on this day personally appeared Charles King
VP/CFO of Chasco Constructors a Texas
Corporation, known to me to be the person and officer whose name is subscribed to the foregoing
instrument, and acknowledged to me that the executed the same as the act and deed of such corporation,
for the purpose of consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 4th day of March 2024 .

MY COMMISSION EXPIRES: 06.17.2026



[Signature]
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Approval of the Second Reading of an Ordinance regarding Zoning Case Z-23-0065 to amend the current zoning of PEC PUD (Planned Unit Development) to change the zoning to GC-2-C (General Commercial) on one (1) parcel of land approximately 12.405 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R623019; and legally described as Lot 1, Block A, PEC Data Center, Leander, Williamson County, Texas.

BACKGROUND:

This request is the final step in the zoning process. Staff recommends approval of the zoning request. The Planning & Zoning Commission recommended approval during the May 9, 2024 meeting.

HISTORY/TIMELINE:

01/17/2013 - Annexation
08/18/2016 - Zoning (PEC PUD)
05/09/2023 - Planning & Zoning, 1st Public Hearing
06/06/2024 - City Council, 2nd Public Hearing

APPLICANT/AGENT:

Westwood Professional Services (Clayton Strolle) on behalf of Pedernales Electric Cooperative, Inc. (Cody Moos)

RECOMMENDATION:

The City Council unanimously approved the zoning change during the June 6, 2024 meeting.

PRESENTER:

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

Fiscal Impact

Attachments:

1. Z-23-0065 Att 1 Planning Analysis - PEC PUD
2. Z-23-0065 Att 2 Current Zoning - PEC PUD
3. Z-23-0065 Att 3 FLU Map - PEC PUD
4. Z-23-0065 Att 4 Public Notification - PEC PUD
5. Z-23-0065 Att 5 Proposed Zoning - PEC PUD

6. Z-23-0065 Att 6 Aerial Map - PEC PUD
7. Z-23-0065 Att 7 Letter of Intent - PEC PUD
8. Z-23-0065 Att 8 Neighborhood Outreach - PEC PUD
9. Z-23-0065 Att 9 Ordinance - PEC PUD
10. Z-23-0065 Att 10 5-9-2024 P & Z Minutes



PLANNING ANALYSIS

ZONING CASE Z-23-0065 PEC PUD AMENDMENT

GENERAL INFORMATION

Owner/Agent: Westwood Professional Services (Clayton Strolle) on behalf of Pedernales Electric Cooperative, Inc. (Cody Moos).

Current Zoning: PEC PUD (Planned Unit Development) with base zonings of
LO-2-A (Local Office)
HC-5-D (Heavy Commercial)

Proposed Zoning: GC-2-C (General Commercial) base zoning for a portion of the PEC PUD

Size and Location: The property is generally located southeast of the intersection of RM 2243 and 183A Toll Road, including approximately 12.405 acres.

Staff Contact: Cory Dale,
Planner

APPLICANT REQUEST

The applicant has submitted a request to change the designated zoning district of their property in order to commercially develop the site.

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

This Commission will note that only the requested portion of the PEC PUD is being revised per this request. The developed PEC data center PUD portion to the east will remain within the PEC PUD. The remainder of the PEC PUD tract (south portion) will be reviewed as upcoming zoning case Z-23-0091. Please note the access drive to the south will remain.

SITE INFORMATION:

ABUTTING ZONING AND LAND USE:

	ZONING	LAND USE
NORTH	HC-5-D & CD	Heavy Commercial
EAST	PUD (GC)	PEC Data Center
SOUTH	GC-3-C	Undeveloped
WEST	PUD	Undeveloped (Leander Springs Mixed-Use)

SURROUNDING AREA:

This property is located west of the PEC Data Center and just south (across RM 2243) of the Enterprise Business Park and Fabcon Products, Inc (trailer repair and rental). Properties to the south and west (across 183A Toll Road) are currently undeveloped.

PHYSICAL AND NATURAL FEATURES:

This portion of the property is undeveloped with large amounts of tree cover to the north and northwest of the tract. Any existing significant and/or heritage trees on site will be reviewed for compliance with the CZO and mitigation during the development of the site.

PROPERTY HISTORY:

This property annexed into the City of Leander on 01/17/2013.

PREVIOUS ZONING CASES:

The following zone cases were previously submitted for this property:

- 16-Z-014 requested a zone change from Interim SFR-1-B (Single-Family Rural) and SFS-2-B (Single-Family Suburban) to a PUD with base zoning districts of LO-2-A (Local Office) and HC-5-D (Heavy Commercial) and was approved on 08/18/2016.

MAJOR CORRIDORS:

This property has access onto 183A Toll Road.

TRANSPORTATION PLAN REQUIREMENTS:

- **183A Toll Road**
 - i. Any additional driveways off 183A Toll Road will be reviewed at time of site plan submittal by the City of Leander and CTRMA.
 - ii. Driveway spacing along a toll road shall comply with the TxDOT Access Management Manual.

Additionally at time of site plan submittal, the applicant will submit either a Traffic Impact Analysis (TIA) or a fee in lieu of TIA as determined by the City Engineer. Potential ROW improvements for 183A Toll (ie sidewalks, ROW dedication, decel lane) will be vetted through the site plan process. 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
183A Toll Road	Existing Arterial (Access Controlled)	Commercial Corridor	400' ROW 10' sidewalk

SUBDIVISIONS:

The following subdivision case was previously submitted for this property:

Tract is platted as the PEC Data Center Subdivision (project 21-SFP-007) and was approved on 10/14/2021.

EXISTING UTILITIES:

This property has access to a twelve-inch water line running along the frontage of 183A Toll Road. An eight-inch sewer line has been provide at the north of the tract through the approved PEC Data Center (project 21-PICP-014).

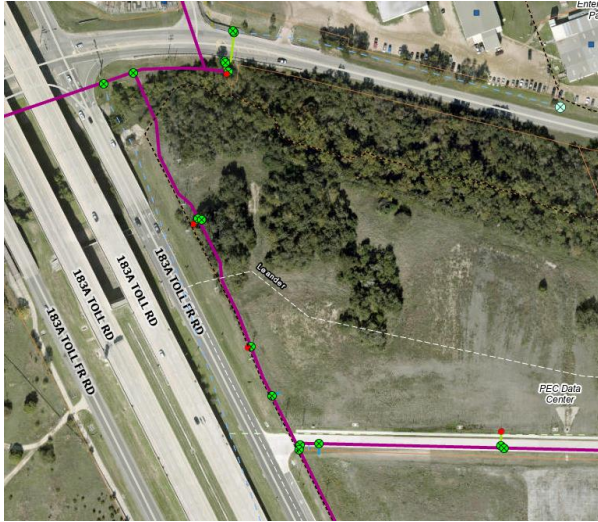


Figure 1: Water System



Figure 2: Wastewater System

CURRENT LAND USES:

This property is largely undeveloped but does contain a private drive to the south associated with the PEC Data Center.

PROPOSED ZONING DISTRICT:**USE COMPONENT****GC – GENERAL COMMERCIAL:**

Features: Any use in LC plus bar, nightclub, entertainment venues, hospital, hotel, liquor store, office/warehouse, vehicle and equipment sales, leasing and repair, furniture sales, pet shop, wholesale activities less than 3,500 sq. ft.

Intent: Development of small to large scale commercial, retail, and commercial service uses located in high traffic areas. Access to this component should be provided by an arterial street. The heaviest concentration of this component should be located at intersections of arterial streets.

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 C (non-residential only):**

Features: 3 or more architectural features.

Intent:

- (1) The Type C architectural component is intended to be utilized only in the LO, LC, GC, HC and HI use components for intermediate quality development.
- (2) Combined with appropriate use and site components, this component can help to provide for harmonious land use transitions from districts that are less restricted to districts that are more restricted.
- (3) This component is not intended for the majority of the LO and LC use components except those that may be adjacent to less restricted districts.

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

- Strategy 1.1: Guide future growth and development following the comprehensive plan to achieve a more balanced, diverse economy.
- Strategy 2.2: Facilitate quality commercial development through targeted marketing and a commitment by the City to help businesses grow and expand.

Applicable Future Land Use categories**MULTI-USE CORRIDOR – Priority Corridor**

- The Multi-Use Corridor future land use category is intended for mixed-use areas to be developed at a higher density/intensity and with uses not primarily supported in Neighborhood Residential. These areas are intended to provide for a mix of both commercial and residential uses that are not integrated into neighborhoods but maintain a seamless, compatible transition between residential and commercial uses.

Multi-Use Corridors are not intended for strip commercial nor are they expected to be predominantly commercial. These corridors have been identified as opportunity areas for businesses and daily services, high-intensity residential such as townhouses, civic and employment uses, but also traditional single-family neighborhoods where streets access these corridors.

These areas are intended to be developed with an auto-oriented character, which means vehicles and parking areas are a primary visual characteristic from the street. Access management is recommended to maintain safe traffic movement along these streets. Appropriate buffer yards are required to ensure compatibility with adjacent Neighborhood Residential.

Desired Mix for Priority Corridors: focused on commercial uses, not residential, and facilitate more activated non-residential development.

Zoning suitability: SFT, CH, TF, LC, LO, GC and PUD.

GREENWAYS

- The Greenways future development category contains active and passive parkland, trails, and open spaces that have been designated for public use. Greenways are linear parks that serve multiple purposes, including connecting the community and managing stormwater impacts. These spaces are also critical to providing green spaces amidst urban development, for the outdoor enjoyment of residents and workers while connecting public (and private) parks and amenities.

A Leander Greenways network is a framework for a regional destination for people looking for trail activities, a cycling loop system, and active transportation routes to employment centers. From a community perspective, greenways are opportunities for placemaking, including art, historical elements, civic spaces, and wildlife viewing.

Development adjacent to the greenway system should primarily be oriented towards the green space, with buildings fronting public paths, parkway streets providing access, and a public relationship between the greenway corridor and adjacent private development. Trail connections should be made frequently to adjacent developments to provide access.

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 February 1st, 2021. No changes were made to the project since the development meeting was held:

No ordinance changes occurred following the development meeting which may have made an impact on this project proposal.

NOTIFICATION

04/18/2024 - Public Notice on Hill Country News
 04/24/2024 - Mail Notification to Property Owners within 200'
 04/24/2024 - Public Hearing Signage Posted on Property
 05/09/2024 - Planning and Zoning Commission Public Hearing
 06/06/2024 - City Council Public Hearing & First Reading of the Ordinance
 06/20/2024 - City Council Second & Final Reading of the Ordinance

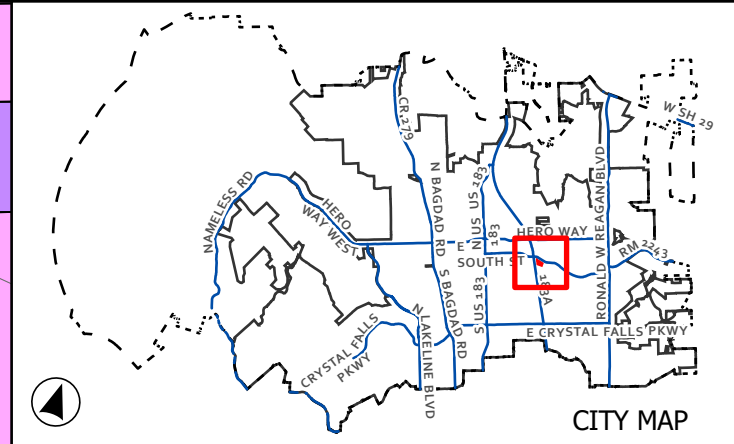
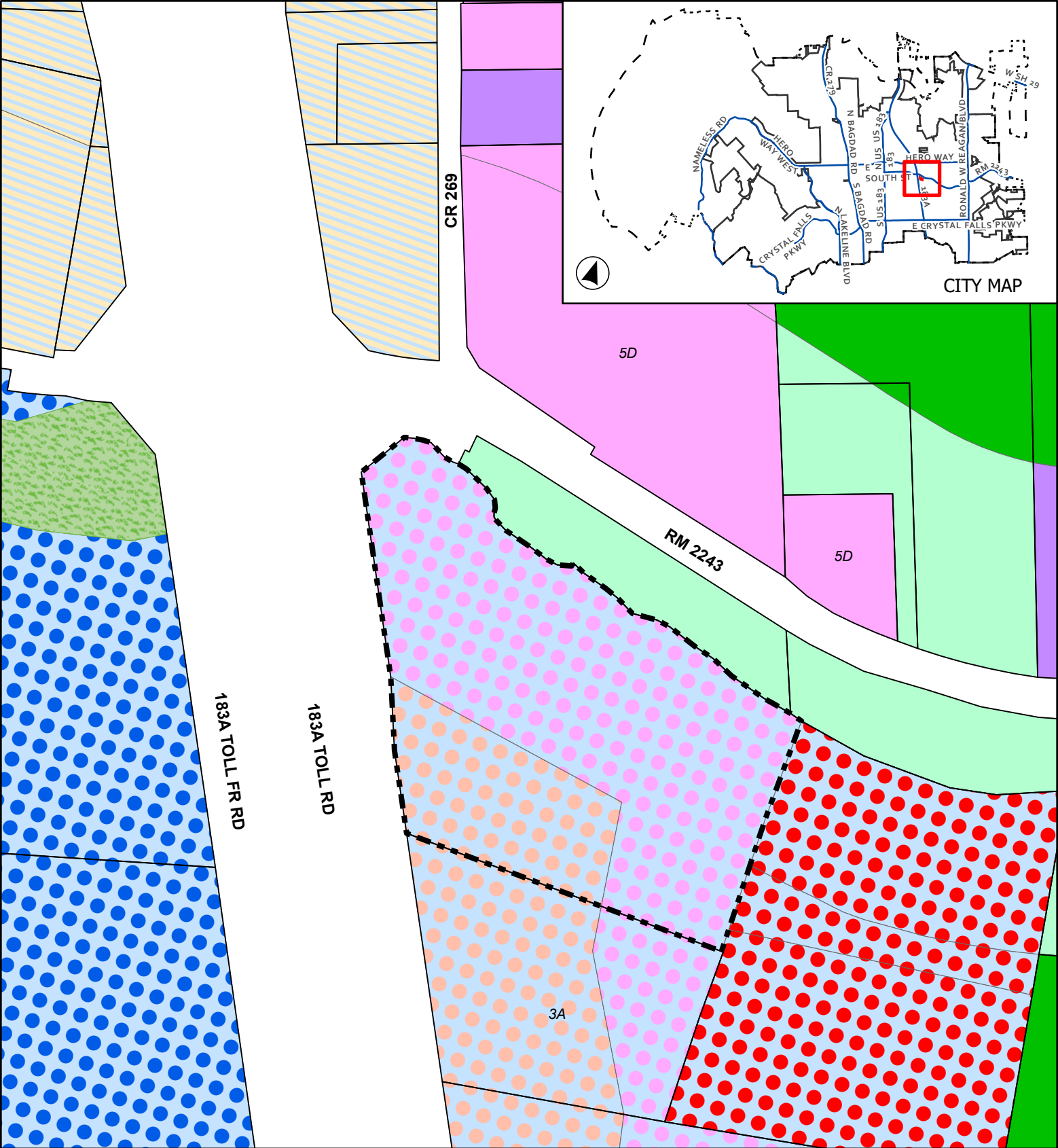
PUBLIC NOTIFICATION:

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 outreach was conducted via direct communication and mailed correspondence. Please see the full report from the applicant provided as Attachment 8. As an update to this Commission, City staff noted one property (NE of site and across RM2243 – parcel R031291) with a residential zoning of SFS-2-B that falls within the 500 foot buffer and must be notified of the rezoning request. To date, staff has received no response or updated neighborhood communications from the applicant.

APPROVAL CRITERIA:

As this Commission will note, the majority of this site is within the Multi-Use Corridor – Priority Corridor designation per Future Land Use Map. This request is strengthened by existing access to 183A Toll Road. Commercial use on this hard corner would be compatible with surrounding commercial/mixed use developments proposed and existing. The above being said, the zoning request seems compatible with the existing zoning districts and uses of surrounding properties as well as the future land use designation of Multi-Use Corridor – Priority Corridor therefore staff recommends approval of the zoning request.



CASE: Z-23-0065 ATTACHMENT 2 PEC MINOR PUD AMENDMENT

Current Zoning

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.

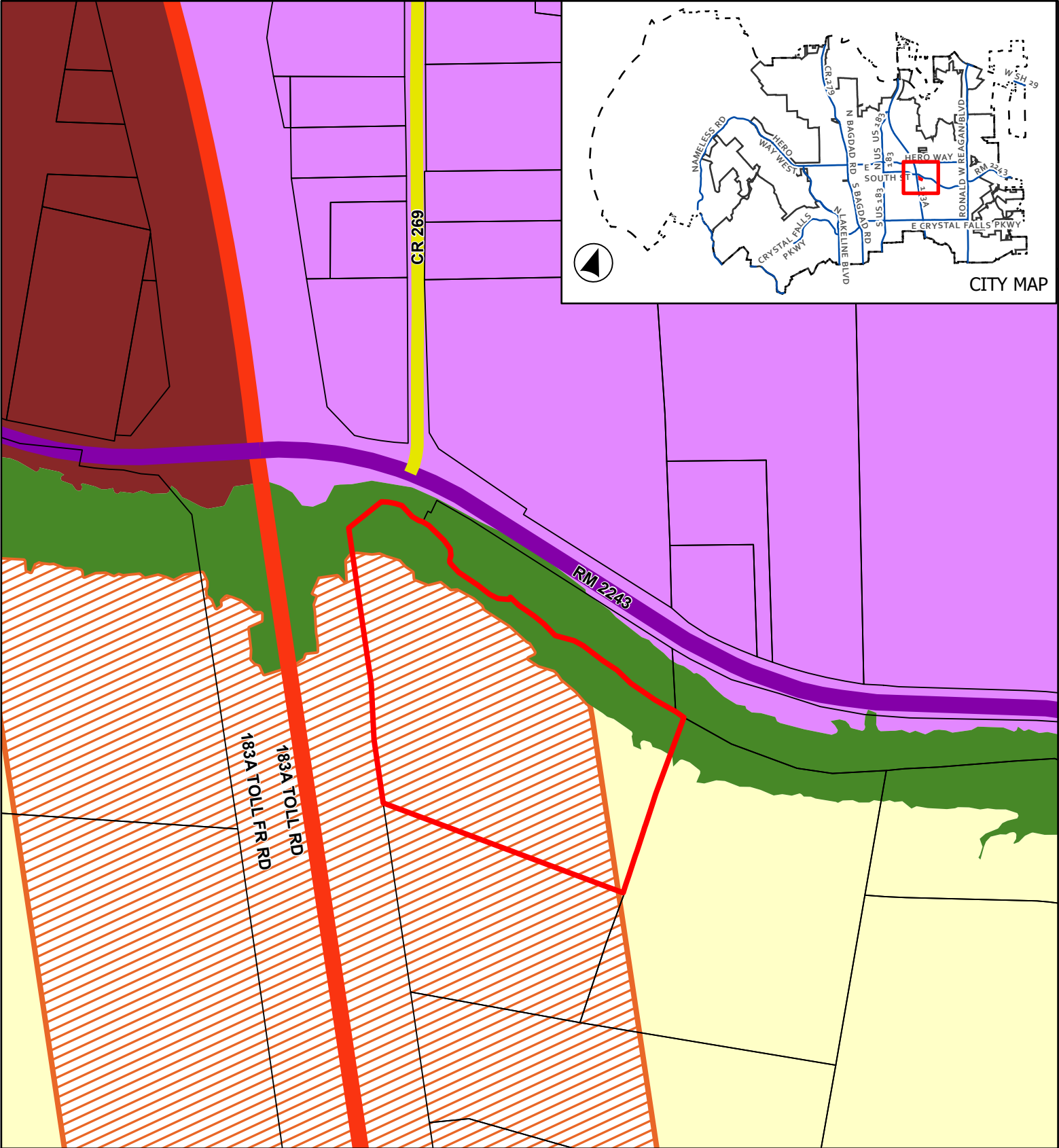
- Leander City Limits
- Extra-Territorial Jurisdiction
- Subject Boundary
- SFR - Single-Family Rural
- SFS - Single-Family Suburban

- HC - Heavy Commercial
- HI - Heavy Industrial
- PUD - Mixed Use
- PUD - Local Office
- PUD - General Commercial

- PUD - Heavy Commercial
- OS - Open Space
- CD - Conventional Sector

0 95 190 Feet

Page 75 of 188



CASE: Z-23-0065

ATTACHMENT 3

PEC MINOR PUD AMENDMENT

Future Land Use Map



0 140 280

Feet

- Leander City Limits
- ETJ Boundary
- Subject Boundary
- Neighborhood Residential
- Multi-Use Corridor - Priority Corridor
- Activity Center

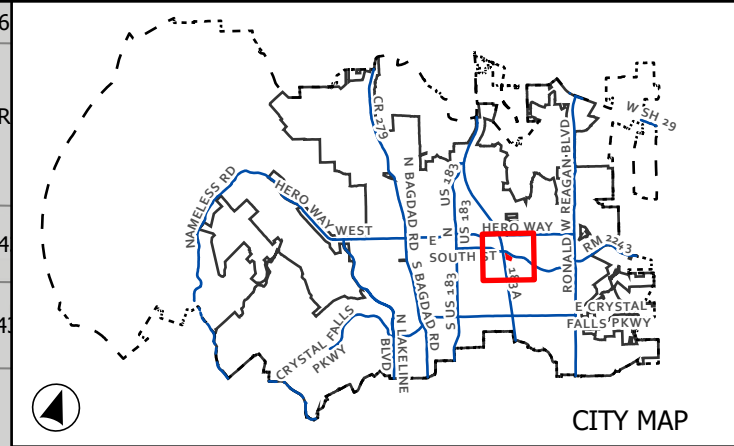
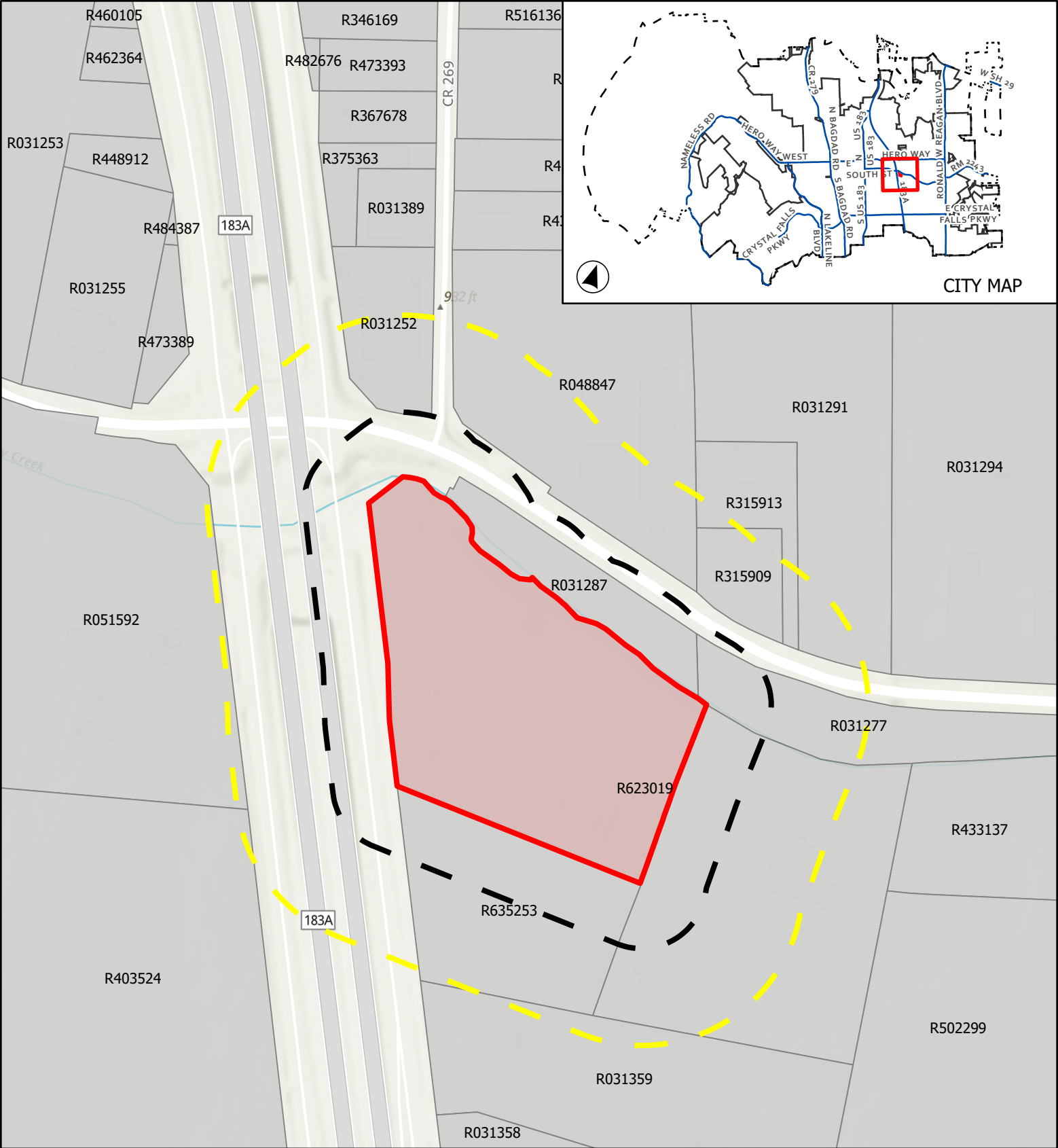
Future Land Use

- Employment Center
- Greenway

Thoroughfare Plan

- Access Controlled, Existing
- Arterial 4 Lane, Existing
- Collector, Existing

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CASE: Z-23-0065

ATTACHMENT 4

PEC MINOR PUD AMENDMENT

Public Notification

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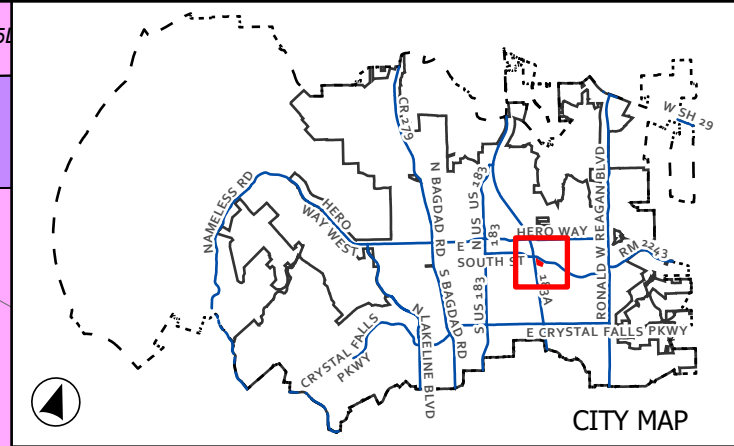
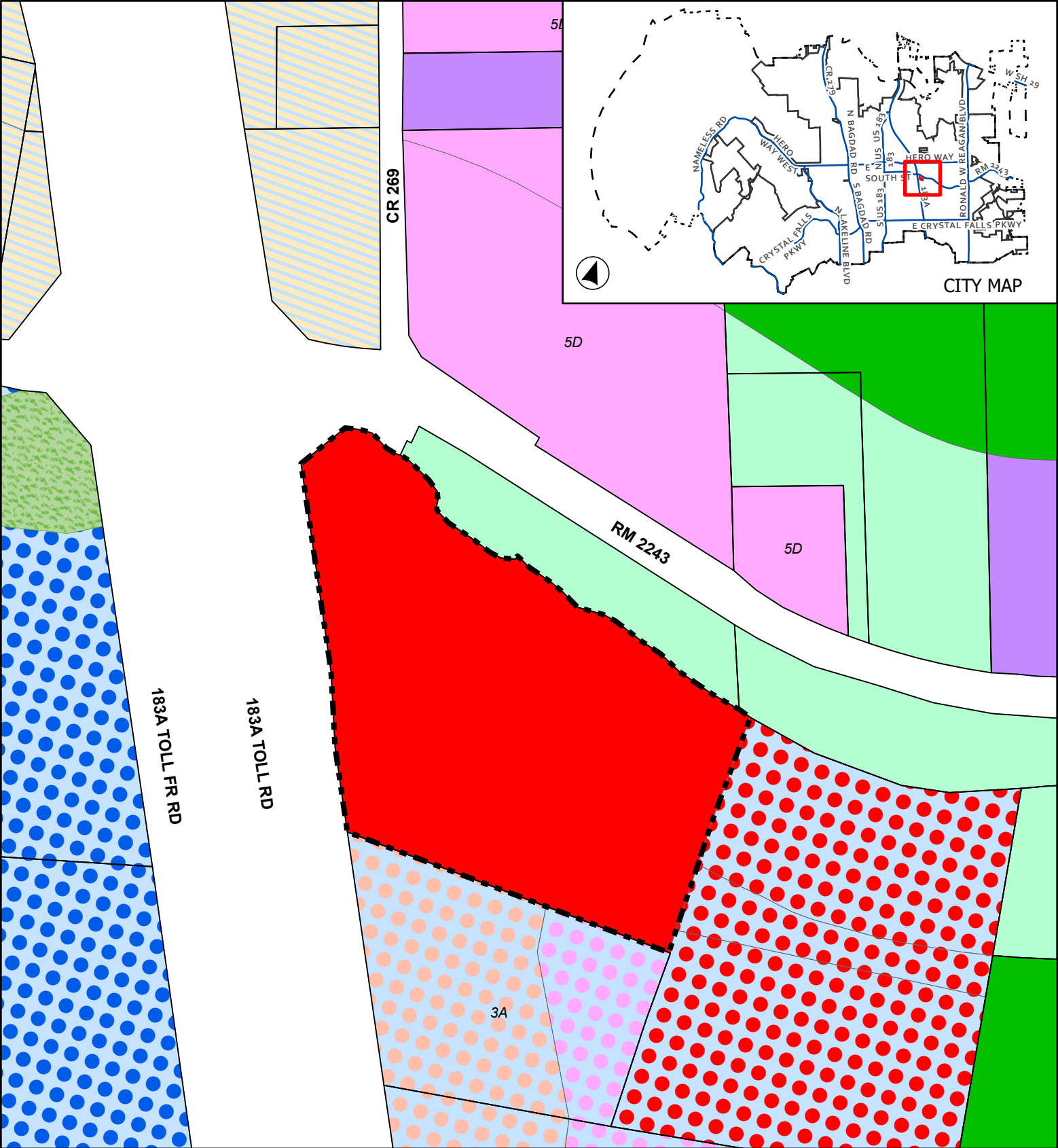
0 162.5 325



Feet

-  City Limits
-  ETJ Boundary
-  Subject Boundary
- Notification Buffer**
-  200'
-  500'

Page 77 of 188

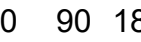


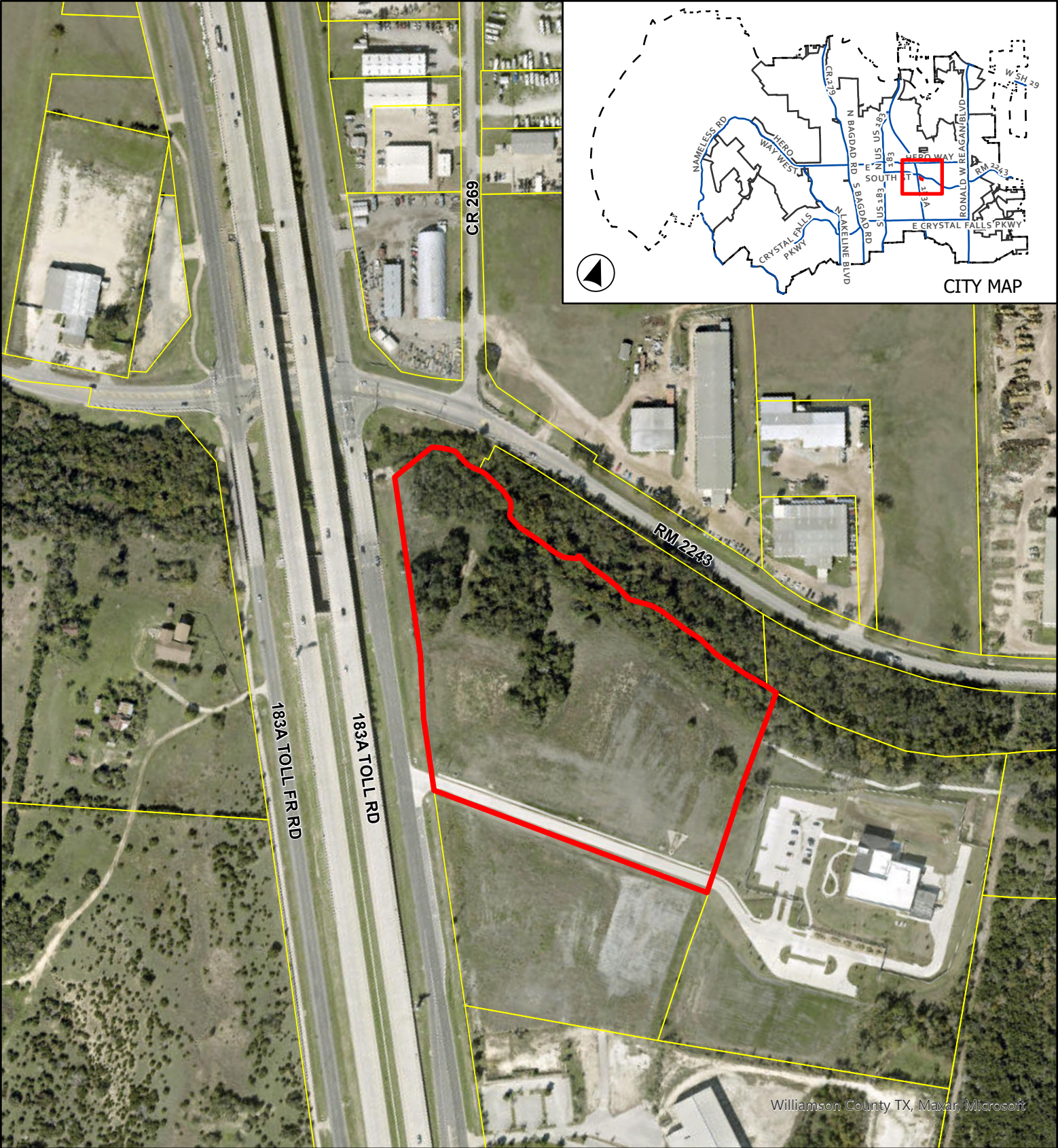
CASE: Z-23-0065 ATTACHMENT 5 PEC MINOR PUD AMENDMENT

Proposed Zoning

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.

- | | | |
|--------------------------------|-------------------------|--------------------------|
| Leander City Limits | GC - General Commercial | PUD - General Commercial |
| Extra-Territorial Jurisdiction | HC - Heavy Commercial | PUD - Heavy Commercial |
| Subject Boundary | HI - Heavy Industrial | OS - Open Space |
| SFR - Single-Family Rural | PUD - Mixed Use | CD - Conventional Sector |
| SFS - Single-Family Suburban | PUD - Local Office | |



 0 90 180
 Feet



Williamson County TX, Maxar, Microsoft

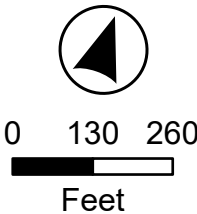
CASE: Z-23-0065

ATTACHMENT 6

PEC MINOR PUD AMENDMENT

Aerial 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.



- Leander City Limits
- Subject Boundary



August 16, 2023
PK No.: 4779-20.532

CITY OF LEANDER

Planning Department
P.O. Box 319
Leander, Texas 78646

Re: *PEC PUD*
8860/8870 N 183A Toll Rd
Leander, Texas

To whom it may concern:

On behalf of the owner, Westwood Professional Services, is submitting this application as intent to rezone and create a GC-2-C (General Commercial) the following properties, R623019 – S12775 – PEC Data Center (24.32 Acres). Lot R623019 is currently zoned PUD. The intent of this application and its supporting documents is to create a zoning of GC-2-C (General Commercial) for the site that is located in the attached metes and bounds.

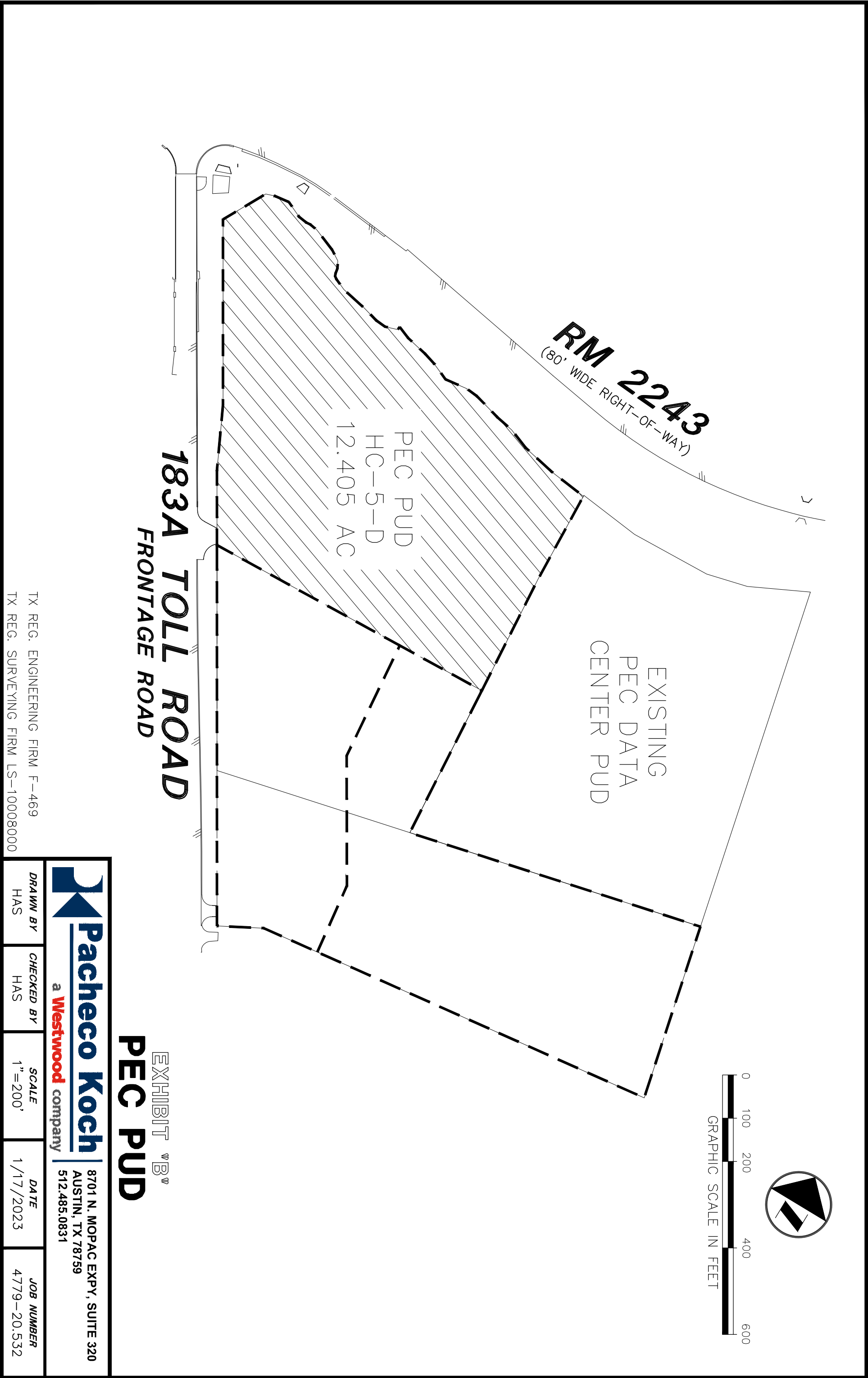
If you have any questions or need any additional information, please call me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Clayton Strolle", with a small "x" mark next to the first name.

Clayton Strolle, P.E.

CJS
4779-20.532_PEC Zoning Intent



TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

 Pacheco Koch a Westwood company					8701 N. MOPAC EXPY, SUITE 320 AUSTIN, TX 78759 512.485.0831	
DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER		
HAS	HAS	1"=200'	1/17/2023	4779-20.532		

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.

No communications were had with the neighbors except for PEC with the buyer.

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.

No communications were had with the neighbors except for PEC with the buyer.

3. What concerns were raised during these communications?

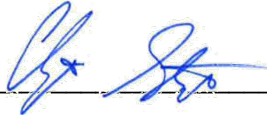
N/A

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

N/A

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

Signature: _____



Date 08/16/2023

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 (1) PARCEL OF LAND FROM PEC PUD (PLANNED UNIT DEVELOPMENT) TO GC-2-C (GENERAL COMMERCIAL); 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 a portion of the following parcel of land, which is herein referred to as the "Property". That certain parcel of land being including 12.405 acres ±; being more particularly described in Exhibit "A"; legally described as a portion of Lot 1, Block A, PEC Data Center; identified by Williamson Central Appraisal District tax identification number R623019; more particularly described in Instrument Number 2022097850; 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 PEC PUD (Planned Unit Development) to GC-2-C (General Commercial) 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 6th day of June, 2024.

FINALLY PASSED AND APPROVED on this the 20th day of June, 2024.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



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

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday, May 9, 2024
Regular Meeting at 6:00 PM



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

**Place 5 – James Oliver, Vice Chair
Place 6 – Laura Lantrip, Chair
Place 7 – Scott Calame
Staff Liaison – Robin Griffin**

REGULAR MEETING

1. Call to Order.
Meeting was called to order at 6:00 p.m.
2. Roll Call.
All commissioners were present.
3. Director's report to the Planning & Zoning Commission on action taken by City Council on the May 2, 2024 meeting.
4. Review of meeting protocol.
5. 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.

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

No one wished to speak.

CONSENT AGENDA: ACTION

Motion to approve Consent Agenda items 6 through 10

By: Board Member May

Seconded: Board Member Calame

Vote: 7 - 0 None

6. Approval of Subdivision Case PP-22-0003 regarding Greenlight Village Preliminary Plat on two (2) parcels of land approximately 14 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031386 and R031387; generally located on the south side of Hero Way West, approximately 1,400 feet west of Broade Way, Leander, Williamson County, Texas.

7. Approval of Subdivision Case PP-23-0048 regarding Hwy 29 Commercial Subdivision Preliminary Plat on one (1) parcel of land approximately 50.64 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R032262; generally located south of SH 29, approximately 1,300 feet west of Ronald W. Reagan Boulevard, Leander, Williamson County, Texas.
8. Approval of Subdivision Case FP-23-0088 regarding Williams Tract Final Plat on four (4) parcels of land approximately 14.038 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R315744, R031687, R099947, R031690 ; generally located 430 feet to the north of the intersection of Waterfall Ave. and CR 279, Leander, Williamson County, Texas.
9. Approval of Subdivision Case FP-21-0006 regarding Rosenbusch Ranch Phase 3 Final Plat on one (1) parcel of land approximately 34.696 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R654110; generally located northwest of the intersection of Vista Ridge Drive and Alta Vista Drive, Leander, Williamson County, Texas.
10. Approval of the minutes for meeting held on April 25, 2024.

PUBLIC HEARING: ACTION

11. Conduct a Public Hearing and consider action regarding Subdivision Case FP-23-0055 to consider the replat of Lots 37, 38, and 39, Hidden Mesa Subdivision as Crystal Mesa Cove Two Final Plat on three (3) parcels of land approximately 10.339 acres $\pm$ in size, more particularly described by Travis Central Appraisal District Parcels 354047, 354048, and 354050; and generally located to the southwest of the intersection of on the west of High Lonesome and CR 290, Leander, Travis County, Texas.

- Discuss and consider action on Subdivision Case FP-23-0055 as described above.

No one spoke in favor or opposition of the request.

Motion to approve the Final Plat FP-23-0055

By: Board Member Cosgrove

Seconded: Board Member Moss

Vote: 7 - 0 None

12. Conduct a Public Hearing and consider action regarding Zoning Case Z-23-0065 to amend the current zoning of PEC PUD (Planned Unit Development) to change the zoning to GC-2-C (General Commercial) on one (1) parcel of land approximately 12.405 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R623019; and legally described as Lot 1, Block A, PEC Data Center, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-23-0065 as described above.

No one spoke in favor or opposition of the request.

Motion to approve Zoning Case Z-23-0065

By: Board Member Oliver

Seconded: Board Member Calame

Vote: 7 - 0 None

13. Conduct a Public Hearing and consider action regarding Zoning Case Z-23-0091 to amend the current zoning of PEC PUD (Planned Unit Development) to adopt the North Creekside Commons Minor PUD (Planned Unit Development) with the base zoning of GC-2-A (General Commercial) on a portion of the original PUD, on two (2) parcels of land approximately 14.88 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031359 and R635253; and generally located 850 feet to the southeast of the intersection of RM 2243 and 183A Toll Road, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-23-0091 as described above.

No one spoke in favor or opposition of the request.

Motion to approve Zoning Case Z-23-0091

By: Board Member Lantrip

Seconded: Board Member Mahan

Vote: 7 - 0 None

14. Conduct a Public Hearing and consider action regarding Ordinance Case OR-24-0019 to amend the Composite Zoning Ordinance to update definitions, add uses and create criteria for Vape Shops, Smoke Shops and Cosmetic Services, and to provide for related matters; Williamson & Travis Counties, Texas.

- Discuss and consider action regarding Ordinance Case OR-24-0019 as described above.

No one spoke in favor or opposition of the request.

Motion to approve Ordinance Case OR-24-0019 with the change to allow Vape Shops and Smoke Shops in the GC (General Commercial) use component, prohibiting in the LC (Local Commercial) use component - Discussion occurred.

By: Board Member Mahan

Seconded: Board Member Moss

Vote: 5 - 2 Board Member Cosgrove, Board Member Calame

REGULAR AGENDA

15. Discuss and consider action regarding Zoning Case Z-24-0112 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to adopt the Hero Ranch Minor PUD (Planned Unit Development) with the base zoning of GC-3-C (General Commercial) on four (4) parcels of land approximately 14.5 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031758, R098017, R473771, and R098019; and generally located approximately 475 feet to the west of the intersection of Hero Way and Ronald W. Reagan Boulevard on the northside of Hero Way, Leander, Williamson County, Texas.

Motion to approve Zoning Case Z-24-0112

By: Board Member May
Seconded: Board Member Mahan

Vote: 7 - 0 None

16. Discuss and consider action regarding Zoning Case Z-24-0113 to amend the current zoning of TOD/PUD-CD (Transit Oriented Development/ Planned Unit Development – Conventional Development Sector) to adopt the Historic Bryson Farmstead PUD (Planned Unit Development) with the base zoning of LC-2-A (Local Commercial) on two (2) parcels of land approximately six (6) acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R032212 and R500771; and generally located northeast of the intersection of 183A Toll Road and East San Gabriel Parkway, Leander, Williamson County, Texas.

Submitted via the website in opposition of the request: see attachment

Spoke in opposition of the request:
Laura Marques 724 Mallow Rd
Venkata Bharath Kumar Reddy Chamala 912 Mallow Rd
Joshua Raley 724 Mallow Rd

Motion to approve Zoning Case Z-24-0113 - Discussion occurred

By: Board Member Cosgrove
Seconded: Board Member Oliver

Vote: 3 - 4 Board Member May, Board Member Moss, Board Member Lantrip, Board Member Calame

Motion failed

Motion to approve Zoning Case Z-24-0113 with an update to the PUD notes to provide a limit of main stage concerts at a maximum of once per quarter.

By: Board Member Calame
Seconded: None

Motion failed due to lack of a second

17. Adjournment Adjourned at 7:27 p.m.

APPROVED

CHAIR

ATTEST:



EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Approval of the Second Reading of an Ordinance regarding Zoning Case Z-23-0091 to amend the current zoning of PEC PUD (Planned Unit Development) to adopt the North Creekside Commons Minor PUD (Planned Unit Development) with the base zoning of GC-2-A (General Commercial) on a portion of the original PUD, on two (2) parcels of land approximately 14.88 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031359 and R635253; and generally located 850 feet to the southeast of the intersection of RM 2243 and 183A Toll Road, Leander, Williamson County, Texas.

BACKGROUND:

This request is the final step in the zoning process. Staff recommends approval of the zoning request. The Planning & Zoning Commission recommended approval during the May 9, 2024 meeting.

HISTORY/TIMELINE:

01/17/2013 - Annexed into City Limits
08/18/2016 - PEC PUD zoning applied
05/09/2023 - Planning & Zoning, 1st Public Hearing
06/06/2024 – City Council, 2nd Public Hearing

APPLICANT/AGENT:

SEC Planning, LLC (Peter Verdicchio) on behalf of Celebration Church (Jim Kuykendall)

RECOMMENDATION:

The City Council unanimously approved the Minor PUD during the June 6, 2024 meeting.

PRESENTER:

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

Fiscal Impact

Attachments:

1. Z-23-0091 Att 1 Planning Analysis
2. Z-23-0091 Att 2 Current Zoning
3. Z-23-0091 Att 3 FLU Map
4. Z-23-0091 Att 4 Public Notification
5. Z-23-0091 Att 5 Proposed Zoning

6. Z-23-0091 Att 6 Aerial Map
7. Z-23-0091 Att 7 Minor PUD Notes
8. Z-23-0091 Att 8 Letter of Intent
9. Z-23-0091 Att 9 Neighborhood Outreach
10. Z-23-0091 Att 10 Ordinance
11. Z-23-0091 Att 11 5-9-2024 P & Z Minutes



PLANNING ANALYSIS

ZONING CASE Z-23-0091 NORTH CREEKSIDE COMMONS MINOR PUD

GENERAL INFORMATION

Owner/Agent: SEC Planning, LLC (Peter Verdicchio) on behalf of Celebration Church (Jim Kuykendall).

Current Zoning: PEC PUD (Planned Unit Development) with base zonings of
LO-2-A (Local Office)
HC-5-D (Heavy Commercial)

Proposed Zoning: Minor PUD (Planned Unit Development) with base zoning of
GC-2-A (General Commercial)

Size and Location: The property is generally located 850 feet southeast of the intersection of RM 2243 and 183A Toll Road, including approximately 14.88 acres.

Staff Contact: Cory Dale, Planner

APPLICANT REQUEST

The applicant has submitted a request to change the designated zoning district of their property in order to commercially develop the site without a limitation on building size maximums.

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 developer is requesting an exception to remove building size maximums. This Commission will also note that only the requested portion of the PEC PUD is being revised per this request. The developed PEC data center PUD portion to the east will remain within the PEC PUD. The remainder of the PEC PUD tract (north portion) will be reviewed as zoning case Z-23-0065. Please note the access drive to the north will remain.

SITE INFORMATION:

ABUTTING ZONING AND LAND USE:

	ZONING	LAND USE
NORTH	PUD	Undeveloped and PEC Data Center
EAST	SFR-1-B	Place of Worship
SOUTH	GC-3-C	Undeveloped
WEST	PUD	Undeveloped (Leander Springs Mixed-Use)

SURROUNDING AREA:

This property is located south of the PEC Data Center and west of the Generations church. Properties to the south and west (across 183A Toll Road) are currently undeveloped.

PHYSICAL AND NATURAL FEATURES:

This property contains a church (Celebration Church) with supporting infrastructure and undeveloped land with minimal tree coverage. Any existing significant and/or heritage trees on site will be reviewed for compliance with the CZO and mitigation during the development of the site.

PROPERTY HISTORY:

This property annexed into the City of Leander on 01/17/2013.

PREVIOUS ZONING CASES:

The following zone cases were previously submitted for this property:

- 16-Z-014 requested a zone change from Interim SFR-1-B (Single-Family Rural) and SFS-2-B (Single-Family Suburban) to a PUD with base zoning districts of LO-2-A (Local Office) and HC-5-D (Heavy Commercial) and was approved on 08/18/2016.

MAJOR CORRIDORS:

This property has access onto 183A Toll Road.

TRANSPORTATION PLAN REQUIREMENTS:

Additional driveways off 183A Toll Road will be reviewed at time of site plan submittal by the City of Leander and CTRMA. Driveway spacing along arterial, highway, and toll roads shall comply with the TxDOT Access Management Manual. Additionally at time of site plan submittal, the applicant will submit either a Traffic Impact Analysis (TIA) or a fee in lieu of TIA as determined by the City Engineer. Potential 183A improvements include a 10 foot sidewalk and ROW dedication.

STREET	CLASSIFICATION	LAND USE CONTEXT	DESIGN ELEMENTS
183A Toll Road	Existing Arterial (Access Controlled)	Commercial Corridor	400' ROW 10' sidewalk

SUBDIVISIONS:

The following subdivision cases were previously submitted for this property:

- The northern part of the tract was platted as the PEC Data Center Subdivision (project 21-SFP-007) and was approved on 10/14/2021.
- Remainder of the tract is unplatted.

EXISTING UTILITIES:

This property has access to a twelve-inch water line running along the frontage of 183A Toll Road. An eight-inch sewer line has been provided at the north of the tract through the approved PEC Data Center (project 21-PICP-014).



Figure 1: Water System

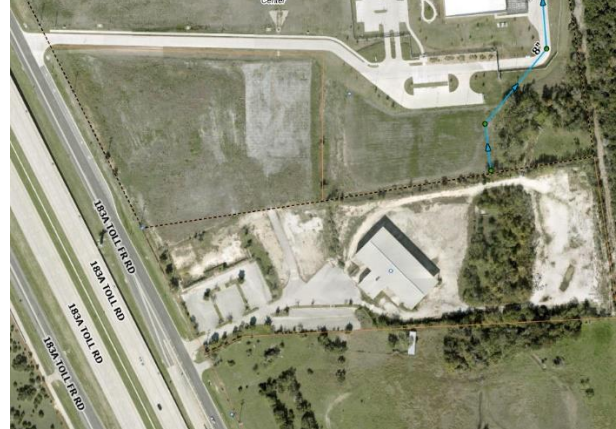


Figure 2: Wastewater System

CURRENT LAND USES:

This property is currently being used as a place of worship with associated improvements; the remainder of tract is undeveloped.

PROPOSED ZONING DISTRICT:**MINOR PUD – PLANNED UNIT DEVELOPMENT:**

The purpose and intent of the Minor Planned Unit Development (PUD) district is to designate a base zoning district that may allow or prohibit uses without granting significant waivers. The intent of this zoning request is to remove a portion property from the existing PEC PUD and provide for the development of a commercial development, through the base zoning of GC-2-A. The contents of this Minor PUD further explain and illustrate the overall function desired for this development.

USE COMPONENT**GC – GENERAL COMMERCIAL:**

Features: Any use in LC plus bar, nightclub, entertainment venues, hospital, hotel, liquor store, office/warehouse, vehicle and equipment sales, leasing and repair, furniture sales, pet shop, wholesale activities less than 3,500 sq. ft.

Intent: Development of small to large scale commercial, retail, and commercial service uses located in high traffic areas. Access to this component should be provided by an arterial street. The heaviest concentration of this component should be located at intersections of arterial streets.

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 A:

Features: 5 or more architectural features.

Intent:

- (1) The Type A architectural component is intended to be utilized for high quality developments or to provide variety as an additional option for portions of a residential development and may be utilized in or adjacent to single-family uses.
- (2) This component is intended to be utilized for single-family development that backs up to, or sides to, a major thoroughfare.
- (3) Combined with appropriate use and site components, this component is intended to help provide for harmonious land use transitions by applying this component to a less restrictive use or site component adjacent to a more restrictive use or site component. This standard may be utilized to help ensure compatibility for non-residential uses, multi-family, two-family, townhouse or small lot residential development with adjacent property that is more restricted.
- (4) This component is intended to be utilized for buildings requiring heights greater than those provided in other architectural components.
- (5) This component may be utilized for any high profile development, for any property in a prominent location or at an important gateway to the community.
- (6) This component is not intended to become an involuntary standard for the majority of a single-family subdivision, especially with SFR, SFE, SFS, SFU and SFC components.

COMPREHENSIVE PLAN:

Applicable Comprehensive Plan goal statements

- Guide future growth and development following the comprehensive plan to achieve a more balanced, diverse economy.
- Facilitate quality commercial development through targeted marketing and a commitment by the City to help businesses grow and expand.

Applicable Future Land Use categories

MULTI-USE CORRIDOR

- The Multi-Use Corridor future land use category is intended for mixed-use areas to be developed at a higher density/intensity and with uses not primarily supported in Neighborhood Residential. These areas are intended to provide for a mix of both commercial and residential uses that are not integrated into neighborhoods but maintain a seamless, compatible transition between residential and commercial uses.

Multi-Use Corridors are not intended for strip commercial nor are they expected to be predominantly commercial. These corridors have been identified as opportunity areas for businesses and daily services, high-intensity residential such as townhouses, civic and employment uses, but also traditional single-family neighborhoods where streets access these corridors.

These areas are intended to be developed with an auto-oriented character, which means vehicles and parking areas are a primary visual characteristic from the street. Access management is recommended to maintain safe traffic movement along these streets. Appropriate buffer yards are required to ensure compatibility with adjacent Neighborhood Residential.

Desired Mix for Priority Corridors: focused on commercial uses, not residential and facilitate more activated non-residential development.

Zoning suitability: SFT, CH, TF, LC, LO, GC and PUD.

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 types 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 May 9th, 2022. The following changes were made to the project since the development meeting was held:

- Removal of residential product.

No ordinance changes occurred following the development meeting which may have impact on this project.

NOTIFICATION

04/18/2024 - Public Notice on Hill Country News
 04/24/2024 - Mail Notification to Property Owners within 200'
 04/24/2024 - Public Hearing Signage Posted on Property
 05/09/2024 - Planning and Zoning Commission Public Hearing
 06/06/2024 - City Council Public Hearing & First Reading of the Ordinance
 06/20/2024 - 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 outreach was conducted via direct communication and mailed correspondence. Please see the full report from the applicant provided as Attachment 9.

APPROVAL CRITERIA:

As this Commission will note, much of this site is within the Multi-Use Corridor – Priority Corridor designation per Future Land Use Map. This request is further strengthened by existing access onto 183A Toll Road. The Minor

Planned Unit Development includes commercial development as allowable through the base zoning of GC-2-A (General Commercial). The below allowable/prohibited uses and exception are being requested:

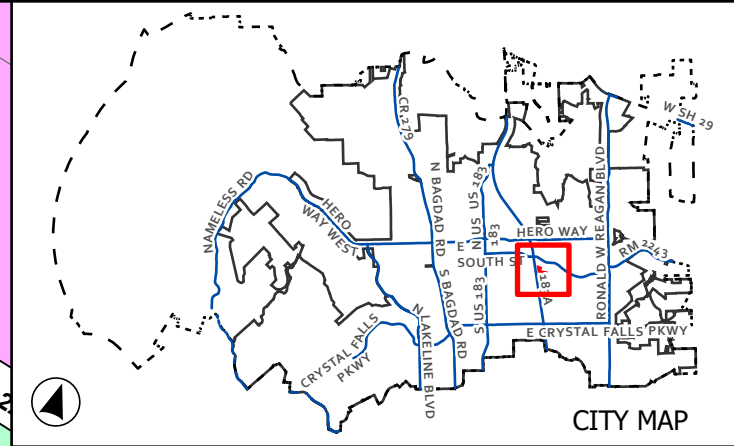
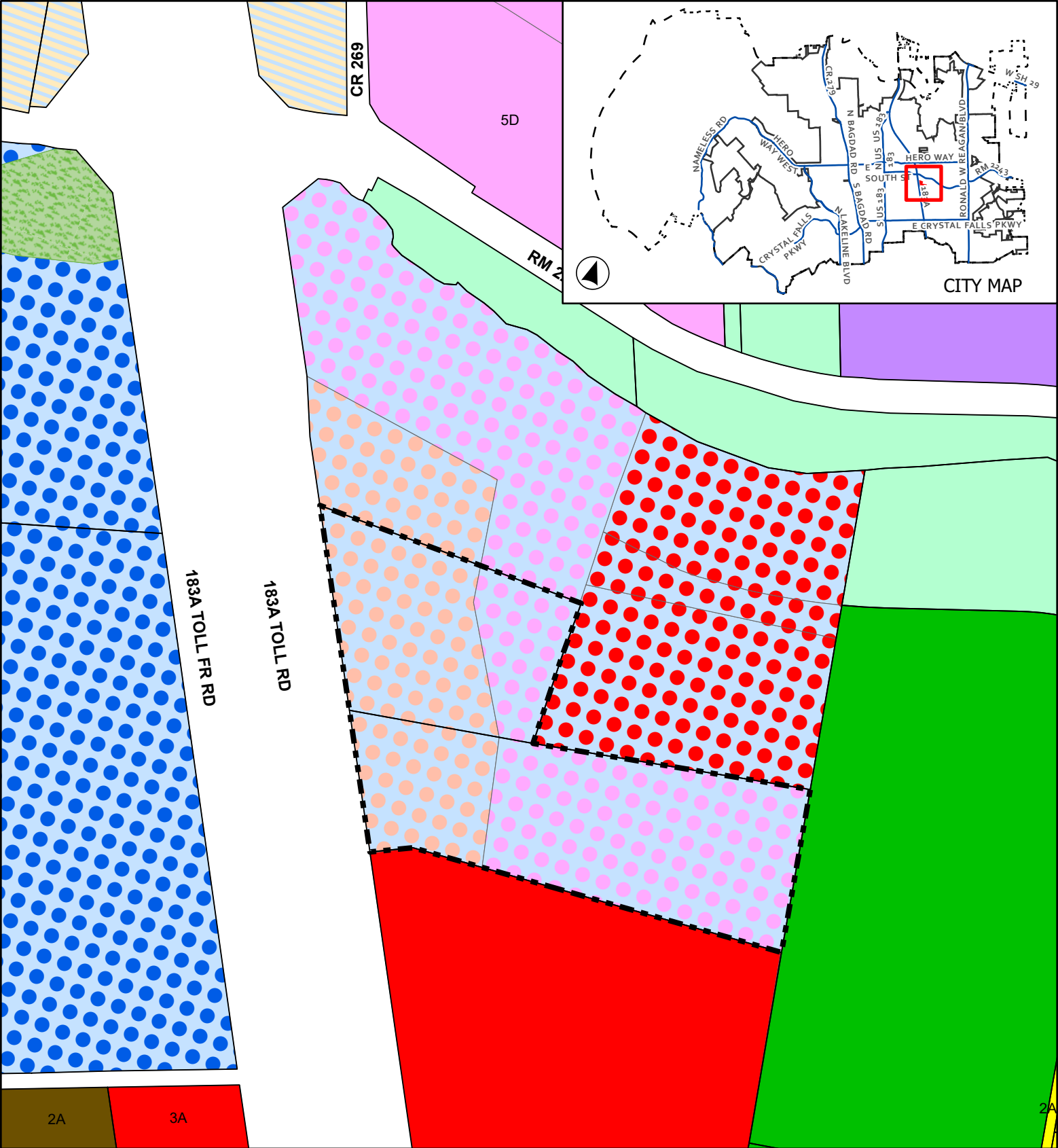
Allowable / Prohibited Uses

- The allowable uses shall include all permitted uses in the GC Use Component.

Exception

- Article V, Section 2 (b)(2)(v) shall be modified to remove the building size maximums.

The above being said, the zoning request seems compatible with the existing zoning districts and uses of surrounding properties as well as the future land use designation of Multi-Use Corridor – Priority Corridor therefore staff recommends approval of the zoning request.



CASE: Z-23-0091

ATTACHMENT 2

NORTH CREEKSIDE COMMONS

Current Zoning

Leander City Limits

Extra-Territorial Jurisdiction

Subject Boundary

SFR - Single-Family Rural

SFS - Single-Family Suburban

SFC - Single-Family Compact

MF - Multi-Family

GC - General Commercial

HC - Heavy Commercial

HI - Heavy Industrial

PUD - Mixed Use

PUD - Local Office

PUD - General Commercial

PUD - Heavy Commercial

OS - Open Space

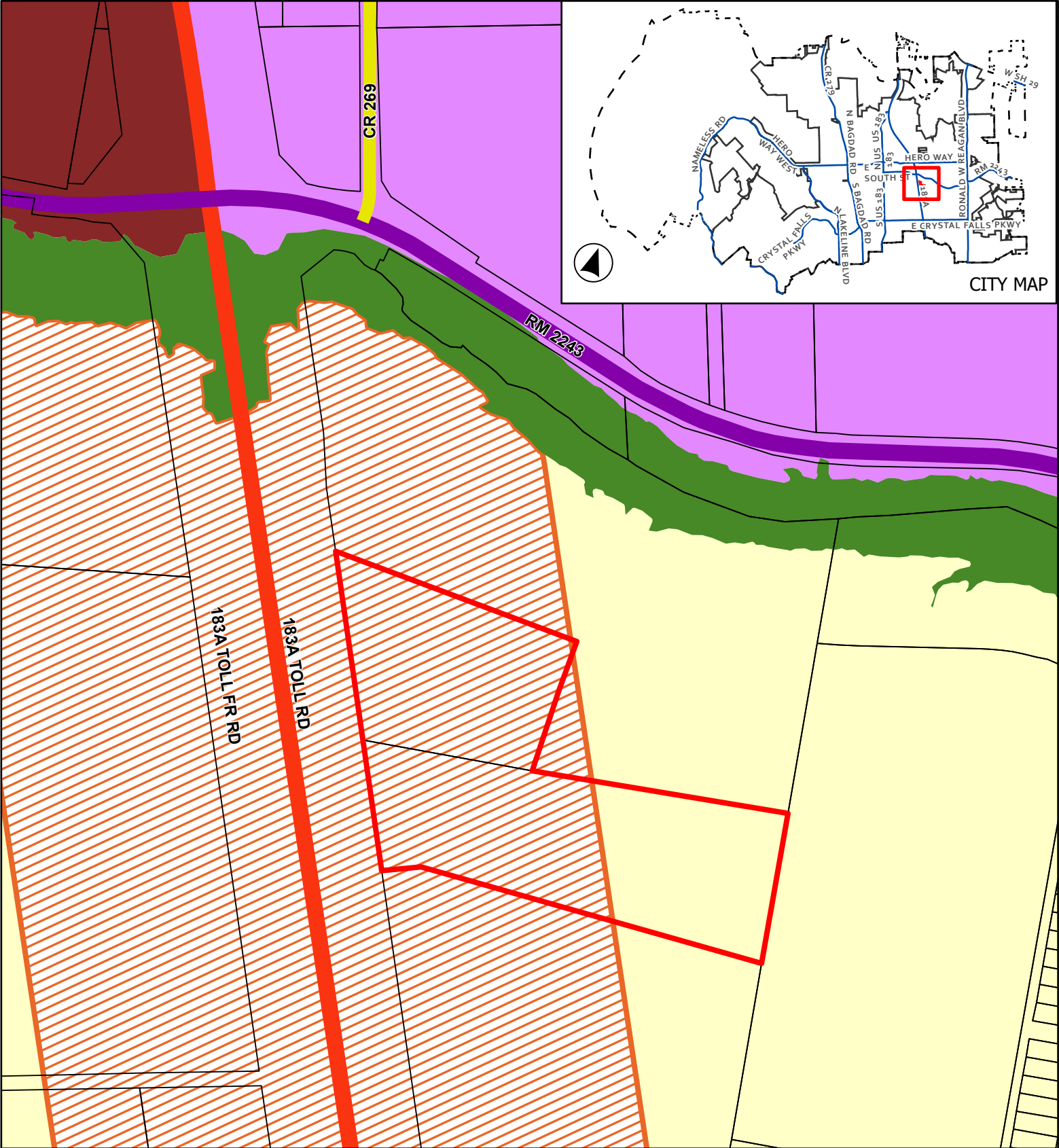
CD - Conventional Sector



0 115 230

Feet

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.



CASE: Z-23-0091

ATTACHMENT 3

NORTH CREEKSIDE COMMONS

Future Land Use Map



0 140 280

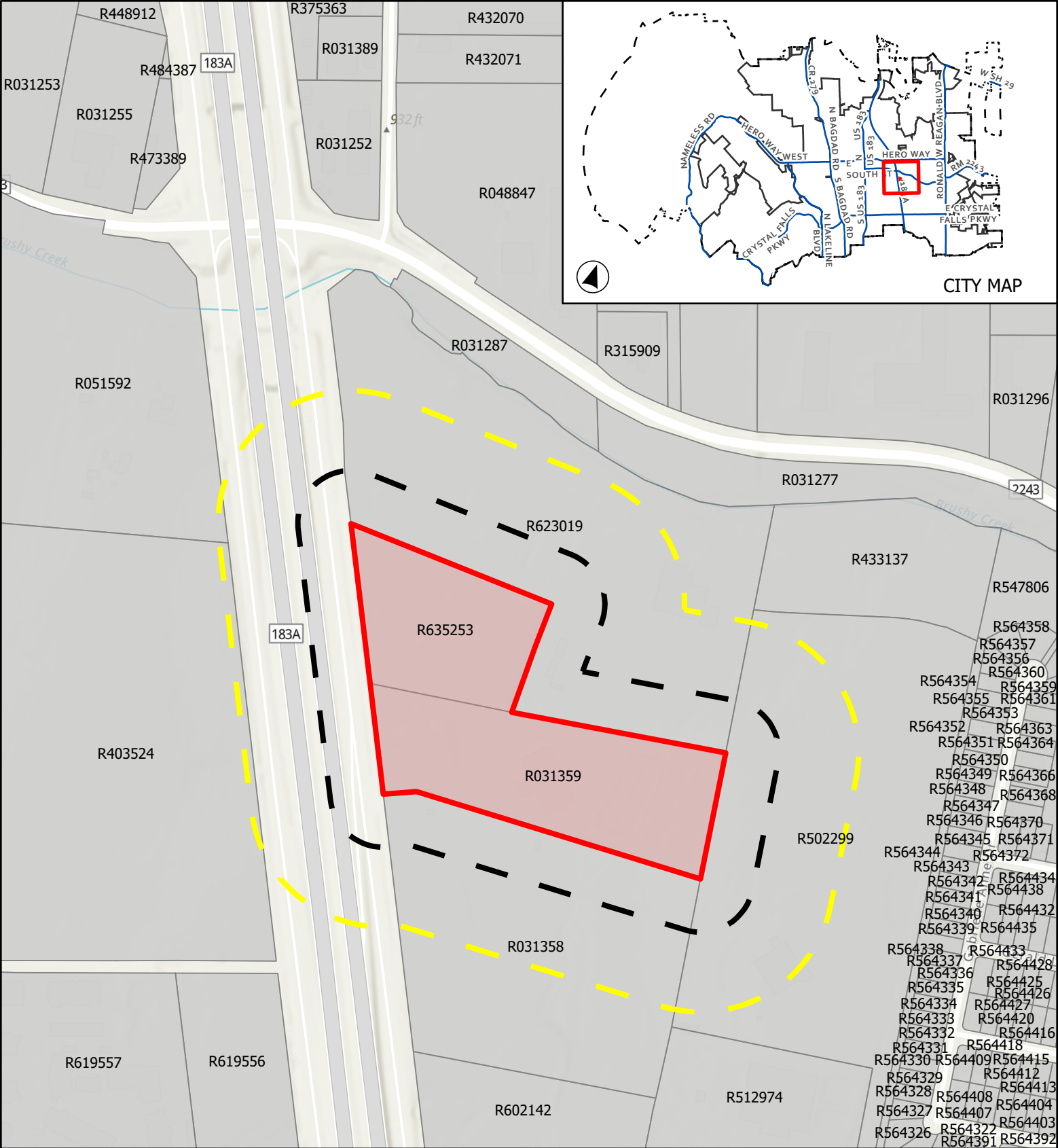
Feet

- Leander City Limits
- ETJ Boundary
- Subject Boundary
- Neighborhood Residential
- Multi-Use Corridor - Priority Corridor
- Activity Center

- Employment Center
- Greenway
- Access Controlled, Existing
- Arterial 4 Lane, Existing
- Collector, Existing

Thoroughfare Plan

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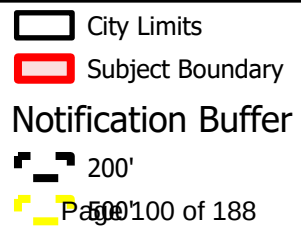
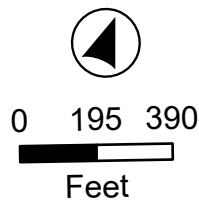
CASE: Z-23-0091

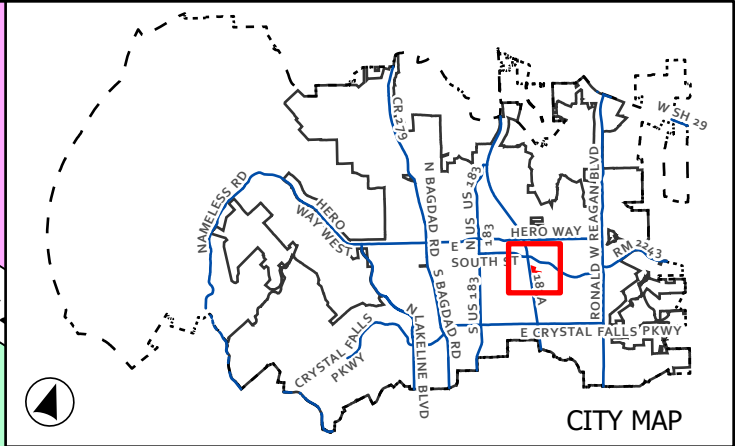
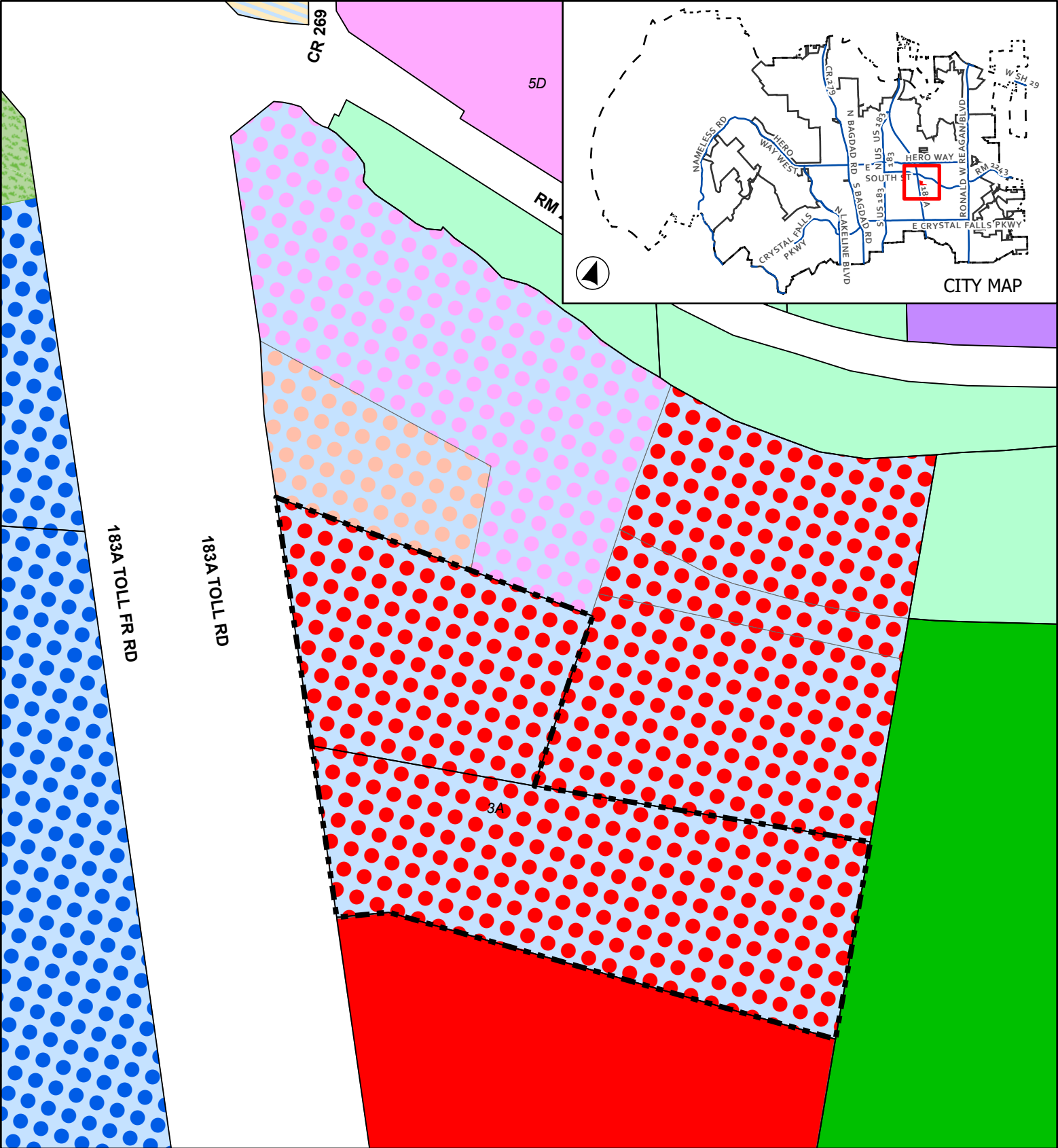
ATTACHMENT 4

NORTH CREEKSIDE COMMONS

Public Notification

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.





CASE: Z-23-0091 ATTACHMENT 5 NORTH CREEKSIDE COMMONS

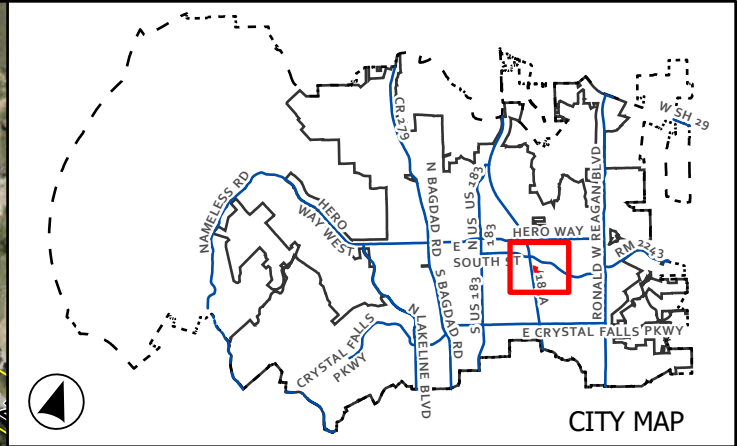
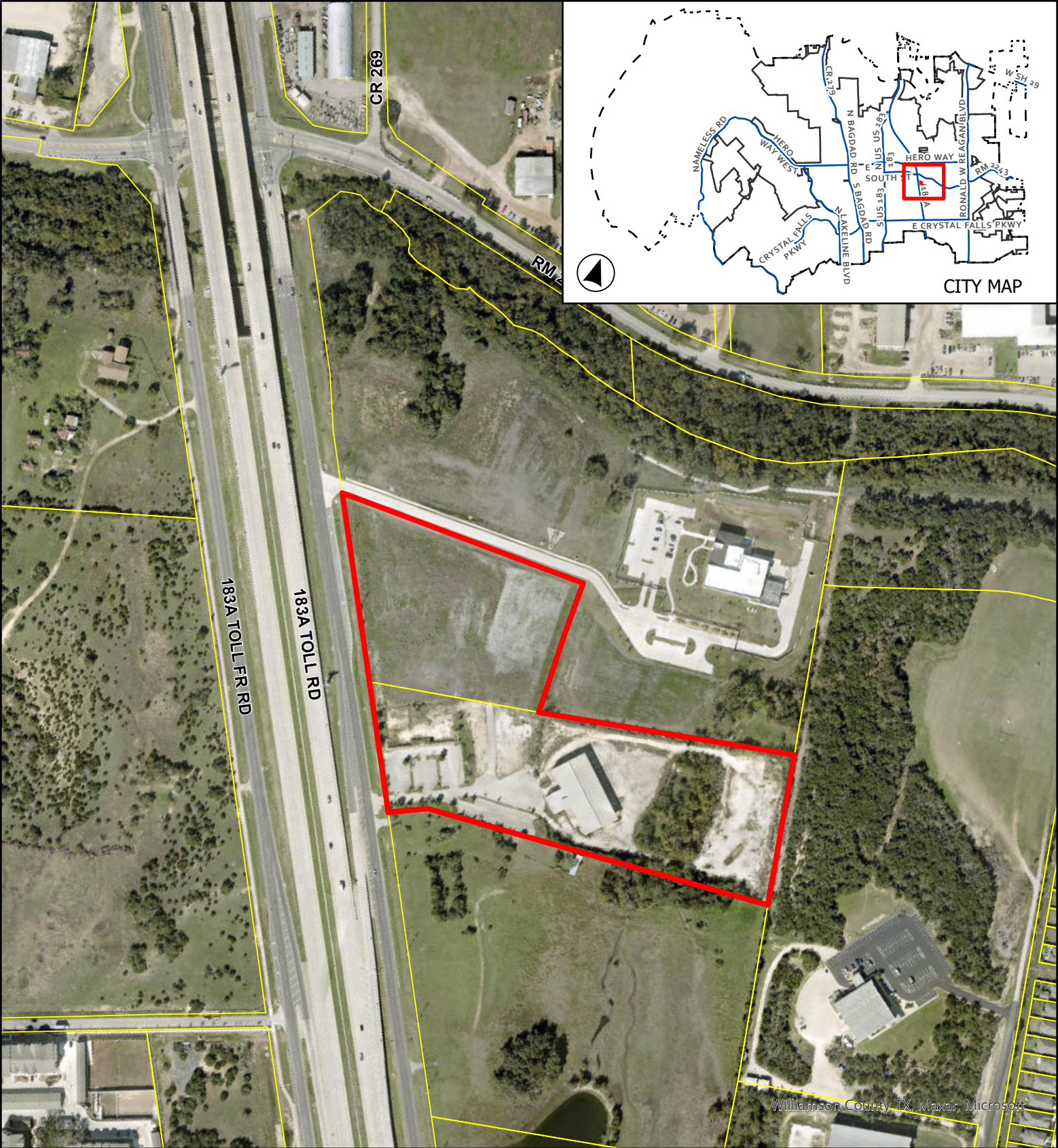
Proposed Zoning

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- | | | |
|--------------------------------|-------------------------|--------------------------|
| Leander City Limits | GC - General Commercial | PUD - General Commercial |
| Extra-Territorial Jurisdiction | HC - Heavy Commercial | PUD - Heavy Commercial |
| Subject Boundary | HI - Heavy Industrial | OS - Open Space |
| SFR - Single-Family Rural | PUD - Mixed Use | CD - Conventional Sector |
| SFS - Single-Family Suburban | PUD - Local Office | |



0 95 190
Feet
Page 10 of 188



CITY MAP

Williamson County TX, Maxar, Microsoft

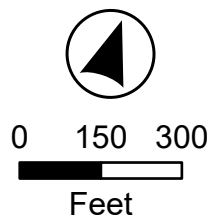
CASE: Z-23-0091

ATTACHMENT 6

NORTH CREEKSIDE COMMONS

Aerial 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.



- Leander City Limits
- Subject Boundary

EXHIBIT A

North Creekside Commons Minor Planned Unit Development

A. Purpose and Intent

1. The North Creekside Commons Minor PUD is comprised of approximately 14.88 acres, as shown in **Exhibit B**. The development of this property includes commercial development.

B. Applicability and Base Zoning

1. All aspects regarding the development of this PUD shall comply with the City of Leander Composite Zoning Ordinance, except as established in this exhibit, titled **Exhibit A**.
2. For the purpose of establishing development standards for the PUD, the following base zoning districts have been selected from the Leander Composite Zoning Ordinance.

GC-2-A (General Commercial)

C. Allowable / Prohibited Uses

1. The allowable uses shall include all permitted uses in the GC Use Component.
2. Article V, Section 2 (b)(2)(v) shall be modified to remove the building size maximums.



March 21, 2024

City of Leander Planning Department
Pat Bryson Municipal Hall
201 N. Brushy Street
Leander, TX 78641

Re: North Creekside Commons Minor PUD Letter of Intent

North Creekside Commons is a 14.88 acre tract located within the City of Leander approximately a half mile south of the intersection of US 183-A and R.M. 2243. It is the Applicant's intent and request to rezone 14.88 acres that was previously within the PEC PUD via a Minor PUD with a GC-2-A Base District. The Minor PUD request includes commercial development of the Subject Tract via allowable uses under the GC Use Component of the UDC, with the exception of removing the building size maximums. All other City zoning standards remain unchanged.

The Subject Tract is located with convenient access fronting the Highway US 183-A Toll Road. Along with strong access from this major roadway, the property is near future commercial/mixed use developments and offers additional commercial opportunities. The requested land use is consistent with the Future Land Use Map.

A partially constructed building and associated parking currently occupy the Subject Tract. The Applicant intends to remove these elements during development of the Subject Tract.

Thank you for your consideration of this Minor PUD request. The Applicant believes this location has the potential to help meet goals identified within the Comprehensive Plan.

Sincerely,

Peter Verdicchio, PLA ASLA
Principal

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.

Generations Ministries, Inc P.O. Box 280 Cedar Park, Tx 78630; Reit Group Leander Springs Holdings LLC. 301 Santaluz Ln Austin, Tx 78732. Contact made via direct communication & mailed correspondence.

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.

The Owner to the north is the seller. The Owner to the south is the Applicant. The Applicant has discussed the design and entitlement effort with the Property Owner to the east, Generations Ministries, Inc. The Owner to the east has been notified via neighborhood communication letter.

3. What concerns were raised during these communications?

No concerns were raised.

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

N/A as no concerns were raised.

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

Signature: Peter Verdicchio Date October 4, 2023



April 24, 2024

Re: North Creekside Commons Minor PUD

Hello Generations Ministries Inc.,

As you are aware, we were previously working with Leander Crystal 183 LP regarding this application. Celebration Church is the new owner and applicant pursuing zoning efforts.

As part of an updated application to the City of Leander, please review below information pertaining to a Minor PUD submittal of the 14.88 Acre Tract, North Creekside Commons for Celebration Church (the Applicant).

North Creekside Commons is a 14.88 acre tract located within the City of Leander approximately a half mile south of the intersection of US 183-A and R.M. 2243. It is the Applicant's intent and request to rezone 14.88 acres that was previously within the PEC PUD via a Minor PUD with a GC-2-A Base District. The Minor PUD request includes commercial development of the Subject Tract via allowable uses under the GC Use Component of the UDC, with the exception of removing the building size maximums. All other City zoning standards remain unchanged.

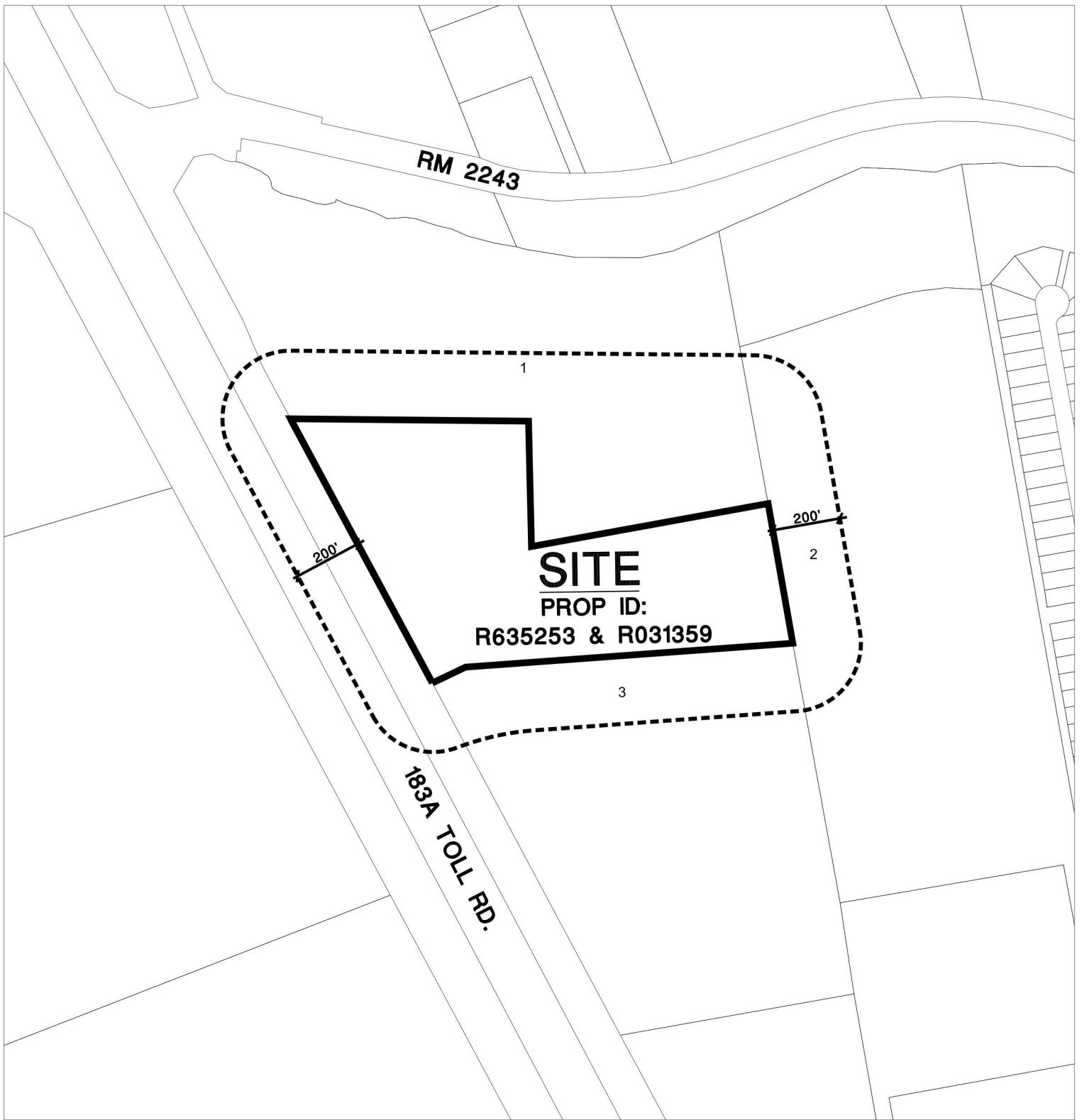
The Subject Tract is located with convenient access fronting the Highway US 183-A Toll Road. Along with strong access from this major roadway, the property is near future commercial/mixed use developments and offers additional commercial opportunities. The requested land use is consistent with the Future Land Use Map.

A partially constructed building and associated parking currently occupy the Subject Tract. The Applicant intends to remove these elements during development of the Subject Tract.

Thank you for your consideration. The Applicant believes this location has the potential to help meet goals identified within the Comprehensive Plan.

Sincerely,

Peter Verdicchio, PLA ASLA
Principal



#	Parcel Number	Owners	Site Address	Owner Address	City, State Zip
1	R623019	PEDERNALES ELECTRIC COOPERATIVE INC	8796 183A TOLL RD, LEANDER, TX 78641	ATTN: PROP TAX DEPT PO BOX 1	JOHNSON CITY, TX 78636-0001
2	R502299	GENERATIONS MINISTRIES INC	1461 E WOODVIEW DR, LEANDER, TX 78641	P.O. BOX 280	CEDAR PARK, TX 78630-0280
3	R031358	SHRI VAAMANA ESTATES LLC ET AL	351 CR 271, LEANDER, TX 78641	510 FRANKLIN AVE #STE 7	NUTLEY, NJ 07110

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY CREATING THE NORTH CREEKSIDE COMMONS MINOR PUD (PLANNED UNIT DEVELOPMENT) WITH THE BASE ZONING DISTRICT OF GC-2-A (GENERAL COMMERCIAL); 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 parcel of land, which is herein referred to as the "Property". That certain parcel of land being including 14.88 acres $\pm$; being more particularly described in Exhibit "B"; generally located 850 feet to the southeast of the intersection of RM 2243 and 183A Toll Road; identified by Williamson Central Appraisal District tax identification number R031359 and R635253; more particularly described in Instrument Number 2023085860; recorded in the Official Public Records of Williamson County, Texas.

SECTION 4. Property Rezoned. The Zoning Ordinance is hereby amended by creating the North Creekside Commons Minor PUD (Planned Unit Development) with the base zoning district of GC-2-A (General Commercial). The PUD shall be developed and occupied in accordance with this Ordinance, the PUD plan attached as Exhibits "A" and "B" which are hereby adopted and incorporated herein for all purposes, and the Composite Zoning Ordinance to the extent not amended by this Ordinance. In the event of a conflict between the Composite Zoning Ordinance

and the requirements for the Property set forth in this Ordinance, this Ordinance shall control.

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 6th day of June, 2024.

FINALLY PASSED AND APPROVED on this the 20th day of June, 2024.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor

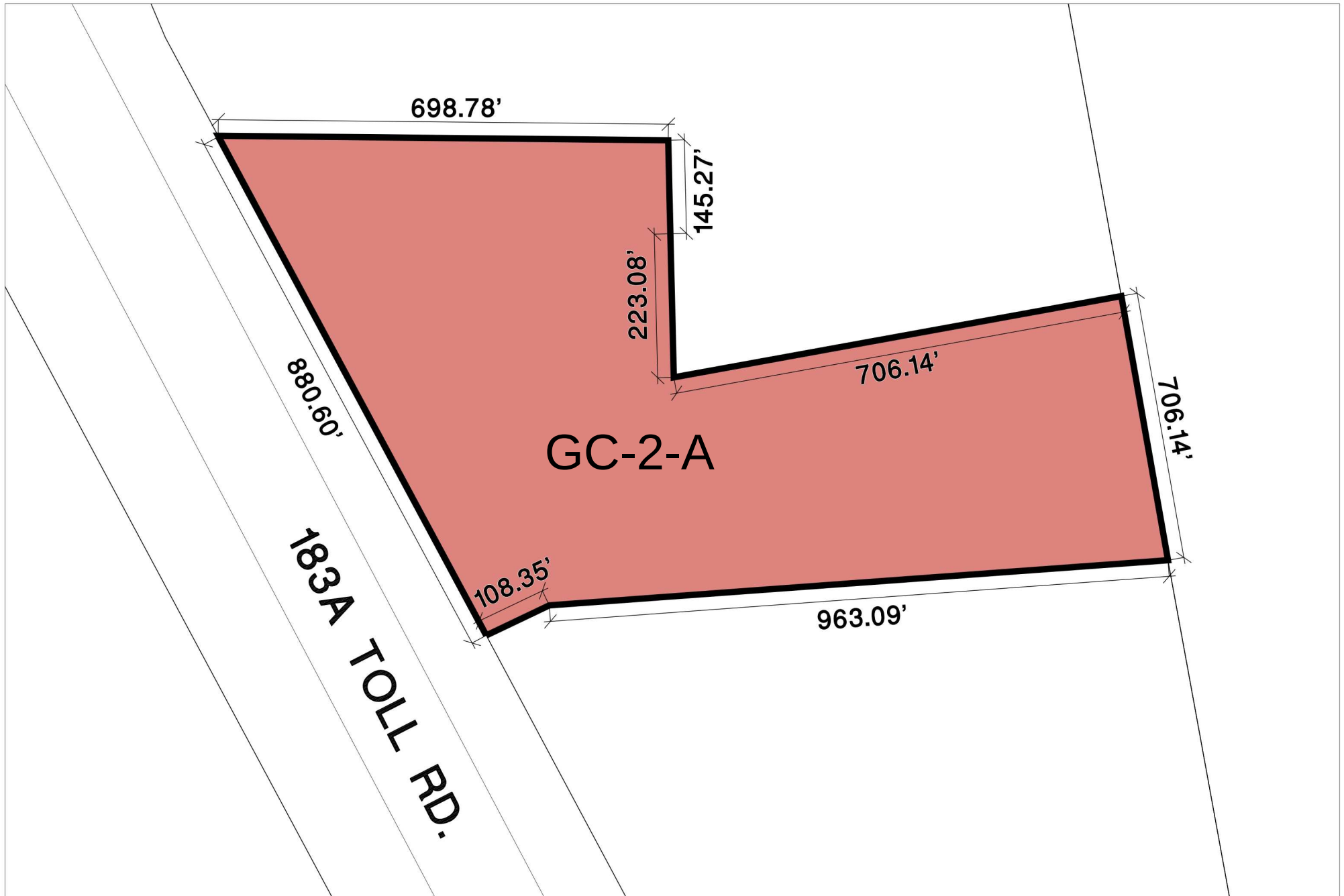


Exhibit B



SEC Planning, LLC

Land Planning + Landscape Architecture + Community Branding

AUSTIN, TEXAS
(512) 246.7000
www.secplanning.com • info@secplanning.com

CONCEPT PLAN
NORTH CREEKSIDE COMMONS

TERRENEZT
LEANDER, TEXAS



0' 100' 200' 300'

Scale: 1" = 200'

Date: October 3, 2023

SHEET FILE: J:\220039-TENE\Cadfiles\PLANNING\Submittals\Concept Plan.dwg

Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval or commitment by the City of Leander.



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

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday, May 9, 2024
Regular Meeting at 6:00 PM



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

**Place 5 – James Oliver, Vice Chair
Place 6 – Laura Lantrip, Chair
Place 7 – Scott Calame
Staff Liaison – Robin Griffin**

REGULAR MEETING

1. Call to Order.
Meeting was called to order at 6:00 p.m.
2. Roll Call.
All commissioners were present.
3. Director's report to the Planning & Zoning Commission on action taken by City Council on the May 2, 2024 meeting.
4. Review of meeting protocol.
5. 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.

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

No one wished to speak.

CONSENT AGENDA: ACTION

Motion to approve Consent Agenda items 6 through 10

By: Board Member May

Seconded: Board Member Calame

Vote: 7 - 0 None

6. Approval of Subdivision Case PP-22-0003 regarding Greenlight Village Preliminary Plat on two (2) parcels of land approximately 14 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031386 and R031387; generally located on the south side of Hero Way West, approximately 1,400 feet west of Broade Way, Leander, Williamson County, Texas.

7. Approval of Subdivision Case PP-23-0048 regarding Hwy 29 Commercial Subdivision Preliminary Plat on one (1) parcel of land approximately 50.64 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R032262; generally located south of SH 29, approximately 1,300 feet west of Ronald W. Reagan Boulevard, Leander, Williamson County, Texas.
8. Approval of Subdivision Case FP-23-0088 regarding Williams Tract Final Plat on four (4) parcels of land approximately 14.038 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R315744, R031687, R099947, R031690 ; generally located 430 feet to the north of the intersection of Waterfall Ave. and CR 279, Leander, Williamson County, Texas.
9. Approval of Subdivision Case FP-21-0006 regarding Rosenbusch Ranch Phase 3 Final Plat on one (1) parcel of land approximately 34.696 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R654110; generally located northwest of the intersection of Vista Ridge Drive and Alta Vista Drive, Leander, Williamson County, Texas.
10. Approval of the minutes for meeting held on April 25, 2024.

PUBLIC HEARING: ACTION

11. Conduct a Public Hearing and consider action regarding Subdivision Case FP-23-0055 to consider the replat of Lots 37, 38, and 39, Hidden Mesa Subdivision as Crystal Mesa Cove Two Final Plat on three (3) parcels of land approximately 10.339 acres $\pm$ in size, more particularly described by Travis Central Appraisal District Parcels 354047, 354048, and 354050; and generally located to the southwest of the intersection of on the west of High Lonesome and CR 290, Leander, Travis County, Texas.

- Discuss and consider action on Subdivision Case FP-23-0055 as described above.

No one spoke in favor or opposition of the request.

Motion to approve the Final Plat FP-23-0055

By: Board Member Cosgrove

Seconded: Board Member Moss

Vote: 7 - 0 None

12. Conduct a Public Hearing and consider action regarding Zoning Case Z-23-0065 to amend the current zoning of PEC PUD (Planned Unit Development) to change the zoning to GC-2-C (General Commercial) on one (1) parcel of land approximately 12.405 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R623019; and legally described as Lot 1, Block A, PEC Data Center, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-23-0065 as described above.

No one spoke in favor or opposition of the request.

Motion to approve Zoning Case Z-23-0065

By: Board Member Oliver

Seconded: Board Member Calame

Vote: 7 - 0 None

13. Conduct a Public Hearing and consider action regarding Zoning Case Z-23-0091 to amend the current zoning of PEC PUD (Planned Unit Development) to adopt the North Creekside Commons Minor PUD (Planned Unit Development) with the base zoning of GC-2-A (General Commercial) on a portion of the original PUD, on two (2) parcels of land approximately 14.88 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031359 and R635253; and generally located 850 feet to the southeast of the intersection of RM 2243 and 183A Toll Road, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-23-0091 as described above.

No one spoke in favor or opposition of the request.

Motion to approve Zoning Case Z-23-0091

By: Board Member Lantrip

Seconded: Board Member Mahan

Vote: 7 - 0 None

14. Conduct a Public Hearing and consider action regarding Ordinance Case OR-24-0019 to amend the Composite Zoning Ordinance to update definitions, add uses and create criteria for Vape Shops, Smoke Shops and Cosmetic Services, and to provide for related matters; Williamson & Travis Counties, Texas.

- Discuss and consider action regarding Ordinance Case OR-24-0019 as described above.

No one spoke in favor or opposition of the request.

Motion to approve Ordinance Case OR-24-0019 with the change to allow Vape Shops and Smoke Shops in the GC (General Commercial) use component, prohibiting in the LC (Local Commercial) use component - Discussion occurred.

By: Board Member Mahan

Seconded: Board Member Moss

Vote: 5 - 2 Board Member Cosgrove, Board Member Calame

REGULAR AGENDA

15. Discuss and consider action regarding Zoning Case Z-24-0112 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to adopt the Hero Ranch Minor PUD (Planned Unit Development) with the base zoning of GC-3-C (General Commercial) on four (4) parcels of land approximately 14.5 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031758, R098017, R473771, and R098019; and generally located approximately 475 feet to the west of the intersection of Hero Way and Ronald W. Reagan Boulevard on the northside of Hero Way, Leander, Williamson County, Texas.

Motion to approve Zoning Case Z-24-0112

By: Board Member May
Seconded: Board Member Mahan

Vote: 7 - 0 None

16. Discuss and consider action regarding Zoning Case Z-24-0113 to amend the current zoning of TOD/PUD-CD (Transit Oriented Development/ Planned Unit Development – Conventional Development Sector) to adopt the Historic Bryson Farmstead PUD (Planned Unit Development) with the base zoning of LC-2-A (Local Commercial) on two (2) parcels of land approximately six (6) acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R032212 and R500771; and generally located northeast of the intersection of 183A Toll Road and East San Gabriel Parkway, Leander, Williamson County, Texas.

Submitted via the website in opposition of the request: see attachment

Spoke in opposition of the request:
Laura Marques 724 Mallow Rd
Venkata Bharath Kumar Reddy Chamala 912 Mallow Rd
Joshua Raley 724 Mallow Rd

Motion to approve Zoning Case Z-24-0113 - Discussion occurred

By: Board Member Cosgrove
Seconded: Board Member Oliver

Vote: 3 - 4 Board Member May, Board Member Moss, Board Member Lantrip, Board Member Calame

Motion failed

Motion to approve Zoning Case Z-24-0113 with an update to the PUD notes to provide a limit of main stage concerts at a maximum of once per quarter.

By: Board Member Calame
Seconded: None

Motion failed due to lack of a second

17. Adjournment Adjourned at 7:27 p.m.

APPROVED

CHAIR

ATTEST:



EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Approval of the Second Reading of an Ordinance regarding Ordinance Case OR-24-0019 to amend the Composite Zoning Ordinance to update definitions, add uses and create criteria for Vape Shops, Smoke Shops and Cosmetic Services, and to provide for related matters; Williamson & Travis Counties, Texas.

BACKGROUND:

The Composite Zoning Ordinance does not currently address vape shops or smoke shops as permitted uses. During the January 18, 2024 City Council meeting, the Council requested a future agenda item to discuss vape shops.

A vape shop generally defined as a retail outlet that specializes in selling vaping products. Vaping means using a vaporizer or inhalant-type device, also known as an electronic cigarette, that contains a power source and heating element designed to heat a substance and inhaling the vapor of the device directly through the mouth, whether or not the vapor contains nicotine.

Staff has determined that there are at least four (4) vape shops in Leander. Attachment 1 includes the location of the existing vape shops and schools (public and private).

City Council held a workshop on March 7, 2024 to discuss vape shops. During the meeting the City Council requested additional information regarding the requirements of surrounding cities with regard to vape shops. Staff reviewed ordinances and contacted surrounding cities to request additional information (see Attachment 2). Staff found that the surrounding communities do not specifically restrict the sale of vape products. The restrictions are applied to uses such as the active use of vape or vape lounges.

Staff provided a follow up presentation on April 4, 2024 and confirmed that other surrounding communities do not have added regulations for the retail sale of vape products. The Council requested that staff provide definitions of vape shops, smoke shops, and lounges as well as provide a setback of one thousand (1,000') feet from public or private schools.

Staff recommends approval of the ordinance amendments. The Planning & Zoning Commission recommended approval during the May 23, 2024 meeting with the proposal that vape and smoke shops are permitted in the GC (General Commercial) use component instead of the LC (Local Commercial) use component.

HISTORY/TIMELINE:

01/18/2024 - City Council Requested a Workshop
03/07/2024 - City Council Discussion
04/04/2024 - City Council Discussion
05/23/2023 - Planning & Zoning, 1st Public Hearing
06/06/2024 – City Council, 2nd Public Hearing

APPLICANT/AGENT:

City of Leander

RECOMMENDATION:

The City Council unanimously approved the ordinance updates during the June 6, 2024 meeting without the Planning & Zoning Commission recommendation.

PRESENTER:

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

Attachments:

1. OR-24-0019 Att 1 Planning Analysis
2. OR-24-0019 Att 2 Vape Shop Analysis
3. OR-24-0019 Att 3 Findings
4. OR-24-0019 Att 4 Vape Shop Smoke Shop Cosmestic Services Ordinance



PLANNING ANALYSIS

ORDINANCE CASE OR-24-0019 COMPOSITE ZONING ORDINANCE VAPE SHOPS, SMOKE SHOPS & COSMETIC SERVICES

GENERAL INFORMATION

Owner/Agent:	City of Leander
Ordinance:	Composite Zoning Ordinance
Proposed Change:	Add definitions, add uses, and provide criteria for Vape Shops, Smoke Shops & Cosmetic Services
Staff Contact:	Robin M. Griffin, AICP Executive Director of Development Services

BACKGROUND

The Composite Zoning Ordinance does not currently address vape shops or smoke shops as permitted uses in the ordinance. During the January 18, 2024 City Council Meeting, the Council requested a future agenda item to discuss vape shops.

During the meeting staff identified five (5) vape shops in Leander. Attachment 2 includes the location of the existing vape shops, schools (public and private), and public parks.

City Council held a workshop on March 7, 2024 to discuss vape shops. During the meeting the City Council requested additional information regarding the requirements of surrounding cities with regard to vape shops. Staff reviewed ordinances and contacted surrounding cities to request additional information (see Attachment 3). Staff found that the surrounding communities do not specifically restrict the sale of vape products. The restrictions are applied to uses such as the active use of vape or vape lounges.

Staff provided a follow up presentation on April 2, 2024 and confirmed that other surrounding communities do not have added regulations for the retail sale of vape products. The Council requested that staff provided definitions of vape shops, smoke shops, and lounges as well as provided a setback of 1,000 feet from public or private schools.

HISTORY

01/18/2024 City Council Requested a Workshop
03/07/2024 City Council Discussion
04/04/2024 City Council Discussion

ORDINANCE PROPOSAL

This ordinance amendment includes adding the following definitions:

Lounge means any establishment or place of business in which patrons consume alcohol, smoke tobacco products, smoke hookah, or use vape products.

Measured from Property Line to Property Line means measuring the distance between the Smoke Shop or Vape Shop, as appropriate, and the public or private school in a direct line from the property line of

the public or private school to the property line of the Smoke Shop or Vape Shop, as appropriate, and in a direct line across intersections.

Smoke Shop means a retail outlet whose main purpose is selling tobacco products, as that term is defined by the Food and Drug Administration, and smoking equipment.

Vape Shop means a retail outlet whose main purpose is selling vaping products. Vaping means using a vaporizer or inhalant-type device, also known as an electronic cigarette, that contains a power source and heating element designed to heat a substance and inhaling the vapor of the device directly through the mouth, whether or not the vapor contains nicotine.

The following definition of Cosmetic Services is currently in the ordinance and staff is not proposing to update the language.

Cosmetic services means the retail services focused on matters of personal cosmetic health and beauty which are typically elective in nature, such as but not limited to hair and nail salons, spas, massage therapy, waxing, permanent makeup (meaning producing designs that resemble makeup such as eye lining and enhancing colors to the skin of the face, lips and eyelids), microblading, microdermabrasion, botox, chemical peels, facials, tanning, eyelash extensions, and eyebrow threading. This definition does not include tattoo or piercing shops.

The proposal includes making the following changes to the permitted uses:

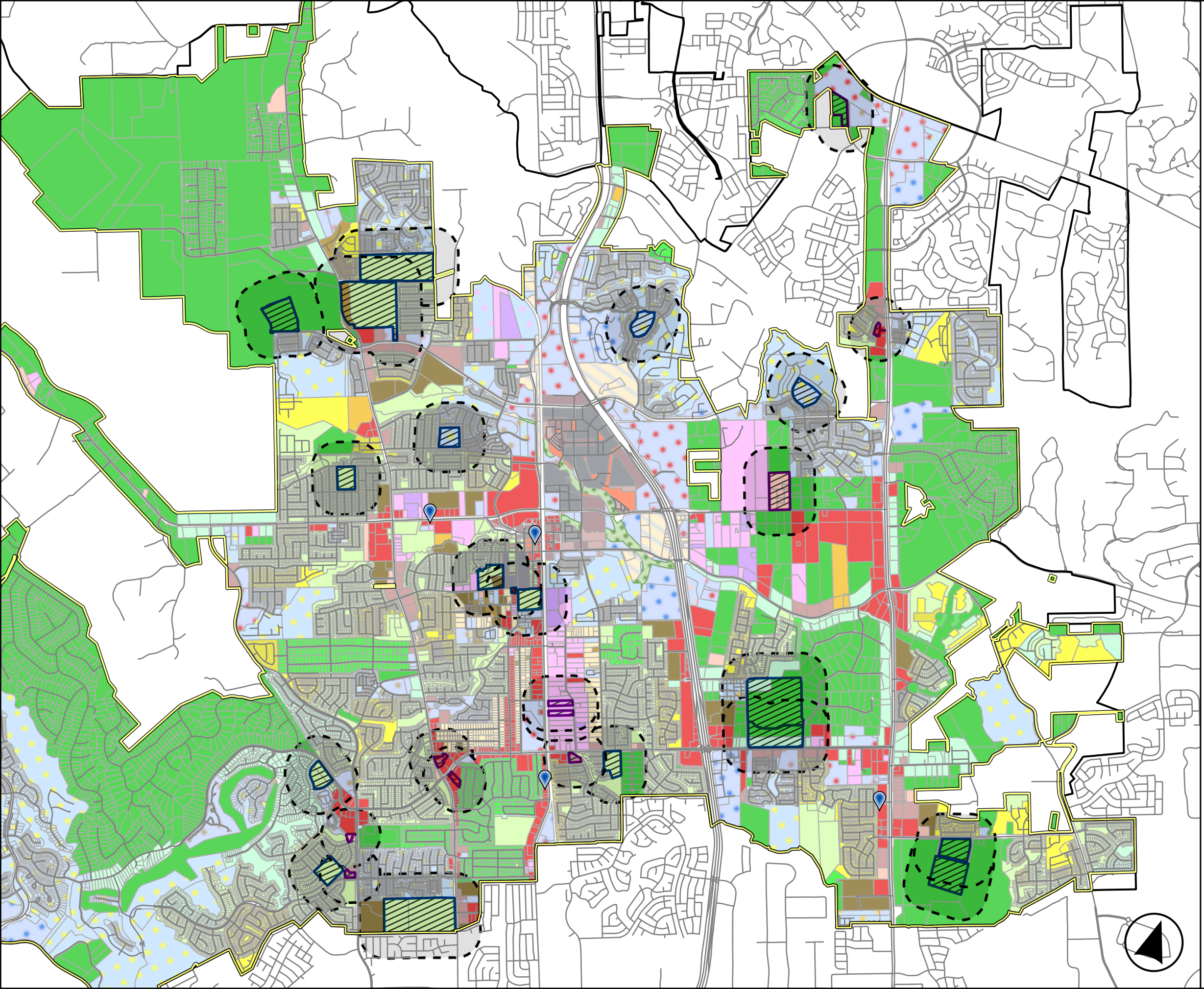
1. Add Vape Shops, Smoke Shops, and Cosmetic Services as uses permitted in the LC (Local Commercial) use component.
2. Add a condition that Vape Shops and Smoke Shops are not permitted within 1,000 feet of a public or private school. These uses were included in the LC use component since they are consistent with other retail sales uses.
3. Add Cosmetic Services to the LC use component since they are frequently associated with med spas.
4. Add Lounge use to the HC (Heavy Commercial) use component to be consistent with Hookah Lounges that are already included in the ordinance.

NON-CONFORMING USES

The City is required to send a notification to all businesses that currently in operation that are not compliant with the update to the ordinance. In this case, there are no vape shops or smoke shops currently located within 1,000 feet of a public or private school.

Vape Shop Analysis

Attachment 2
OR-24-0019



- Leander City Limits
- Leander ETJ
- Vape Shops (4)
- School Boundary**
 - Private
 - Public
 - 1000' Buffer
- Current Zoning**
 - RESIDENTIAL**
 - SFR-Single-Family Rural
 - SFE-Single-Family Estate
 - SFS-Single-Family Suburban
 - SFU-Single-Family Urban
 - SFU/MH-Single-Family Urban / Manufactured Home
 - SFC-Single-Family Compact
 - SFL-Single-Family Limited
 - CH-Cottage Housing
 - SFT-Single-Family Townhouse
 - TF-Two Family
 - MF-Multi-Family
 - RETAIL/COMMERCIAL**
 - LO-Local Office
 - LC-Local Commercial
 - GC-General Commercial
 - HC-Heavy Commercial
 - INDUSTRIAL**
 - HI-Heavy Industrial
 - PUD LAND USE**
 - PUD-Single-Family
 - PUD-Cottage Housing
 - PUD-Townhomes
 - PUD-Multi-Family
 - PUD-Mixed Use
 - PUD-Local Office
 - PUD-Local Commercial
 - PUD-General Commercial
 - PUD-Heavy Commercial
 - SECTORS**
 - OS-Open Space
 - CD-Conventional Sector
 - S2-Station Sector
 - TRANSECTS**
 - Civic Building
 - T4-General Urban
 - TS-Urban Center
 - T6-Urban Core
 - SD-Special District



0 0.25 0.5 1 Miles

City	Category - Sales Only	Zoning Districts	Category - On site consumption	Zoning Districts
City of Kyle	Retail (Tobacco Sales)	CBD-2 (Central Business District 2) RS (Retail and Services District) W (Warehouse District) C/M (Construction and Manufacturing District) NC (Neighborhood Commercial District) CC (Community Commercial District) MXD (Mixed use Development District)		
City of Round Rock	Retail Sales and Services	C-1 (General Commercial) C-1a (General Commercial - Limited) C-2 (Local Commercial) OF-2 (Mid-Rise Office) BP (Business Park) MU-1 (Mixed-Use Historic Commercial Core) MU-2 (Mixed-Use Downtown Medium Density) MU-L (Mixed Use Limited) MU-R (Mixed-Use Redevelopment and Small Lot) MU-G (Mixed-Use Greenfield and Large Lot)		
City of Cedar Park	Retail	NB (Neighborhood Business) LB (Local Business) GB (General Business) HC (Heavy Commercial) MU (Mixed Use) PA (Planning Area) EC (Entertainment Center)		
City of Pflugerville	Retail Sales and Services	Office (O) Neighborhood Services (NS) Retail (R) General Business 1 (GB1) General Business 2 (GB2) Campus industrial (CI)	Lounge	General Business 1 (GB1) General Business 2 (GB2)
City of Georgetown	Personal Services, Restricted	C1 (Local Commercial (S)) C3 (General Commercial (P)) (MUDT Mixed Use Downtown(S))		
City of Hutto	Retail	B-1 (commercial: local/neighborhood) B-2 (commercial: general) T-4 (General urban) T-5 (Urban Center) OT-4T (Transition) OT-5H (Historic) OT-5C (Co-op) SD-A (Arterial)		

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 CREATE DEFINITIONS FOR LOUNGES, SMOKE SHOPS, AND VAPE SHOPS; TO PROHIBIT SMOKE SHOPS AND VAPE SHOPS FROM BEING LOCATED WITHIN 1,000 FEET OF PUBLIC OR PRIVATE SCHOOL; TO ADD COSMETIC SERVICES AS A PERMITTED USE IN THE LC, GC, HC, AND HI ZONING DISTRICTS; TO ADD LOUNGES AS A PERMITTED USE IN HC AND HI ZONING DISTRICTS; ; AND 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 (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;

WHEREAS, the Texas Health and Human Services reports that more 5,700 teens start vaping each day; 40 percent of kids have vaped at least once five million middle and high school students vaped last year; and about one-fourth of high school students have vaped in the past 30 days;

WHEREAS, the Centers for Disease Control reports that most e-cigarettes contain nicotine; that nicotine is highly addictive; that using nicotine in adolescence can harm the parts of the brain that control attention, learning, mood, and impulse control; and that e-cigarettes can contain other harmful substances besides nicotine;

WHEREAS, scientific evidence suggests that tobacco retailer proximity and density may contribute to environments that facilitate youth tobacco use both where youth live and where they go to school, thereby potentially contributing to health disparities ([Berg, 2018](#); [McCarthy et al., 2009](#); [Mennis & Mason, 2016](#));

WHEREAS, City staff has determined that cosmetic services are a comparable use to other Local Commercial uses; and

WHEREAS, the City Council hereby finds and determines that the regulations adopted herein are reasonable and necessary for the protection of the public, health, safety, 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. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

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

Lounge means any establishment or place of business in which patrons consume alcohol, smoke tobacco products, smoke hookah, or use vape products.

Measured from Property Line to Property Line means measuring the distance between the Smoke Shop or Vape Shop, as appropriate, and the public or private school in a direct line from the property line of the public or private school to the property line of the Smoke Shop or Vape Shop, as appropriate, and in a direct line across intersections.

Smoke Shop means a retail outlet whose main purpose is selling tobacco products, as that term is defined by the Food and Drug Administration, and smoking equipment.

Vape Shop means a retail outlet whose main purpose is selling vaping products. Vaping means using a vaporizer or inhalant-type device, also known as an electronic cigarette, that contains a power source and heating element designed to heat a substance and inhaling the vapor of the device directly through the mouth, whether or not the vapor contains nicotine.

SECTION 3. Amendment of Article III, Section 15. Article III, Section 15(b) of the Composite Zoning Ordinance is hereby amended to add Cosmetic Services, Smoke Shop, and Vape Shop to the list of permitted uses, which shall be inserted into the list to appear in alphabetical order and the list shall be renumbered accordingly. The Smoke Shop and Vape Shop uses shall be subject to minimum distance requirements as follows:

- (12) Smoke Shop, provided that Smoke Shops shall be located a minimum of 1,000 feet from a public or private school measured from property line to property line
- (13) Vape Shop, provided that Vape Shops shall be located a minimum of 1,000 feet from a public or private school measured from property line to property line

SECTION 4. Amendment of Article III, Section 17. Article III, Section 17(b) of the Composite Zoning Ordinance is hereby amended to add Lounge to the list of permitted uses, which

shall be inserted into the list to appear in alphabetical order and the list shall be renumbered accordingly.

SECTION 5. Amendment of Article III, Section 20. Article III, Section 20 of the Composite Zoning Ordinance is hereby amended to add Cosmetic Services, Smoke Shops, and Vape Shops to the list of permitted uses in the LC, GC, HC, and HI Use Components, which shall be inserted into the Use Matrix table to appear in alphabetical order. Article III, Section 20 of the Composite Zoning Ordinance is hereby further amended to add Lounge to the list of permitted uses in the HC, and HI Use Components, which shall be inserted into the Use Matrix table to appear in alphabetical order. The Planning Director shall cause the Use Matrix Chart to be updated accordingly.

SECTION 6. 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 7. 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 zoning 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 8. 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 9. 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 11. 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 6th day of June, 2024.

FINALLY PASSED AND APPROVED on this the 20th day of June, 2024.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Approval of Second Reading of an Ordinance Case OR-24-0020 to adopt administrative guidelines and procedures for obtaining and applying offsets against roadway impact fees and to amend Appendix A, Article A3.000 to establish an application fee for requesting an offset.

BACKGROUND:

In July 2022, the City Council adopted Article 12.08 of the Code of Ordinances establishing roadway impact fees (the “RIF Ordinance”), which went into effect on January 7, 2023. The City began collecting roadway impact fees on January 7, 2024. The RIF Ordinance authorizes offsets to be established and approved by agreement for qualifying contributions towards system facilities and roadway facilities that are on or eligible to be on the Transportation Master Plan and that provide excess capacity above and beyond that required by the new development that otherwise qualify under the RIF Ordinance. City Council must approve administrative guidelines and procedures for obtaining and applying offsets against roadway impact fees. The city would like to establish an application fee of \$1,000.00 for requesting offsets for the purpose of defraying the costs of reviewing the application, drafting the offset agreement, and administering the offsets.

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

The City Staff recommends approval of the roadway impact fee offset guidelines and procedures and the establishment of a roadway impact fee offset application fee in the amount of \$1,000.00.

PRESENTER:

Emily D. Truman, PE, CFM, PMP, City Engineer

Fiscal Impact

Attachments:

1. Ordinance to Adopt RIF Guidelines
2. Clean V2 KLF Comments Policies & Procedures for RIF Offset EDT

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO. _____

A ORDINANCE OF THE CITY OF LEANDER, TEXAS, ADOPTING ADMINISTRATIVE GUIDELINES AND PROCEDURES FOR OBTAINING AND APPLYING OFFSETS AGAINST ROADWAY IMPACT FEES; AMENDING APPENDIX A, ARTICLE A3.000 TO ESTABLISH AN APPLICATION FEE FOR REQUESTING AN OFFSET; MAKING FINDINGS OF FACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Leander, Texas (the “City”), adopted Article 12.08 of the Code of Ordinances (the “RIF Ordinance”) establishing roadway impact fees; and

WHEREAS, the RIF Ordinance provides that the city may offset the cost of construction of any roadway system facility that is required or agreed to by the City, pursuant to rules established in the RIF Ordinance or pursuant to administrative guidelines promulgated by the City;

WHEREAS, the City Council desires to adopt administrative guidelines to address procedures for application for and approval of offsets; and

WHEREAS, the City Council desires to establish an application fee for requesting offsets for the purpose of defraying the cost of reviewing the application, drafting the offset agreement, and administering the offsets;

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. Administrative Guidelines Adopted. The City of Leander Administrative Guidelines and Procedures for Obtaining and Applying Offsets Against Roadway Impact Fees is hereby adopted.

Section 3. Fee Established. Section A3.006, Article A3.000, Appendix A – Fee Schedule, of the City of Leander Code of Ordinances is hereby amended to add subsection (j) to read as follows:

(j) Offset Application Fee - \$1,000

Section 4. Severability. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 5. Effective Date. This Ordinance will become effective upon its adoption, passage by the City Council in accordance with the procedures on the date of passage as required and publication as required by law.

Section 6. 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 this ____ day of _____, 2024.

CITY OF LEANDER, TEXAS

BY: _____
Christine DeLisle, Mayor

ATTEST:

Dara Crabtree, City Secretary

EXHIBIT A
City of Leander Administrative Guidelines and
Procedures for Obtaining and Applying Offsets
Against Roadway Impact Fees

City of Leander Administrative Guidelines and Procedures for Obtaining and Applying Offsets Against Roadway Impact Fees

The City of Leander adopted **Chapter 12, Article 12.08 Roadway Impact Fees** by Ordinance No. 22-059-00 on 07/07/2022, which may be amended from time to time. As part of implementing the Roadway Impact Fee the City may offset the Fee based on the value received by the City for the construction or contributions of any system facility for projects identified in the impact fee roadway improvements plan following the criteria outlined in **Sec. 12.08.008 - Offset Against Roadway Impact Fees**. Chapter 12, Article 12.08 is incorporated herein by reference.

The following are the Administrative Guidelines and procedures concerning *Offsets Against Roadway Impact Fees*. Terms used in these Guidelines that are defined in the RIF Ordinance shall have the meaning set forth in the Chapter 12, Article 12.08.

Offset Agreements.

A property owner or authorized applicant for plat approval (the “applicant”), who is subject to the payment of roadway impact fees under Chapter 12, Article 12.08, may obtain offsets against such fees for construction, contribution, and/or dedication of a system facility for a new development that has been included in the roadway improvements plan, or for a roadway facility that is on or qualifies for inclusion on the transportation master plan and the city agrees that such improvement supplies excess capacity to new development other than the development paying the roadway impact fee. The verified costs of such contributions will be applied against roadway impact fees otherwise due for a new development pursuant to a written offset agreement (“offset agreement”) in a form promulgated by the City Engineer.

Step 1: Request for Agreement

The applicant may file a request for offset eligibility with the City Engineer at the time of application for preliminary plat approval or if a preliminary plat is not required, at the time of application for final plat approval or at the time of application for site development permit prior to building permit application. The City Engineer will notify the applicant whether the facilities to be funded, dedicated and/or constructed have been included in the roadway improvements plan and if the facilities are eligible for offsets at the time of the request (“eligible capital improvements”). A request for offset eligibility does not vest the applicant’s rights to any subsequently acquired benefits under the agreement. The applicant shall provide the following information to review offset eligibility:

- a. Completed Application for Roadway Impact Fee Offset with Application Fee
- b. Eligible capital improvements including project number and service area
- c. Proposed capital improvements to be funded, dedicated and/or constructed
- d. Preliminary plat, final plat, or site development plan submitted with application for approval
- e. Approved traffic impact analysis including analysis demonstrating the capacity of the proposed improvements that are beyond the benefit of the development (if applicable)

Step 2: Review of Application and Creation of Agreement

The City Engineer will provide the applicant, in writing, a decision on eligible offsets and maximum value of offsets, if any, which may be applied against the impact fees due. The offset agreement will be created after final plat approval and finalized at the time of final plat recordation or prior to building permit application for a new development with a previously recorded plat. The applicant shall provide the following information in order to determine the maximum value of offsets and to create an offset agreement:

- a. Approved Application for Roadway Impact Fee Offset
- b. Eligible capital improvements including project number and service area
- c. Proposed capital improvements to be funded, dedicated and/or constructed
- d. Final plat submitted with application for approval
- e. Approved traffic impact analysis including analysis demonstrating the capacity of the proposed improvements that are beyond the benefit of the development (if applicable)
- f. Approved construction plans for the eligible capital improvements (if applicable)
- g. Approved construction cost estimate for the eligible capital improvements (Offset will be based on actual construction cost of the eligible capital improvements.)
- h. Fair market value (prior to new development) of conveyed right-of-way determined by either:
 1. The appropriate central appraisal district latest records;
 2. By agreement; or
 3. By MAI appraisal obtained by the city at the developer's expense.
- i. Copy of recorded Development Agreement or other documentation in which a contribution to eligible capital improvements was agreed (if applicable)

Step 3: Approval and Execution of Agreement

The offset agreement shall be approved by City Council and executed by the City Manager. Offset agreement will be placed on the next available City Council meeting for approval when:

- a. Partially executed offset agreement has been provided to the city;
- b. All eligible capital improvements have been constructed and accepted by the city;
- c. All right-of-way for eligible capital improvements has been conveyed to the city by recorded final plat or separate instrument document; and/or
- d. Payment for contribution to eligible capital improvements has been made to the city.

The offsets included in the agreement cannot be applied to impact fees due until the time of building permit application for a new development subject to the final plat.

Relationship to Rough Proportionality Appeal

An appeal undertaken by a property owner who seeks to contest a contribution, dedication or construction requirement imposed under the subdivision regulations on grounds of rough proportionality normally is determined prior to execution of any impact fee offset agreement. The City Engineer in submitting his response to a rough proportionality appeal shall take into account the eligibility of the facilities which are the subject of the appeal for impact fee offsets and shall estimate the amount of such offsets due the property owner. Such preliminary determination shall not affect the amount of the offsets included in an impact fee offset agreement, which must be

based on verified costs.

Changes in Impact Fee Rates

1. Roadway impact fees shall be assessed against new developments subject to the approval of final plat or replat in accordance with the provisions of the RIF Ordinance.
2. The roadway impact fees to be charged against a new development (subject to offsets) are those in effect at the time a building permit is issued, provided that the impact fee per service unit does not exceed the impact fee per service unit assessed against the subdivision.
3. Following assessment of impact fees, no additional impact fees or increases shall be assessed unless the number of service units increases.

Method of Applying Offsets

1. Retention of Offset Agreement. With a complete and approved application for offsets, an executed offset agreement shall be developed and retained by the City in the file for the final plat associated with the agreement.
2. Offset Pool. The total verified costs of eligible capital improvements contributed by the applicant for a subdivision shall constitute the initial offset pool associated with a recorded final plat.
3. Application of Offsets Against Impact Fees Due. The City shall apply offsets against the roadway impact fees due for the first building permit subject to the recorded final plat, and thereafter, against roadway impact fees due for each building permit subsequently issued, until the offset pool has been exhausted.
4. No Payment for Excess Offsets. In the event that offsets have been applied against impact fees due for all lots in the subdivision, and unused offsets remain in the offset pool, in no circumstances will the value of such excess offsets be paid to the property owner.
5. Expiration of Offsets. Unused offsets associated with a recorded final plat will expire ten (10) years after the date the offset was created, unless such offsets are extended in accordance with Chapter 12 Article 12.08 or these guidelines.
6. Transfer of Offsets Prohibited. Offsets associated with a final plat cannot be transferred to different land, unless the land is subject to a multi-phase offset agreement that provides for such transfer.

Replats

1. If land subject to a final recorded plat is replatted, a new assessment will be performed at the time the replat is recorded in accordance with Chapter 12 Article 12.08. Unused offsets created by an offset agreement may be used to reduce impact fees for new development subject to the replat.
2. If additional eligible capital improvements are contributed by an applicant as a condition of approval of the replat, the verified costs of such improvements will augment the remaining offset pool if an addendum is executed to the original offset agreement.

Multi-Phase Subdivisions

1. **Multi-phase Subdivision.** Where an applicant proposes a concept plan for a multi-phase subdivision that includes eligible capital improvements in one or multiple phases, the applicant may request that the City Engineer identify the capital improvements associated with the proposed concept plan that are eligible for offsets against roadway impact fees otherwise due. The applicant may apply for an offset agreement in accordance with this policy at the time of application for the final plat for the first phase of the approved concept plan for which the applicant contributes eligible capital improvements.
2. **Multi-phase Subdivision Addendum.** When an applicant proposes a subsequent final plat for a multi-phase subdivision, the applicant may apply for an addendum to the original offset agreement. If agreed to by the City, the verified costs of the eligible capital improvement(s) may be applied to reduce impact fees due for lots or uses subject to an earlier or later phase of the subdivision. As additional phases of the subdivision are finally platted, the amended offset agreement for the subdivision may be further amended by additional addenda containing like provisions.
3. **Multiple Approved Final Plats.** Where the original offset agreement applies to more than one approved final plat for a multi-phase subdivision, the verified costs of all eligible capital improvements dedicated, constructed and accepted by the City may be offset against impact fees due for any lots or uses within such phases.
4. **Offset Improvements by Phase.** As eligible capital improvements are dedicated, constructed and accepted by the City for each additional phase of a multi-phase subdivision, the verified costs of such improvements shall be added to the offset pool once an addendum to the original offset agreement for the subdivision is executed.
5. **Offsets Applied to Subsequent Phases.** Excess offsets obtained through contributions of eligible capital improvements for prior recorded phases of a multi-phase subdivision may be used to reduce roadway impact fees due for new developments in subsequently approved phases of the subdivision.
6. **Reimbursement of Impact Fees Where Offsets Exceed Impact Fees Due.** If the verified costs of eligible capital improvements for a phase will exceed the amount of impact fees due for lots in that and prior phases of a multi-phase subdivision, the subdivider may apply for reimbursement of impact fees previously paid to which no offsets were applied. In its sole discretion, the City may approve a reimbursement request, or, in the alternative, may provide for reservation of the offsets to be applied against impact fees due for lots in one or more subsequent phases of the multi-phase subdivision.

Cost Participation by the City

An offset agreement may contain provisions for the City's participation in the costs of an eligible roadway improvement. The amount of the City's participation shall be subtracted from the verified costs of the roadway improvement.



EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Approval of the extension of the completion date for Subdivision Case 20-PICP-0032 Leander Platinum Public Improvement Construction Plans; more particularly described by Williamson Central Appraisal District Parcel R372083, commonly known as 17680 Ronald W. Reagan Boulevard, Leander, Williamson County, Texas.

BACKGROUND:

This request is for an extension of the expiration date of the Leander Platinum Construction Plans. Article II, Section 28(e) includes the following provisions:

- e) Time Limit for Completing Improvements. The period within which required improvements must be completed shall be incorporated in the surety instrument and shall not in any event, without prior approval of the City, exceed one (1) year from date of Final Plat approval.
 - (1) The Commission may, upon application of the developer and upon proof of hardship, recommend to the Council extension of the completion date set forth in such bond or other instrument for a maximum period of one (1) additional year. Such hardship may include delays imposed due to City projects. An application for extension shall be accompanied by an updated estimate of construction costs prepared by a licensed professional engineer, licensed to practice in the State of Texas. A surety instrument for guaranteeing completion of remaining required improvements must be filed in an amount equal to one hundred ten percent (110%) of the updated estimate of construction costs as approved by the City Engineer.
 - (2) The Council may at any time during the period of such surety instrument accept a substitution of principal sureties upon recommendation of the Commission.

These construction plans will provide for the improvements related to the Leander Platinum development including turn lanes, bike lanes, sidewalks, storm water, water, and wastewater improvements. The Leander Platinum development includes three (3) commercial buildings and one detention/water quality pond.

HISTORY/TIMELINE:

04/16/2015 – Zoning approved
01/29/1997 – Final Plat approved
05/11/2022 – Construction Plans approved
05/11/2024 – Construction Plans expired
06/13/2024 – Planning & Zoning extension approved

APPLICANT/AGENT:

Bleyl Engineering (Kenny Watkins) on behalf of Leander Platinum Jubilee Investment (Aly Hussaini)

RECOMMENDATION:

The Subdivision Ordinance includes timelines for the completion of improvements as part of the subdivision process. The timeline/history section of this summary above includes the key dates for this request. The infrastructure associated with the public improvements construction plans are required to be completed one (1) year from the date of the final plat approval.

Staff recommends approval of an extension for one (1) additional year. Approving this extension will grant an extension to May 11, 2025 and will allow the developer to complete the construction of the improvements. The Planning & Zoning Commission unanimously approved the extension during the June 13, 2024 meeting.

PRESENTER:

Robin M. Griffin, Executive Director of Development Services

Fiscal Impact

Attachments:

1. 20-PICP-032 Att 1 Leander Platinum Extension Request
2. 20-PICP-032 Att 2 Leander Platinum Location Map



June 5, 2024

Ms. Robin Griffin, Director
City of Leander
Planning Department
P.O. Box 319
Leander, TX 78646

Project Number: 20-PICP-032, Leander Platinum Public Improvements Construction Plans
Location or Address: 17680 Ronald Reagan Blvd.

Re: Request for Project Extension

Dear Ms. Griffin:

The purpose of this letter is to request an extension to the referenced Public Improvements Construction Plans for the development of offsite improvements for Leander Platinum. The project consists of the construction of offsite water and wastewater lines, and a right turn/deceleration lane on Ronald Reagan Blvd. The project construction drawings were approved by City signature on February 7, 2022.

In association with this approval, 20-SD-026 was approved on the same day. A preconstruction meeting for the project was conducted soon after the approval. However, due to economic circumstances associated with the Covid-19 pandemic, construction of the offsite improvements was never initiated.

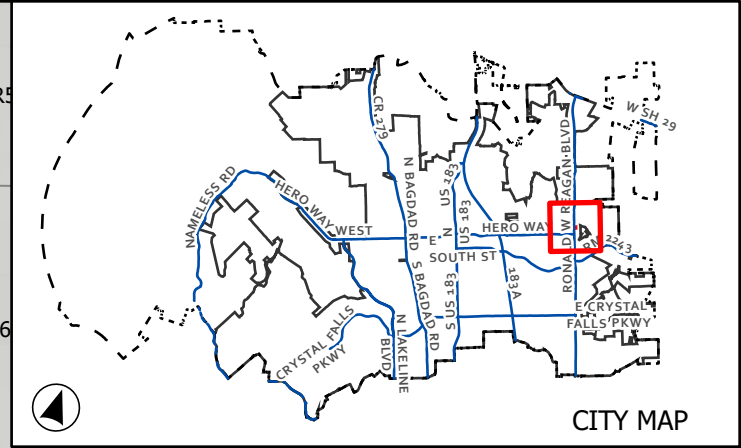
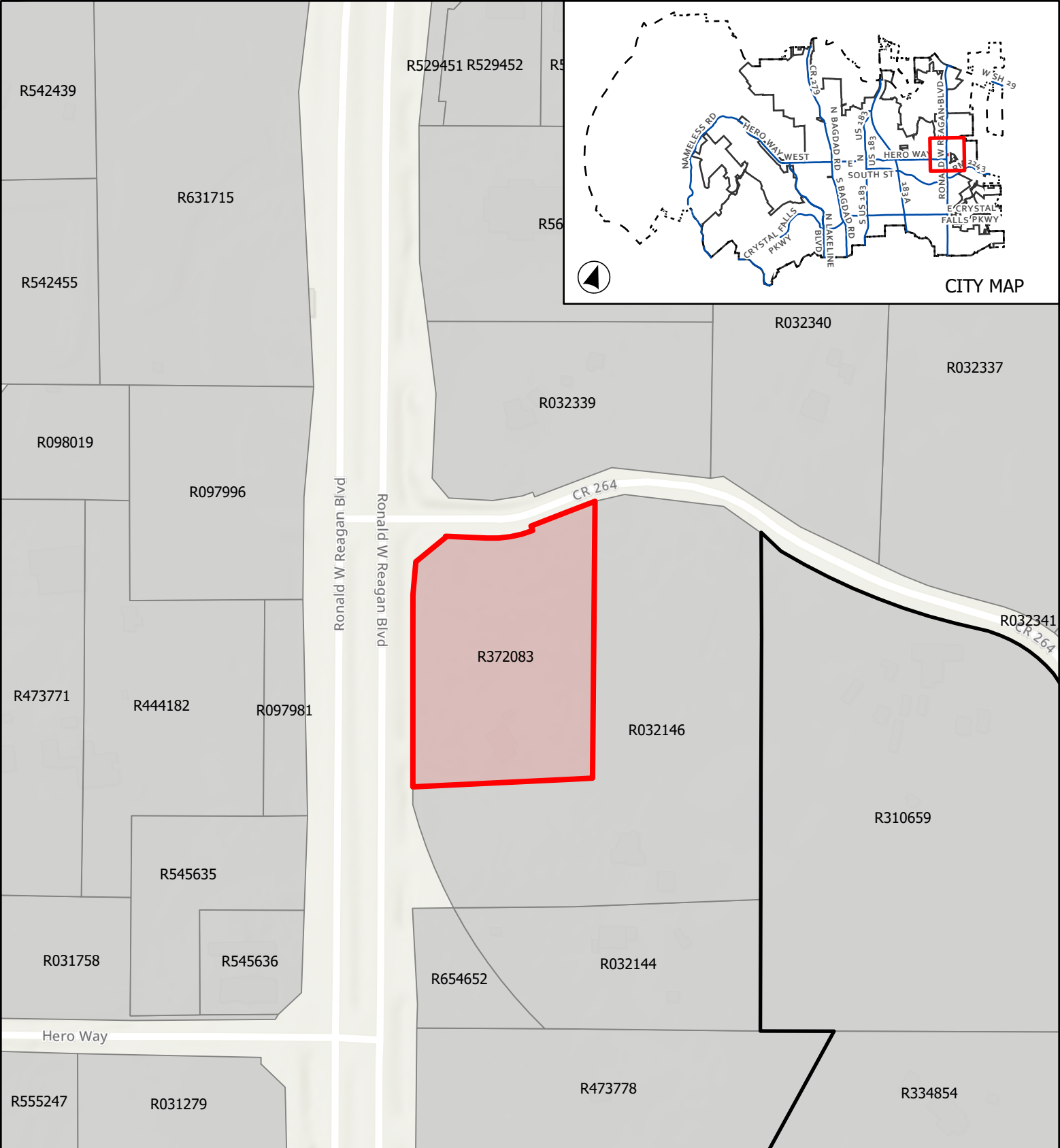
The owner desires to construct the approved plans at this time and has selected a contractor to perform the work, and another preconstruction meeting has been requested but has not yet been convened.

I look forward to your response to this request to extend the project approval and allow construction to move forward.

Sincerely,

Kenny Watkins, P.E.
Project Engineer

h:\jobfiles\lpj 12237 (ronald reagan blvd site plan)\2024 site plan extension\picp extension 2024.docx



CASE: 20-PICP-032 ATTACHMENT 2 LEANDER PLATINUM

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.

0 125 250

Feet

- City Limits
- ETJ Boundary
- Subject Boundary

Page 136 of 188



EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Approval of the extension of the application expiration for Subdivision Case FP-21-0019 Rosenbusch Phase 4 Final Plat; more particularly described by Williamson Central Appraisal District Parcel R599344; generally located to the east of the intersection of Vista Ridge Drive and Lakeline Boulevard; Leander, Williamson County, Texas.

BACKGROUND:

This request is for an extension of the expiration date of the Rosenbusch Phase 4 Final Plat form final plat application. 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:

07/20/2020 - Preliminary Plat Approved

04/23/2022 - Final Plat Application Expired

10/23/2022 - Final Plat Application Staff Extension Expired

04/23/2023 - Final Plat Application City Council Extension Expired

10/23/2023 - Final Plat Application City Council Extension Expired

04/23/2024 - Final Plat Application City Council Extension Expired

APPLICANT/AGENT:

Faris Abboushi, LDC

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 October 23, 2024 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

Fiscal Impact

Attachments:

1. FP-19-0019 Att 1 Rosenbusch Ranch Ph 4 - Extension Request
2. FP-19-0019 Att 2 Rosenbusch Ranch Ph 4 - Location Map
3. FP-19-0019 Att 3 Rosenbusch Ranch Ph 4 - Ordinance

May 31, 2024

Robin M. Griffin, AICP
Planning Director
City of Leander
512-528-2763

RE: **Application Extension Request**
 Rosenbusch Ranch Phase 4 Construction Plans (21-PICP-017)
 Rosenbusch Ranch Phase 4 Final Plat (21-FP-019)

Dear Ms. Griffin,

Please accept this letter as HR Green's formal request for an Application Extension for the Rosenbusch Ranch Phase 4 Construction Plan and Final Plat applications (21-PICP-017 & 21-FP-019), currently set to expire on 4/23/2023.

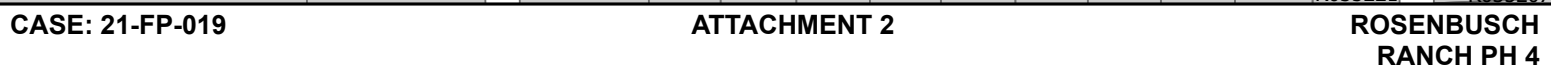
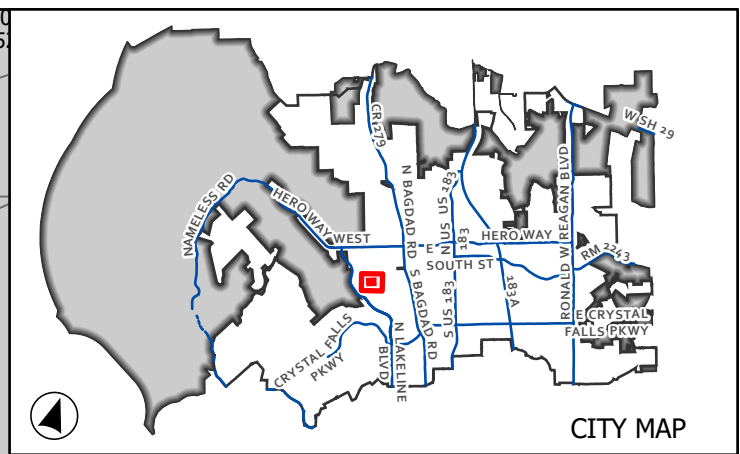
The application was last extended at City Council from 10/23/2022 to 4/23/2024. We are seeking another extension of the final plat application to allow for construction to begin and reduce the required fiscal amount prior to recording the plat. A copy of this letter, along with the required \$300 payments, will be submitted via the online Hub.

We appreciate your assistance in this matter and are available to provide any additional information needed from our office at this time.

Sincerely,



Faris Abboushi, PE
HR Green
TBPE Firm #16384



Page 140 of 188

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 THE
FINAL PLAT APPLICATION FOR THE ROSENBUSCH RANCH
PHASE 4 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 Rosenbusch Ranch Phase 4 final plat application (the “Final Plat Application”) which expires on or about October 23, 2022;

WHEREAS, the City Council granted one six (6) month extension for the Rosenbusch Ranch Phase 4 final plat application (the “Final Plat Application”) which expires on or about April 23, 2023;

WHEREAS, the City Council granted one six (6) month extension for the Rosenbusch Ranch Phase 4 final plat application (the “Final Plat Application”) which expires on or about October 23, 2023;

WHEREAS, the City Council granted one six (6) month extension for the Rosenbusch Ranch Phase 4 construction plan application (the “Construction Plans Application”) which expired on or about April 23, 2024;

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 October 23, 2024. In the event that the Final Plat Application is not approved by the Planning and Zoning Commission on or before October 23, 2024, the Final Plat Application 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 20th day of June, 2024.

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Approval of the extension of the application expiration for Subdivision Case PICP-21-0017 Rosenbusch Ranch Phase 4 Construction Plan; more particularly described by Williamson Central Appraisal District Parcel R599344; generally located to the east of the intersection of Vista Ridge Drive and Lakeline Boulevard; Leander, Williamson County, Texas.

BACKGROUND:

This request is for an extension of the expiration date of the Rosenbusch Ranch Ph 4 construction plans. Article II, Section 23(g) includes the following provisions.

(g) Application Expiration.

- (1) The Construction Plans 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 construction plans are 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 construction plans. Substantial progress shall consist of, at a minimum, a resubmission of the construction plans and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.

HISTORY/TIMELINE:

07/20/2020 - Preliminary Plat Approved
04/23/2022 - Construction Plan Application Expired, Staff Extension Granted
10/23/2022 - Construction Plan Application Staff Extension Expired
04/23/2023 - Construction Plan Application City Council Extension Expired
10/23/2023 - Construction Plan Application City Council Extension Expired
04/23/2024 - Construction Plan Application City Council Extension Expired

APPLICANT/AGENT:

Faris Abboushi, LDC

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 construction plan application expires nine (9) months after the first review comment letter for the construction plans is sent to the applicant.

Staff recommends approval of an additional six (6) month extension. Approving this extension would grant an extension to October 23, 2024 and will allow the developer to finalize the construction plans and schedule a pre-construction meeting.

PRESENTER:

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

Fiscal Impact

Attachments:

1. PICP-21-0017 Att 1 Rosenbusch Ranch Ph 4 - Extension Request
2. PICP-21-0017 Att 2 Rosenbusch Ranch Ph 4 - Location Map
3. PICP-21-0017 Att 3 Rosenbusch Ph 4 - Ordinance

May 31, 2024

Robin M. Griffin, AICP
Planning Director
City of Leander
512-528-2763

RE: **Application Extension Request**
 Rosenbusch Ranch Phase 4 Construction Plans (21-PICP-017)
 Rosenbusch Ranch Phase 4 Final Plat (21-FP-019)

Dear Ms. Griffin,

Please accept this letter as HR Green's formal request for an Application Extension for the Rosenbusch Ranch Phase 4 Construction Plan and Final Plat applications (21-PICP-017 & 21-FP-019), currently set to expire on 4/23/2023.

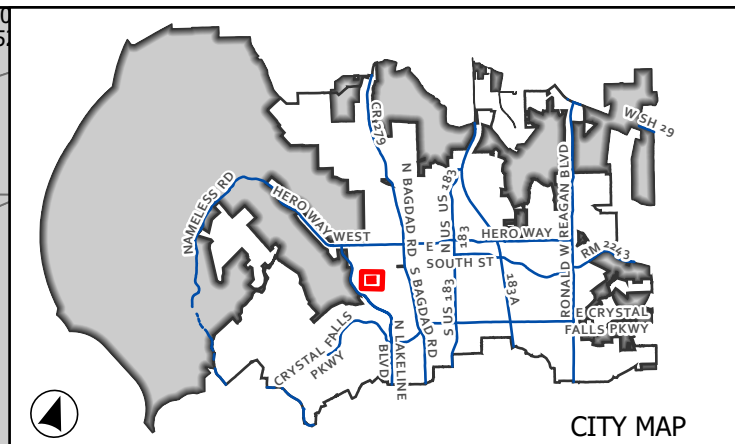
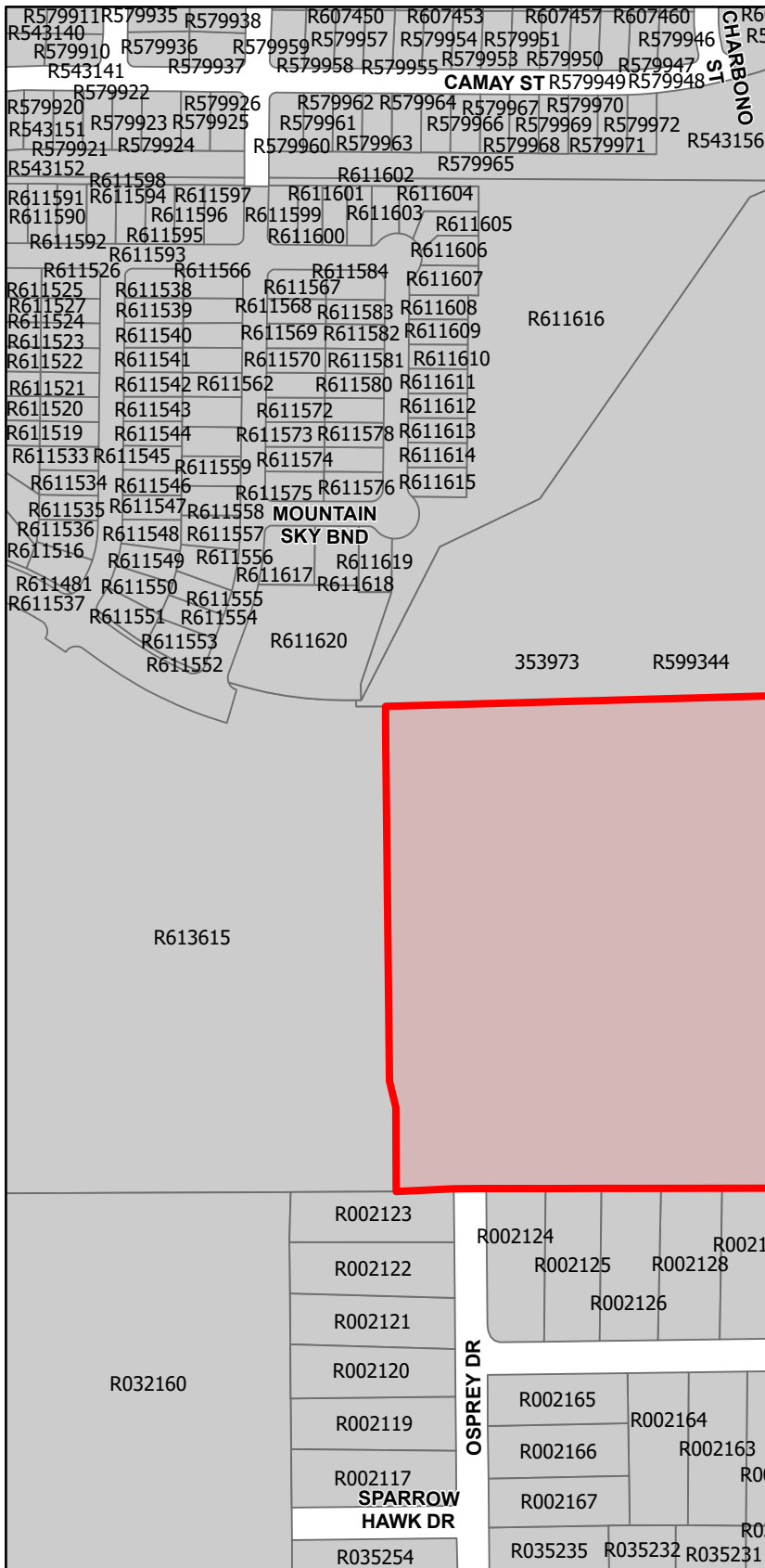
The application was last extended at City Council from 10/23/2022 to 4/23/2024. We are seeking another extension of the final plat application to allow for construction to begin and reduce the required fiscal amount prior to recording the plat. A copy of this letter, along with the required \$300 payments, will be submitted via the online Hub.

We appreciate your assistance in this matter and are available to provide any additional information needed from our office at this time.

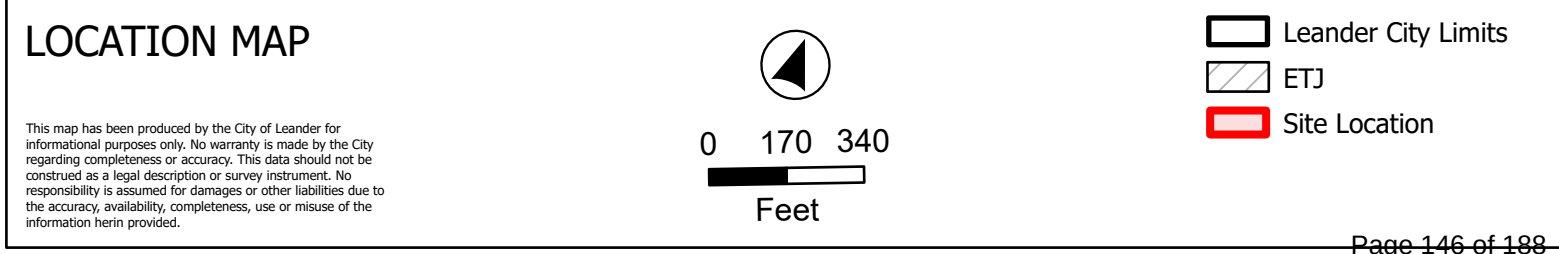
Sincerely,



Faris Abboushi, PE
HR Green
TBPE Firm #16384



CASE: 21-PICP-017 ATTACHMENT 2 ROSENBUSCH RANCH PH 4



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 THE CONSTRUCTION
PLANS APPLICATION FOR THE ROSENBUSCH RANCH PHASE 4
SUBDIVISION.**

WHEREAS, Section 23 (g) (1) of the City’s Subdivision Ordinance provides that the construction plans 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 construction plans are not approved due to the applicant’s failure to cause the application to comply with applicable city regulations;

WHEREAS, Section 23 (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 construction plans;

WHEREAS, the Planning Department granted one six (6) month extension for the Rosenbusch Ranch Phase 4 construction plan application (the “Construction Plans Application”) which expired on or about October 23, 2022;

WHEREAS, the City Council granted one six (6) month extension for the Rosenbusch Ranch Phase 4 construction plan application (the “Construction Plans Application”) which expired on or about April 23, 2023;

WHEREAS, the City Council granted one six (6) month extension for the Rosenbusch Ranch Phase 4 construction plan application (the “Construction Plans Application”) which expired on or about October 23, 2023;

WHEREAS, the City Council granted one six (6) month extension for the Rosenbusch Ranch Phase 4 construction plan application (the “Construction Plans Application”) which expired on or about April 23, 2024;

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 Construction Plans Application because the applicant is actively working with the Planning Department and will be able to address the construction plans comments and move forward with construction 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 Construction Plans Application to October 23, 2024. In the event that the Construction Plans Application is not approved by the City Staff on or before October 23, 2024, the Construction Plans Application 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 20th day of June, 2024.

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Discuss and consider action on the Second Reading of an Ordinance regarding Special Use Case Z-24-0111 to allow for temporary buildings on one (1) parcel of land approximately 0.775 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R505808; and more commonly known as 449 San Gabriel Campus Drive, Leander, Williamson County, Texas.

BACKGROUND:

This request is the final step in the zoning process. Staff recommends approval of this request. During the meeting of May 23, 2024, the Planning & Zoning Commission recommended approval with an update to the request allowing for the development to not be required screening of the temporary buildings per Article IV, Section 7 (b)(3) of the Composite Zoning Ordinance.

HISTORY/TIMELINE:

09/22/2005 – Smart Code Adopted
05/23/2023 - Planning & Zoning, 1st Public Hearing
06/06/2024 – City Council, 2nd Public Hearing

APPLICANT/AGENT:

Leander Independent School District (Jimmy Disler) on behalf of Austin Community College District (Aziz Hussaini)

RECOMMENDATION:

The City Council unanimously approved the special use permit during the June 6, 2024 meeting with the condition that staff consult with the property owner to the north regarding screening since the development could be impacted by the development and it was located outside of the two hundred (200') foot notice boundary. Staff contacted the developer of Northline and received confirmation that they would prefer to see screening since Main Street is the entrance to the southern portion of the Northline development. This screening is not meant to screen the entire portable building, but it is meant to screen the bottom portion since this area typically receives the most wear and damage over time.

PRESENTER:

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

Fiscal Impact

Attachments:

1. Z-24-0111 Att 1 Planning Analysis - ACC Portables SUP
2. Z-24-0111 Att 2 Current Zoning - ACC Portables SUP
3. Z-24-0111 Att 3 FLU Map - ACC Portables SUP
4. Z-24-0111 Att 4 Public Notification - ACC Portables SUP
5. Z-24-0111 Att 5 Aerial Map - ACC Portables SUP
6. Z-24-0111 Att 6 Conceptual Site Plan- ACC Portables SUP
7. Z-24-0111 Att 7 Letter of Intent - ACC Portables SUP
8. Z-24-0111 Att 8 Ordinance - ACC Portables SUP
9. Z-24-0111 Att 9 5-23-2024 P & Z Minutes



PLANNING ANALYSIS

ZONING CASE Z-24-0111
ACC LISD ECHS PORTABLES SUP
449 SAN GABRIEL CAMPUS DRIVE

GENERAL INFORMATION

Owner/Agent: Leander Independent School District (Jimmy Disler) on behalf of Austin Community College District (Aziz Hussaini).

Current Zoning: T6 – Urban Core & Civic Building

Size and Location: The property is located at 449 San Gabriel Campus Drive, including approximately 0.775 acres.

Staff Contact: Karina Castillo, AICP, Planning Manager

APPLICANT REQUEST

The applicant has submitted a request for a Special Use Permit in order to allow for 18 temporary portable buildings for up to five years from the date of approval.

STAFF CONCLUSIONS

Y N

☒ ☐ Does the proposal warrant any other special considerations? *see below*

SPECIAL CONSIDERATIONS

Leander Independent School District (LISD) is continuing their partnership with Austin Community College (ACC) to operate the Early College High School at the ACC San Gabriel Campus. Due to an increase in student population, LISD is proposing to add 18 temporary portable buildings to the site for the next five years. ACC has plans to construct a permanent building in this area in their future expansions. Following the approval of this Special Use Permit, a site development plan must be approved which will include screening the buildings from view from public roads.

SITE INFORMATION:

ABUTTING ZONING AND LAND USE:

	ZONING	LAND USE
NORTH	T6 – Urban Core	Vacant
EAST	T6 – Urban Core	Parking (Austin Community College)
SOUTH	T6 – Urban Core	Austin Community College
WEST	T6 – Urban Core	Vacant

SURROUNDING AREA:

This property is located just north of the ACC San Gabriel Campus. Further north of this site is Northline which includes multifamily and townhomes.

PHYSICAL AND NATURAL FEATURES:

This property is vacant and undeveloped.

PROPERTY HISTORY:

This property annexed into the City of Leander on 08/08/2005.

PREVIOUS ZONING CASES:

The following zone cases were previously submitted for this property:

- The City of Leander adopted the SmartCode on 09/22/2005.

MAJOR CORRIDORS:

This property has access onto the ACC San Gabriel Campus through the private San Gabriel Campus Drive.

TRANSPORTATION PLAN REQUIREMENTS:

This property does not include any future roads as shown on the Transportation Plan.

SUBDIVISIONS:

No subdivision cases were previously submitted for this property:

EXISTING UTILITIES:

This property has access to utilities through the ACC development.

CURRENT LAND USES:

This property is currently vacant and undeveloped.

COMPREHENSIVE PLAN:

Applicable Future Land Use categories

LEANDER CENTRAL

- The Leander Central future development category encompasses the City’s future urban center, in close proximity to Leander Station. This area is envisioned to be a very walkable area which encourages a “sense of place” and should represent the most dense, urban form Leander will have. This is a highly activated area with first floor storefronts, employment, dense residential, and entertainment.

Land uses are less distinguishable and less regulated in the urban environment, where the focus is more on form than function. Important characteristics in the central location are building relationship with the street and pedestrian movement, signage, street design, and public gathering places.

This area is envisioned to be developed with an urban character, meaning development requires on-street or structured parking and an emphasis on pedestrian walkability. Vehicular circulation occurs along a grid-based network of complete streets with short blocks and focus on safety and efficient distribution of vehicles, bikes and pedestrians.

INTERGOVERNMENTAL/INTERDEPARTMENTAL REVIEW:

This proposal was reviewed by all applicable departments within the City of Leander. A plat will not be required for this project.

SCHEDULE:**DEVELOPMENT MEETING**

A development meeting was not held with Staff, but the applicant has been working closely with staff to coordinate the process of this project.

NOTIFICATION

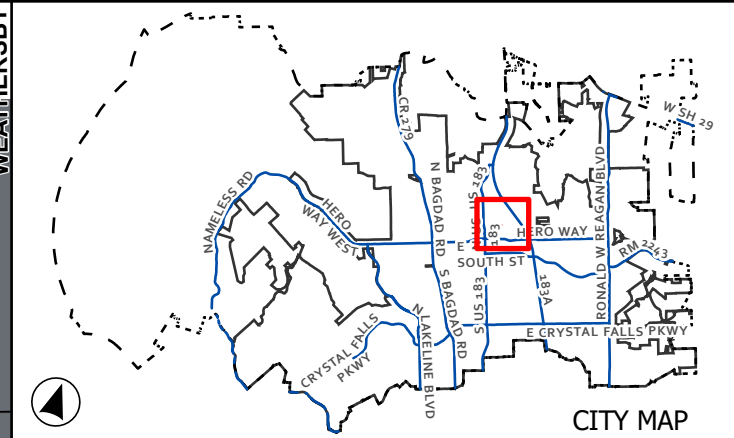
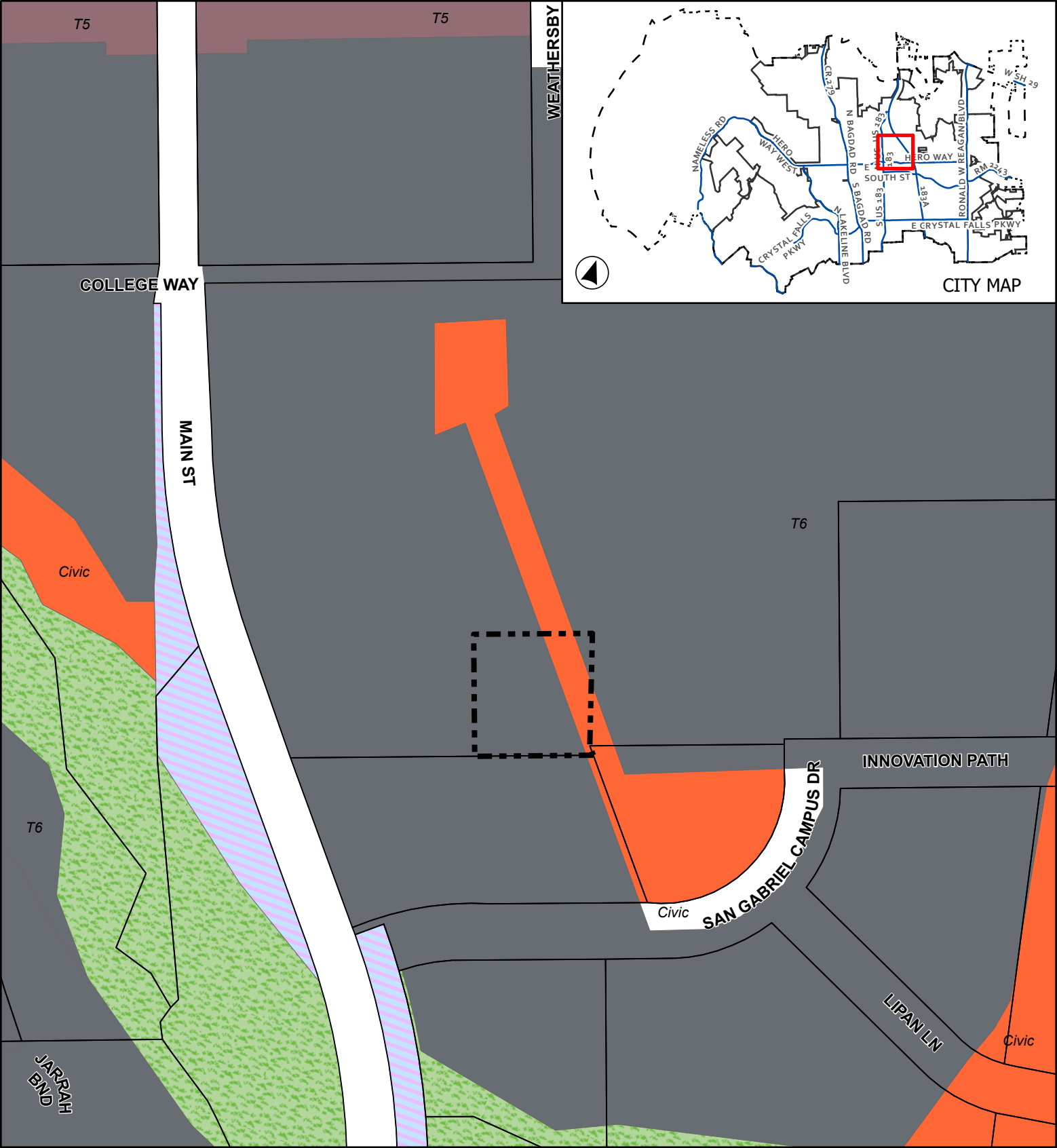
05/02/2024 - Public Notice on Hill Country News
 05/08/2024 - Mail Notification to Property Owners within 200'
 05/08/2024 - Public Hearing Signage Posted on Property
 05/23/2024 - Planning and Zoning Commission Public Hearing
 06/06/2024 - City Council Public Hearing & First Reading of the Ordinance
 06/20/2024 - 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 is required to reach 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' should also be contacted. Since there are not any residential properties located within 500' of the site, neighborhood outreach was not required for this case.

APPROVAL CRITERIA:

This proposal includes allowing a maximum of 18 temporary portable buildings for up to five years. The timeline aligns with the future construction of the permanent buildings for Austin Community College San Gabriel Campus. These temporary buildings shall be removed prior to that construction beginning. Staff recommends approval of this request.



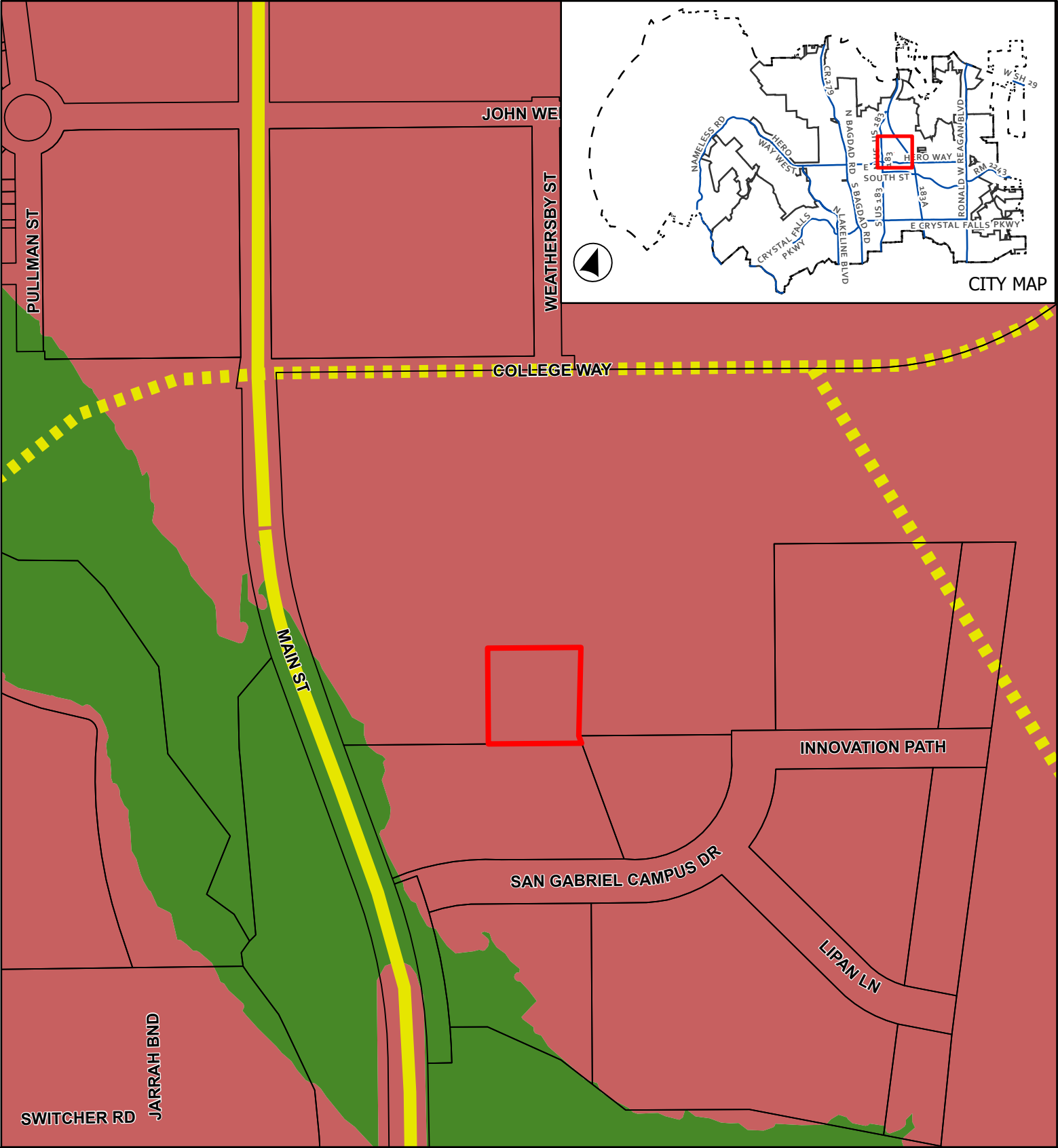
CASE: Z-24-0111 ATTACHMENT 2 ACC PORTABLES SUP

Current Zoning

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.

- | | |
|--------------------------------|---------------------|
| Leander City Limits | S2 - Station Sector |
| Extra-Territorial Jurisdiction | Civic Building |
| Subject Boundary | T5 - Urban Center |
| OS - Open Space | T6 - Urban Core |





CASE: Z-24-0111 ATTACHMENT 3 ACC PORTABLES SUP

Future Land Use Map



0 100 200

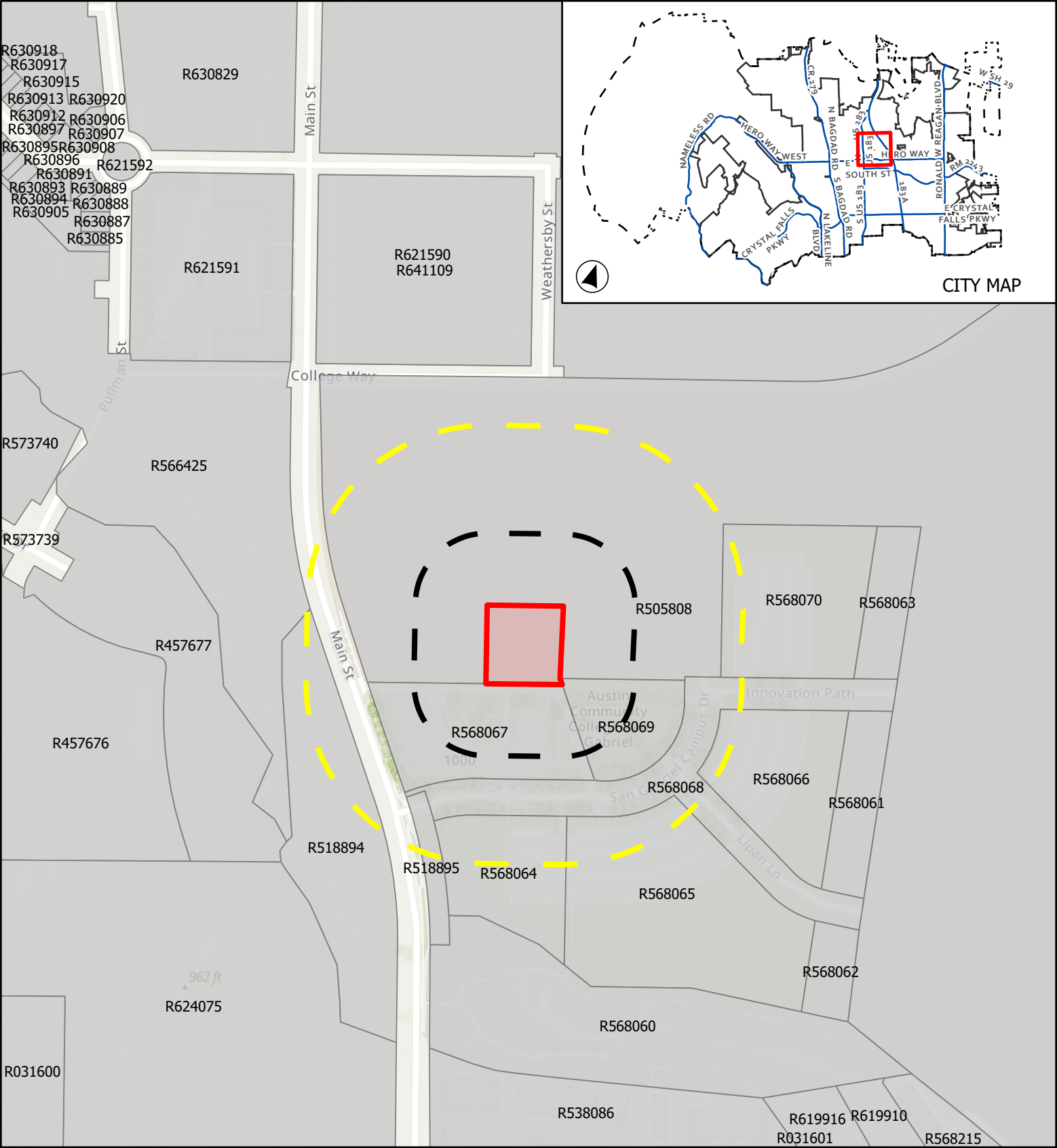


Feet

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- Leander City Limits
- ETJ Boundary
- Subject Boundary
- Leander Central

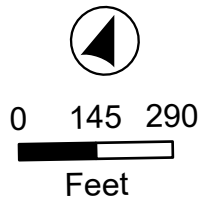
- Greenway
- Collector, Existing
- Collector, Proposed



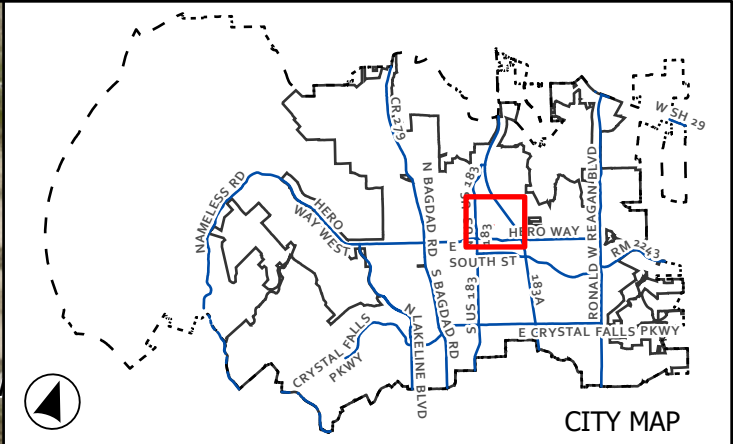
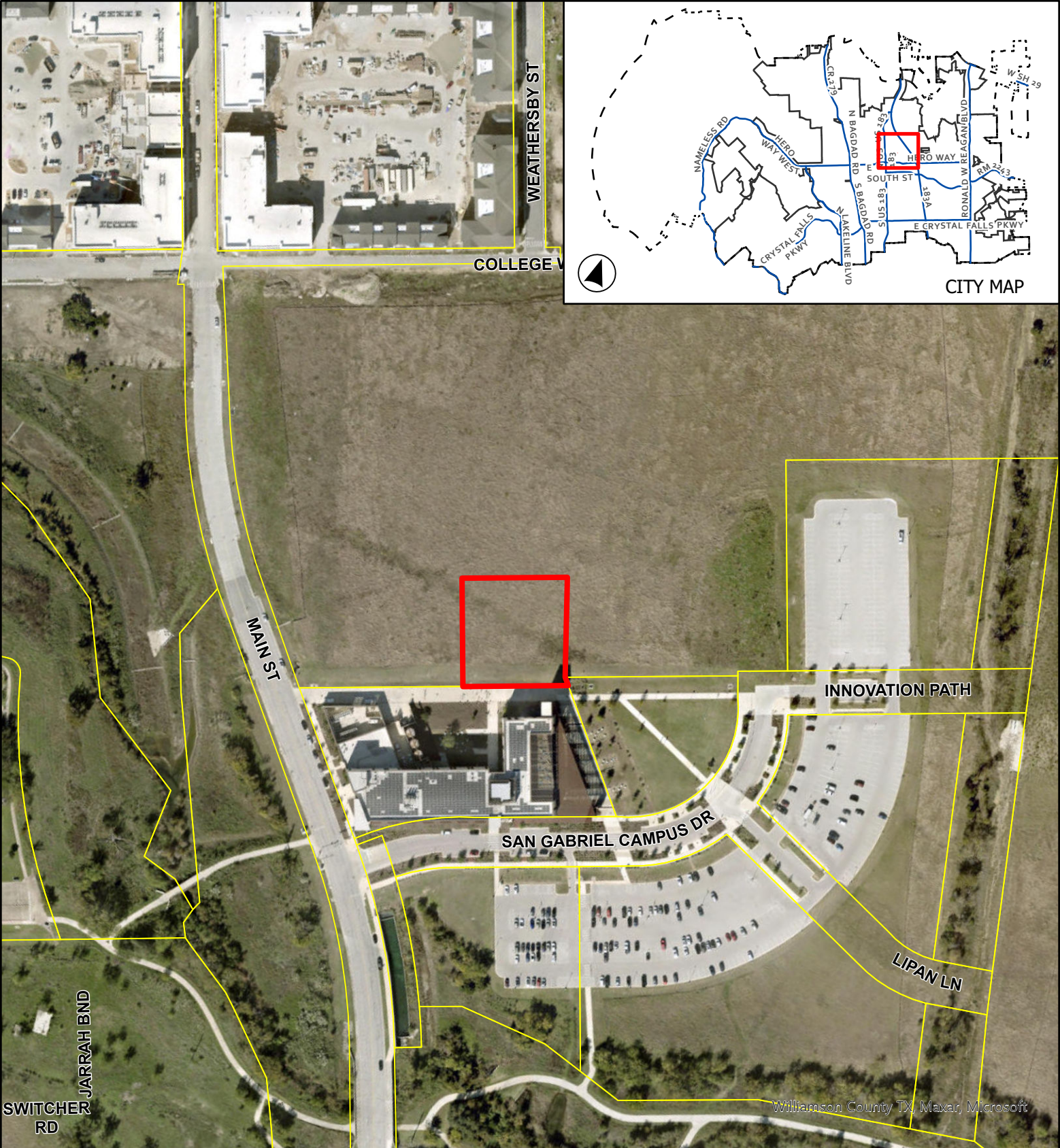
CASE: Z-24-0111 ATTACHMENT 4 ACC PORTABLES SUP

Public Notification

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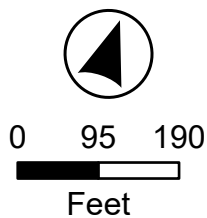
- City Limits
- ETJ Boundary
- Subject Boundary
- Notification Buffer**
- 200'
- 500'



CASE: Z-24-0111 ATTACHMENT 5 ACC PORTABLES SUP

Aerial 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.



 Leander City Limits
 Subject Boundary

NOTE: This plan is conceptual and has not been reviewed for compliance with the Subdivision Ordinance, Composite Zoning Ordinance, or TOD Ordinance Requirements.

Expiration Date: 5 years from issuance.

A Maximum of 18 temporary buildings shall be allowed on site.

Temporary Buildings shall be screened from view from the public roads at all angles.

Proposed screening area marked in red.

497.75' from property line

212.0'

218.75'

226.3' from property line

Total temporary building dimension: 218.75' x 212.0'

2019.27' from property line

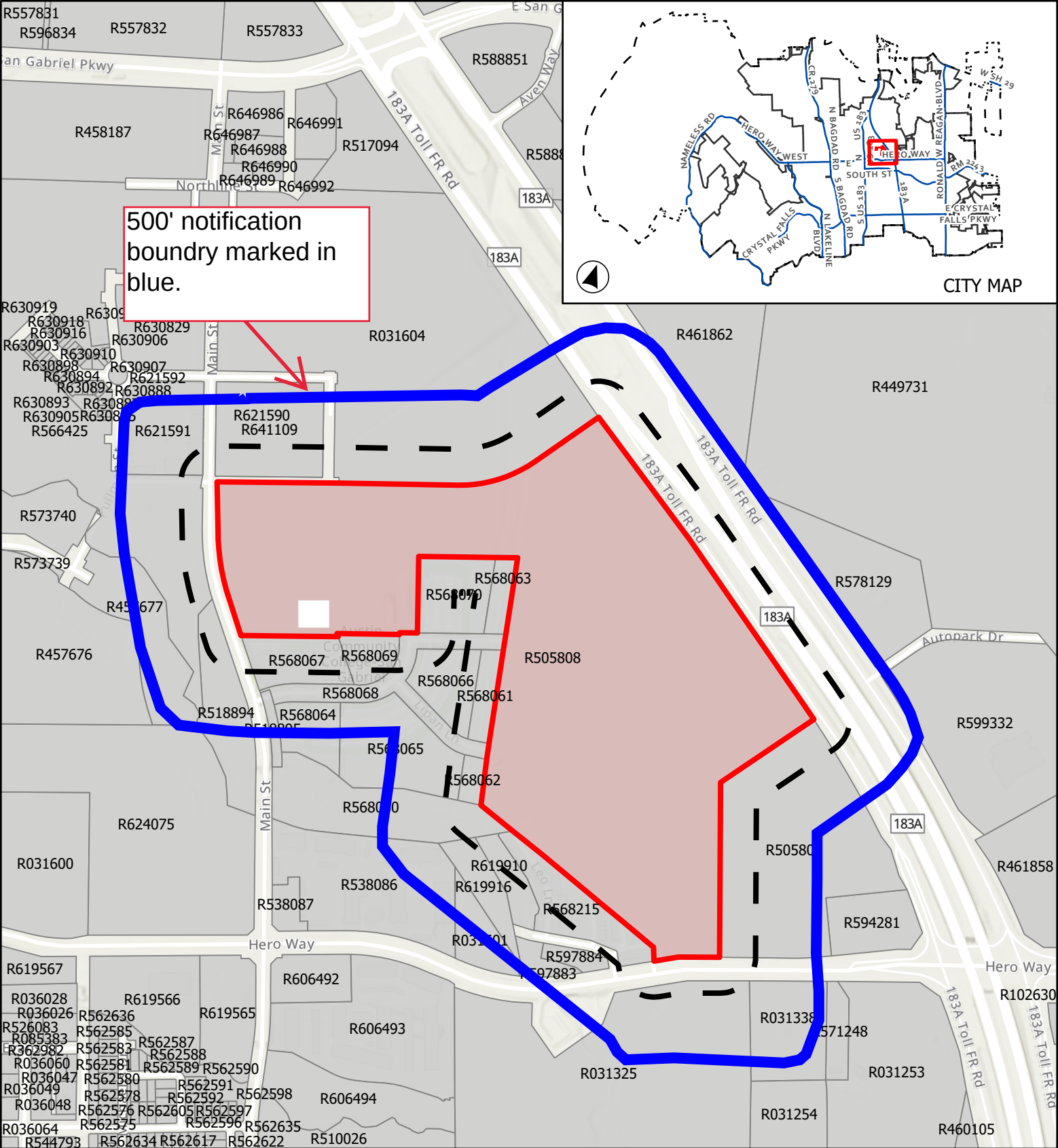
Austin Community College: San Gabriel Campus

San Gabriel Campus Dr

Main St

College Wy





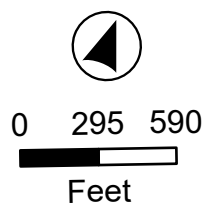
CASE: Z-24-0111

ATTACHMENT 2

**ACC-LISD
ECHS PORTABLES**

Public Notification

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.



-  City Limits
 ETJ Boundary
 Subject Boundary
 Notification Buffer

- Page 159 of 188



Leander ISD

204 W. S. Street

Leander, TX 78646

February 13th, 2024

To Whom It May Concern:

The Special Use Permit for Leander ISD Early College High School will allow the continued operation and buildout of our campus.

Leander ISD Early College High School will have the capacity for 500 students grades 9-12th at full capacity, and allows in up to 125 freshmen each year during its application and enrollment cycle. The portables contained within the special use permit will allow for all Leander ISD ECHS operations to occur within, and in the event of an emergency in the main ACC building, will have the capacity to house all Leander ISD students.

Due to enrollment growth of both Leander ISD ECHS and ACC San Gabriel, Leander ISD will need to transition to portables for the 24-25 school year to allow space for college classes for both institutions per our startup plan. The portables placed at ACC San Gabriel are intended to provide temporary relief to the space needs in anticipation of a permanent structure which is slated within a future bond.

Leander ISD will begin its planning and design phase for the permanent Leander ISD building during the fall of 2024. The ACC San Gabriel campus has designated building 14000 on their master plan as the permanent location for Leander ISD Early College High School.

Sincerely,

Dr. Clay Carrier

Senior Director of Innovative Learning Programs

Principal of ECHS, NHHS and VLA

Leander ISD



LeanderISD.org

204 W. South Street | P.O. Box 218
Leander, TX 78646

512-570-0000 | Fax: 512-570-0054

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY APPROVING THE ACC LISD ECHS PORTABLES SPECIAL USE PERMIT TO ALLOW FOR TEMPORARY BUILDINGS; 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 parcel of land, which is herein referred to as the "Property". That certain parcel of land being including 0.775 acres $\pm$; being more particularly described in Exhibit "A"; more commonly known as 449 San Gabriel Campus Drive; identified by Williamson Central Appraisal District tax identification number R505808Williamson County, Texas.

SECTION 4. Property Rezoned. The Special Use Permit is hereby approved to allow up to 18 temporary buildings as conceptually shown in Exhibit "A". The term of this permit shall be limited to a time frame of five (5) years. At the end of this term, the applicant has the ability to request an extension.

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 6th day of June, 2024.

FINALLY PASSED AND APPROVED on this the 20th day of June, 2024.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



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

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday, May 23, 2024
Regular Meeting at 6:00 PM



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

**Place 5 – James Oliver, Vice Chair
Place 6 – Laura Lantrip, Chair
Place 7 – Scott Calame
Staff Liaison – Robin Griffin**

REGULAR MEETING

1. Call to Order.
Meeting called at 6:00 p.m.
2. Roll Call.
All Commissioner were present except Commissioner Mahan.
3. Director's report to the Planning & Zoning Commission on action taken by City Council on the May 16, 2023 meeting.
4. Review of meeting protocol.
5. 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.

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

No one wished to speak.

CONSENT AGENDA: ACTION

6. Approval of the minutes for meeting held on May 9, 2024.
Motion: To approve the 5-9-2024 P & Z Minutes with correction to Item #16

By: Board Member Oliver
Seconded: Board Member May

Vote: 6 - 0 None

PUBLIC HEARING: ACTION

7. Conduct a Public Hearing regarding Special Use Case Z-24-0111 to consider action on a Special Use Permit to allow for temporary buildings on one (1) parcel of land approximately 0.775 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R505808; and more commonly known as 449 San Gabriel Campus Drive, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-24-0111 as described above.

No one spoke in favor or opposition of the request.

Motion: To approve the special use permit with a waiver from screening.

By: Board Member Cosgrove

Seconded: Board Member Calame

Vote: 6 - 0 None

8. Conduct a Public Hearing and consider action regarding Ordinance Case OR-24-0014 to amend sections of Article 10.02, Exhibit A, the Subdivision Ordinance to adopt updates to the approval process for subdivision applications, and to provide for related matters; Williamson & Travis Counties, Texas.

- Discuss and consider action regarding Ordinance Case OR-24-0014 as described above.

No one spoke in favor or opposition of the request.

Motion: To approve the request

By: Board Member Cosgrove

Seconded: Board Member Oliver

Vote: 6 - 0 None

REGULAR AGENDA

9. Adjournment Adjourned at 6:20 p.m.

APPROVED

CHAIR

ATTEST:

STAFF LIAISON



EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Discuss and consider action on the approval of the Glory Hill Phasing Plan associated with Subdivision Case CP-24-0030 on four (4) parcels of land approximately 16.4 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R568149, R551919, R082172, and R082171; generally located east of the intersection of Raider Way and East Woodview Drive, Leander, Williamson County, Texas.

BACKGROUND:

On January 2022, the City Council approved an update to the Subdivision Ordinance and Chapter 13 Utilities which added provisions for development phasing in response to the City's water concerns. The City Council conducted their annual review of the changes in January 2024 and determined that the phasing is still needed.

This proposal is for the approval of the Glory Hill Phasing Plan, which would allow for the development of forty-two (42) single-family lots in one (1) phase. Chapter 13 Utilities requires that a phasing plan is required when a subdivision includes more than thirty (30) lots.

Sec. 13.12.002. - Development phasing plan required.

A development phasing plan is required for any subdivision within the city limits and extraterritorial jurisdiction that includes more than 30 lots or units. The development phasing plan for the subdivision must be approved by the city council before a subdivision concept plan will be approved.

HISTORY/TIMELINE:

11/02/2023 - Zoning Approved

APPLICANT/AGENT:

Doucet & Associates, Inc. (Casey Giles) on behalf of Scott & Angela Muller

RECOMMENDATION:

Staff recommends approval of allowing this development to not include multiple phases since the total lot count is forty-two (42).

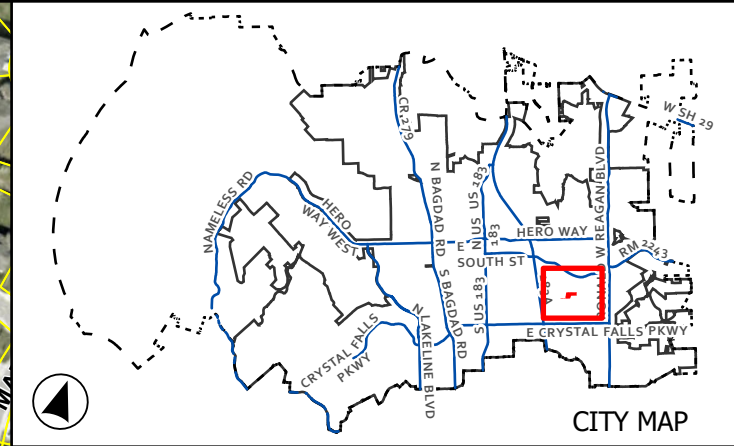
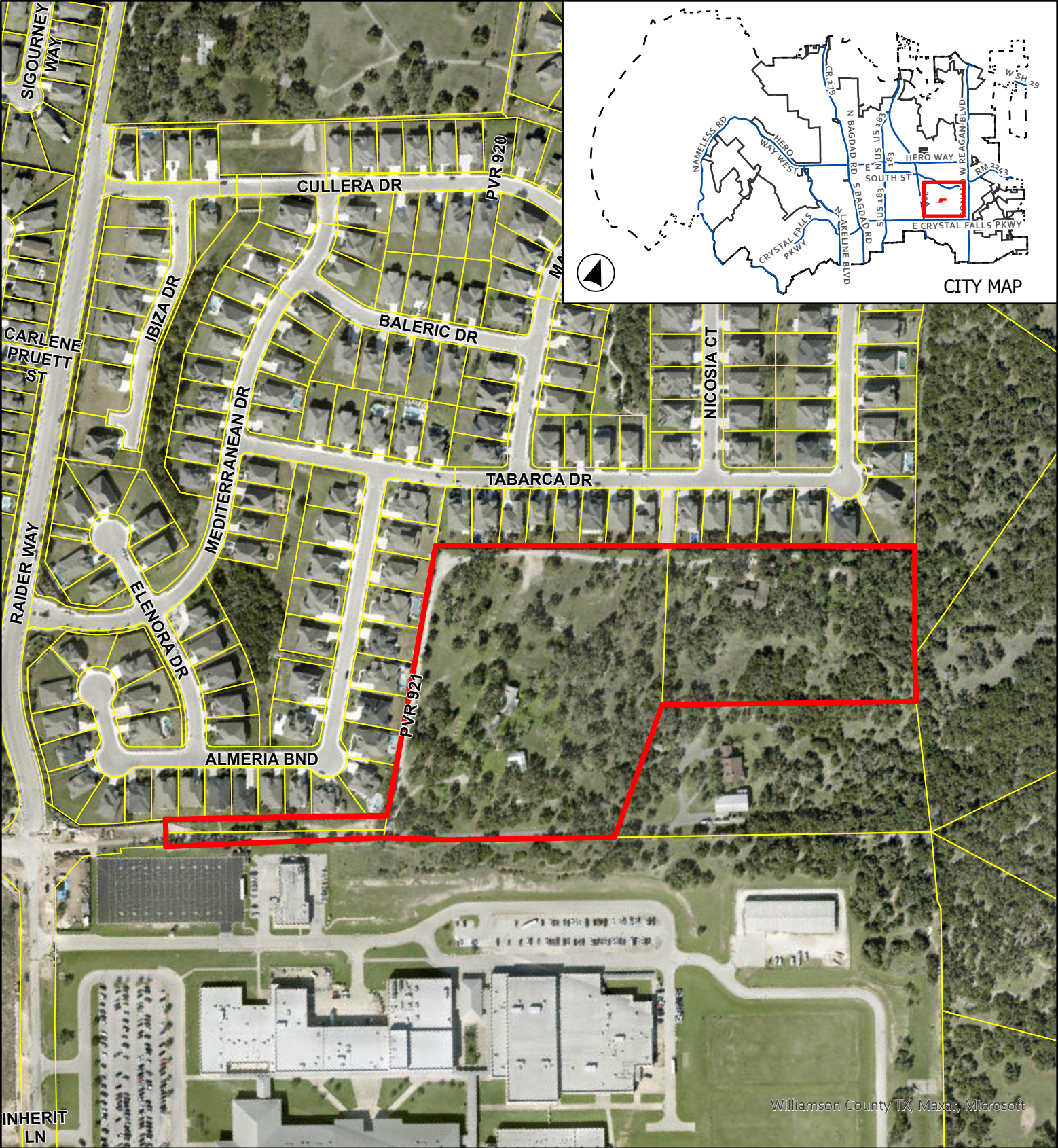
PRESENTER:

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

Fiscal Impact

Attachments:

1. CP-24-0030 Att 1 Glory Hill - Phasing Plan
2. CP-24-0030 Att 2 Glory Hill - Location Map



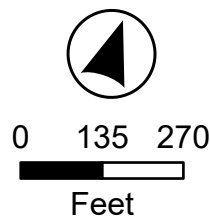
CASE: CP-24-0030

ATTACHMENT 2

GLORY HILL SUBDIVISION

Aerial 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.



 Leander City Limits
 Subject Boundary



EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Discuss and consider action on an Ordinance amending Article 1.04 of the City of Leander Code of Ordinances to establish a Civil Service Commission in accordance with Chapter 143 of the Texas Local Government Code for the implementation and administration of civil service for firefighters; providing for a civil service director; and providing for severability, effective date, open meetings, and related matters.

BACKGROUND:

At the special election held on May 4, 2024, the voters of the City of Leander voted to adopt Chapter 143 of the Texas Local Government Code (Chapter 143) providing for civil service for firefighters. Chapter 143 provides that on adoption of Chapter 143, the Firefighters' Civil Service Commission is established. In accordance with the will of the voters, the City is required to implement Chapter 143 within thirty (30) days of the full fiscal year after the date of the election adopting civil service. This ordinance is one of the steps in implementing civil service for firefighters and codifies the creation of the Firefighters' Civil Service Commission and the position of the Civil Service Director in the City's Code of Ordinances. The Firefighters' Civil Service Commission performs certain duties set out in Chapter 143 which include appointing the Civil Service Director, adopting rules necessary for the proper conduct of Commission business, adopting rules for employment, classification, and removal and suspension of firefighters, and hearing disciplinary appeals. The Civil Service Director serves as secretary to the Commission, and performs work incidental to the civil service system, as may be required by the Commission.

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

Staff recommends approval of the ordinance.

PRESENTER:

Paige Saenz, City Attorney

Fiscal Impact

Attachments:

1. Ordinance Civil Service Commission

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING ARTICLE 1.04, OF THE CITY OF LEANDER CODE OF ORDINANCES TO ESTABLISH A CIVIL SERVICE COMMISSION IN ACCORDANCE WITH CHAPTER 143 OF THE TEXAS LOCAL GOVERNMENT CODE FOR THE IMPLEMENTATION AND ADMINISTRATION OF CIVIL SERVICE FOR FIRE FIGHTERS; PROVIDING FOR A CIVIL SERVICE DIRECTOR; AND PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, OPEN MEETINGS, AND RELATED MATTERS.

WHEREAS, pursuant to a special election held on May 4, 2024, the voters of the City of Leander voted to adopt Chapter 143 of the Texas Local Government Code (Chapter 143) providing for civil service for fire fighters; and

WHEREAS, Chapter 143 provides that on adoption of Chapter 143, the Fire Fighters' Civil Service Commission is established; and

WHEREAS, the City Council of the City of Leander finds that establishing a fire fighters' civil service commission is required by state law and, in accordance with the City of Leander's practices, does, hereby establish such commission by ordinance;

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. Civil Service Commission Established. Article 1.04, Chapter 1 of the City of Leander Code of Ordinances is hereby amended by adding Division 7, entitled "Fire Fighter's Civil Service Commission" to read as set forth in Exhibit A.

Section 3. Severability. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 4. Effective Date. This Ordinance will become effective upon its adoption, passage by the City Council in accordance with the procedures on the date of passage as required and publication as required by law.

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.

PASSED AND APPROVED this 20 day of June, 2024.

CITY OF LEANDER, TEXAS

BY: _____
Christine DeLisle, Mayor

ATTEST:

Dara Crabtree, City Secretary

EXHIBIT A
DIVISION 7. FIRE FIGHTERS' CIVIL SERVICE COMMISSION

Sec. 1.04.041. - Established; membership.

- (a) In accordance with V.T.C.A., Texas Local Government Code ch. 143, as amended, a firefighters' civil service commission is hereby established.
- (b) The firefighters' civil service commission shall consist of three members appointed by the city manager and confirmed by the city council. Except as provided herein, members shall serve three-year terms with the term of one member expiring each year. In making initial appointments, the city manager shall designate one member to serve a one-year term, one member to serve a two-year term, and one member to serve a three-year term in the manner required by this section. Except as provided herein, the city manager may reappoint a firefighters' civil service commission member to three consecutive terms. The city manager may reappoint a firefighters' civil service commission member to a fourth or subsequent consecutive term if such member is confirmed by two-thirds majority of all of the members of the city council.
- (c) Each commissioner of the firefighters' civil service commission shall meet the following qualifications:
 - (1) Be of good moral character;
 - (2) Be a citizen of the United States;
 - (3) Be a resident of the city who has resided in the city for more than three years;
 - (4) Be over the age of 25 years; and
 - (5) Shall not have held any public office within the preceding three years.

Sec. 1.04.042. - Vacancies.

If a vacancy occurs or if an appointee fails to qualify within 10 days after the date of appointment, the city manager shall appoint a person to serve the remainder of the unexpired term in the same manner as the original appointment.

Sec. 1.04.043. – Commission officers.

Each January, the commissioners shall elect a chairperson and vice-chairperson.

Sec. 1.04.044. – Removal of commissioners.

The city council may remove a member of the civil service commission according to V.T.C.A., Texas Local Government Code § 143.007, or other applicable law.

Sec. 1.04.045. – Duties.

The duties of the civil service commission shall be as delineated to the firefighters' civil service

commission by V.T.C.A. Local Government Code ch. 143, as amended or hereafter amended.

Sec. 1.04.046. – Office of the Director of Civil Service.

- (a) *Office created.* There is hereby created the office of director of the firefighters' civil service, which office shall be filled by the appointment of the firefighters' civil service commission. Except for the residency requirement, the director shall meet the requirements for appointment to the commission.
- (b) *Compensation.* The city council shall set the salary, if any, to be paid to the director.
- (c) *Duties of the director.* The director shall serve as secretary to the commission, and shall perform all such work incidental to the civil service system, as may be required by the commission.
- (d) *Removal of the director.* The director shall at all times be subject to removal by the commission upon majority vote.”



EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Discuss and consider action on a Resolution confirming the appointment of Commissioners to the Firefighters' Civil Service Commission; and providing for open meetings.

BACKGROUND:

At the special election held on May 4, 2024, the voters of the City of Leander voted to adopt Chapter 143 of the Texas Local Government Code (Chapter 143) providing for civil service for firefighters. Chapter 143 provides that on adoption of Chapter 143, the Firefighters' Civil Service Commission is established. Chapter 143 further provides that the City Manager appoints the members of the Commission within sixty (60) days after the date Chapter 143 is adopted, and that the appointments must be confirmed by the City Council. Commissioner members serve staggered three (3)- year terms. Chapter 143 provides that in making initial appointments, the City Manager shall designate one (1) member to serve a one (1)- year term, one (1) member to serve a two (2)- year term, and one (1) member to serve a three (3)- year term. The City Manager has appointed three (3) individuals set forth in Exhibit A to the Resolution to serve as Commissioners, and has designated their respective terms in accordance with Chapter 143.

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

Staff recommends approval of the resolution.

PRESENTER:

Paige Saenz, City Attorney

Fiscal Impact

Attachments:

1. Resolution Civil Service Appointment Exhibit A

A RESOLUTION OF THE CITY OF LEANDER, TEXAS

RESOLUTION NO.

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, CONFIRMING THE APPOINTMENT OF COMMISSIONERS TO THE FIREFIGHTERS' CIVIL SERVICE COMMISSION; AND PROVIDING FOR OPEN MEETINGS

WHEREAS, pursuant to a special election held on May 4, 2024, the voters of the City of Leander voted to adopt Chapter 143 of the Texas Local Government Code ("Chapter 143") providing for civil service for fire fighters; and

WHEREAS, Chapter 143 provides that on adoption of Chapter 143, the Fire Fighters' Civil Service Commission (the "Commission") is established; and

WHEREAS, Chapter 143 further provides that the City Manager shall appoint the members of the Commission within 60 days after the date Chapter 143 is adopted, who must be confirmed by the City Council;

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

SECTION ONE: 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 TWO: The City Manager's appointments to the Firefighters' Civil Service Commission set forth in Exhibit A are hereby confirmed.

SECTION THREE: 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 the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

PASSED AND APPROVED this the 20th day of June, 2024.

ATTEST:

CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor

Exhibit A



Office of the City Manager

SAMPLE LETTER

[Date]

RE: Appointment to the Firefighters' Civil Service Commission

Dear [Appointee Name]:

Pursuant to Section 143.006, Texas Local Government Code, it is my pleasure to appoint you to the City of Leander Firefighters' Civil Service Commission, subject to confirmation from the City Council. You are appointed to serve the following terms:

[Appointee Name]: ____-year term

[Appointee Name]: ____-year term

[Appointee Name]: ____-year term

On behalf of the City, we extend our appreciation for your willingness to serve.

Sincerely,

Todd Parton
City Manager





EXECUTIVE SUMMARY
6/20/2024

AGENDA SUBJECT:

Discuss and consider action on an Ordinance granting authority to the City Manager to establish purchasing policies and procedures; authorizing the City Manager to execute change orders or amendments to agreements within the authority level set forth in the City Charter and applicable State law; authorizing the City Manager to execute contracts approved by the City Council; amending conflicting ordinances; making findings of fact; and providing an effective date.

BACKGROUND:

In 2013, City Council approved Resolution 13-17-00 which delegated authority to the City Manager to approve change orders pursuant to Texas Local Government Code Chapter 252. The City Manager's authority was limited to \$50,000.00 per change order and no more than twenty-five (25%) percent of the original contract amount. Since 2013, City staff has interpreted the intent of the Council Resolution to be applicable to any contract.

In 2023, the state legislature passed HB 1440 which clarified that Chapter 252 only applies to contracts that were subject to competitive bidding and therefore did not limit a governing body's ability to delegate change order authority for other types of contracts; e.g., professional services. The proposed ordinance replaces the 2013 resolution with more clarity and specificity regarding the City Manager's change order authority by clearly defining that it includes all types of contracts and is limited to \$50,000.0 per change order and/or may not exceed twenty-five (25%) percent of the total contract amount. The ordinance also provides partial cleanup of an outdated ordinance that limited to the City Manager's purchasing authority to less than \$5,000.00 which at one time was the competitive bid limit for local governments.

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

Recommend Approval

PRESENTER:

Robert G. Powers, Executive Finance Director

Fiscal Impact

Attachments:

1. Ordinance City Manager Purchasing Authority 6.20.24
2. Resolution Adopting Change Order Policy
3. HB1440 2023
4. Ordinance Sec.9.02.035 City Manager Purchasing
5. City Manager Change Order Authority 11.8.2022

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, GRANTING AUTHORITY TO THE CITY MANAGER TO ESTABLISH PURCHASING POLICIES AND PROCEDURES; AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS OR AMENDMENTS TO AGREEMENTS WITHIN THE AUTHORITY LEVEL SET FORTH IN THE CITY CHARTER AND APPLICABLE STATE LAW; AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS APPROVED BY THE CITY COUNCIL; AMENDING CONFLICTING ORDINANCES; MAKING FINDINGS OF FACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Leander, Texas, desires to maintain fiscal responsibility and to provide for efficient administration of City services by establishing cost effective and efficient purchasing policies, practices, and procedures that are consistent with the City Charter and state law;

WHEREAS, Section 8.10 of the City Charter authorizes the City Manager to authorize purchases and execute contracts for such purchases that do not exceed the competitive bid limits without Council approval, provided that the director of finance certifies that there are sufficient unencumbered funds appropriated for the purchase;

WHEREAS, the City Council desires to delegate to the City Manager the authority to approve individual change orders and amendments to contracts approved by the City Council; and **WHEREAS**, the City Council specifically finds that this Ordinance is consistent with the City Charter;

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

Section 1. The City Manager, as the chief executive officer of the City, is hereby charged with establishing, maintaining and enforcing all purchasing policies within the City that fully comply with the City Charter and all applicable local, state, or federal laws and that protect the taxpayers of Leander.

Section 2. The City Council further grants authority to the City Manager, or his designee, to approve individual change orders, amendments to contracts, or task orders for master contracts that involve a decrease or an increase in the contract in an amount not to exceed \$50,000 and consistent with the City Manager's purchasing authority set forth in Section 8.10 of the City Charter. The original contract price may not be increased by more than twenty-five percent (25%). The original contract price may not be decreased by more than twenty-five percent (25%) without the consent of the vendor. The City Manager, or his designee, is further authorized to

execute any contracts, agreements, task orders, amendments, or change orders of the City that have been approved by the City Council.

Section 3. 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. Section 9.02.035(a)(7) of the City of Leander Code of ordinances is hereby repealed. 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. 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 5. 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 this _____ day of June, 2024.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEANDER
GRANTING AUTHORITY TO THE CITY MANAGER TO ESTABLISH
PURCHASING POLICIES AND PROCEDURES AND AUTHORITY TO
APPROVE CHANGE ORDERS SUBJECT TO LIMITATIONS SET BY STATE
LAW, AS AMENDED.

WHEREAS, the City Council desires to maintain fiscal responsibility by establishing cost effective purchasing policies and procedures; and,

WHEREAS, Chapter 252 of the Texas Local Government Code allows the governing body of a municipality to grant general authority to an administrative official to approve change orders to contracts that involve a decrease or increase of \$50,000 or less.

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

Section 1: The City Manager, as the chief executive officer of the City, is hereby charged with establishing, maintaining and enforcing all purchasing policies within the City that fully comply with all applicable, local, state, or federal laws and that protect the taxpayers of Leander.

Section 2: The City Council shall evaluate the effectiveness of such policies and procedures during its approval of the City's Annual Budget as well as when it is called upon to approve contracts for goods and services.

Section 3: The City Council further grants authority to the City Manager, or his designee, to approve change orders that involve a decrease or an increase in the contract amount as allowed by state statute.

PASSED AND APPROVED this 4th day of April, 2013.

CITY OF LEANDER, TEXAS



Christopher Fielder, Mayor

ATTEST:



Debbie Haile, City Secretary

BILL ANALYSIS

Senate Research Center
88R3606 KBB-D

H.B. 1440
By: Button et al. (Hall)
Local Government
5/11/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1440 streamlines the change order approval process for the City of Garland and clarifies that approval requirements under Section 252.048, Local Government Code, only apply to change orders for contracts awarded through competitive bidding procedures.

- Subchapters B and C, Chapter 252, Local Government Code, govern the purchasing and contracting authority of municipalities. Subchapter B requires contracts for an amount greater than \$50,000 to be awarded through competitive bidding procedures.
- Subchapter C provides the procedures for competitive bidding and approving change orders. Section 252.048 allows a municipality's governing body to approve a change order when changes in plans or specifications are necessary after a contract has been awarded through competitive bidding procedures.
- Section 252.048(d) streamlines this process by allowing a municipality's governing body to delegate approval of change orders that involve an amount less than \$50,000 to an authorized administrative official. However, approval may not be delegated if the change order increases the original contract price by more than 25 percent.
- Current law does not specify whether Section 252.048 applies to only change orders for contracts subject to competitive bidding procedures or to all change orders. Therefore, a municipality's methods of approval are limited by the provisions set forth in Section 252.048 even for change orders to contracts that were not subject to competitive bidding procedures.
- Practically, this means a municipality must seek approval from its governing body, rather than delegate approval authority to an authorized administrative official, for any change order that increases the original contract price by 25 percent. This is true even if both the change order and corresponding contract involve amounts less than \$50,000 and the contract was never required to be awarded through competitive bidding procedures.

H.B. 1440:

- H.B. 1440 clarifies that change order approval procedures provided by Section 252.048 only apply to contracts awarded through competitive bidding procedures. This restores the intent of Chapter 252, which only subjects contracts greater than \$50,000 to competitive bidding procedures, and Section 242.048, which provides an expeditious process for approving minor changes.
- In addition to providing clarity to the change order approval process for contracts, generally, the bill allows Garland to grant authority to an administrative official to approve change orders to public works contracts involving an increase or decrease of \$100,000 or less.
- These minor changes will allow Garland to enter into necessary contracts more efficiently and to govern its residents more effectively.

H.B. 1440 amends current law relating to the authority to approve change orders for certain municipal contracts.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 252.048, Local Government Code, by amending Subsection (c-1) and adding Subsection (e), as follows:

(c-1) Authorizes the governing body of a municipality with a population of 240,000 or more, rather than 300,000 or more, if a change order for a public works contract in the municipality involves a decrease or an increase of \$100,000 or less, or a lesser amount as provided by ordinance, to grant general authority to an administrative official of the municipality to approve the change order.

(e) Provides that Section 252.048 (Change Orders) applies only to a contract awarded through a competitive procedure as required by Section 252.021 (Competitive Requirements for Purchases).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.

Sec. 9.02.035. Powers and duties; bond.

- (a) The city manager shall be the chief administrative officer of the city and shall be responsible to the city council for the proper administration of all affairs of the city. To that end, the city manager shall have the authority, duty and responsibility as required to:
- (1) Prepare job descriptions for approval by the city council, delegate duties to the officers and employees of the city, fill budgeted positions of the city, terminate, suspend, or discipline any employee, and exercise supervision and control over all departments of the city created by the city council or that hereafter may be created by the city council.
 - (2) Ensure that all applicable laws and ordinances are enforced.
 - (3) Attend all meetings of the city council with the right to participate in the discussion but having no vote.
 - (4) Assist the mayor as chief budget officer of the city, pursuant to V.T.C.A., Local Government Code § 102.001 in the preparation, review and submission to the city council prior to the beginning of each fiscal year of a budget for proposed expenditures for the ensuing year together with a message describing the important features of said budget. The city manager shall render such assistance as the mayor may find reasonably necessary in the preparation and submission of said budget. The city manager shall further, as directed by the city council, assist the city council with respect to its consideration of said budget. The city manager shall assure the proper administration of the budget after its adoption by the city council.
 - (5) Prepare and submit to the city council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.
 - (6) Keep the city council advised of the financial condition and future needs of the city and provide such information and service as may be deemed reasonably necessary by the mayor as the chief budget officer of the city. The city manager shall further advise and assist the city council to assure the accomplishment of the annual audit pursuant to V.T.C.A., Local Government Code § 103.001.
 - (7) Supervise the purchase of all materials, supplies, and equipment for which funds are provided in the budget, and purchase budgeted materials and supplies necessary for operation or maintenance of city services for amounts up to and including \$4,999.99. All expenditures of \$5,000.00 or more shall be approved by city council after compliance with the competitive bidding procedures of state law. No purchase shall be made, contract let, or obligation incurred for any item or service which exceeds the current departmental budget appropriation without a supplemental appropriation approved by the council. No contract shall be let except by the city council. The city manager shall advise the city council on the advantages or disadvantages of contract and bid proposals. The city manager may issue written rules governing procedures for purchasing consistent with this section and with applicable state law.
 - (8) In the event of accident, disaster, or other circumstance creating a public emergency, the city manager shall provide the mayor such assistance as may be necessary and may award contracts and make purchases for the purpose of meeting said emergency, but shall file within 72 hours with the city council a certificate describing any such emergency and showing the necessity for such emergency purchases, together with an itemized account of all such expenditures.
 - (9) The city manager shall have such further authority, duties and responsibilities as may be reasonably implied from the terms of this division and as heretofore or hereafter provided by the city council.
- (b) The city manager shall be bonded in an amount determined from time to time by the city council, which bond shall be conditioned upon the good and faithful performance of the authorities and performances of the office and position of city manager. The premium of the bond shall be paid by the city.

(2003 Code, sec. 9.305)

(Supp. No. 2, Update 1)

Created: 2024-03-14 10:09:28 [EST]



Office of the City Manager

Nov. 8, 2022

RE: Change Order Authority

Department Directors:

Leander City Council Resolution 13-017-00, adopted April 4, 2013, permits the City Manager to delegate authority to approve contract change orders. I hereby authorize Department Directors to approve written change orders to existing contracts within their supervision in amounts less than \$25,000 per change order.

Moreover, the sum of all change orders approved, including those approved by the City Manager or City Manager's designee, are contingent upon available and appropriated funds within the City budget and cannot cumulatively exceed 25% of the original contract amount.

Documentation of change orders, to include detailed summary explanations, shall also be provided to Finance, Purchasing, and the City Secretary's Office before distributing to the contracting entity.

No authority granted by this letter may be in conflict with the city charter or any other applicable municipal, state, or federal procurement laws.

Sincerely,



Richard B. Beverlin, III
City Manager

Encl.
Resolution 13-017-00



RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEANDER
GRANTING AUTHORITY TO THE CITY MANAGER TO ESTABLISH
PURCHASING POLICIES AND PROCEDURES AND AUTHORITY TO
APPROVE CHANGE ORDERS SUBJECT TO LIMITATIONS SET BY STATE
LAW, AS AMENDED.

WHEREAS, the City Council desires to maintain fiscal responsibility by establishing cost effective purchasing policies and procedures; and,

WHEREAS, Chapter 252 of the Texas Local Government Code allows the governing body of a municipality to grant general authority to an administrative official to approve change orders to contracts that involve a decrease or increase of \$50,000 or less.

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

Section 1: The City Manager, as the chief executive officer of the City, is hereby charged with establishing, maintaining and enforcing all purchasing policies within the City that fully comply with all applicable, local, state, or federal laws and that protect the taxpayers of Leander.

Section 2: The City Council shall evaluate the effectiveness of such policies and procedures during its approval of the City's Annual Budget as well as when it is called upon to approve contracts for goods and services.

Section 3: The City Council further grants authority to the City Manager, or his designee, to approve change orders that involve a decrease or an increase in the contract amount as allowed by state statute.

PASSED AND APPROVED this 4th day of April, 2013.

CITY OF LEANDER, TEXAS



Christopher Fielder, Mayor

ATTEST:



Debbie Haile, City Secretary