CITY OF LEANDER, TEXAS

ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE LEANDER CITY CODE BY AMENDING CHAPTER 1, CHAPTER 9, AND CHAPTER 11, OF THE CODE TO PROVIDE UNIFORMITY IN THE COMPOSITION AND TERMS OF THE CITY’S BOARDS AND COMMISSIONS; PROVIDING SEVERABILITY, OPEN MEETINGS, AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

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 incorporated herein as findings of fact.

Section 2. Attendance. The City of Leander Code of Ordinances, Chapter 1, General Provisions, Article 1.04, Boards, Commissions and Committees, is hereby amended by amending Section 1.04.001, part (e), to read as follows:

(e) The provisions of this section shall not apply to members of the city council.

Section 3. Planning and Zoning Commission Terms. The City of Leander Code of Ordinances, Chapter 1, General Provisions, Article 1.04, Boards, Commissions and Committees, is hereby amended by amending Section 1.04.033, part (a), to read as follows:

(a) The members of the commission shall be identified by place numbers one (1) through seven (7). Commission members who are appointed to serve a term that begins after September 30, 2006, shall serve three-year terms, with the term beginning on November 1st of the year of appointment and expiring on October 31st three years later. The term for commission places 2, 4, 6, and 7 shall begin on November 1st following the general election of the mayor and city council places 2, 4, and 6, and shall expire on October 31st three years later. The term for commission places 1, 3, and 5 shall begin on November 1st following the general election of city council places 1, 3, and 5, and expire on October 31st three years later.

Section 4. Parks Commission Terms. The City of Leander Code of Ordinances, Chapter 1, General Provisions, Article 1.04, Boards, Commissions and Committees, is hereby amended by amending Section 1.04.091, part (d), to read as follows:

(d) During the month of September each year, or the year that board members’ term expire, the parks and recreation department will solicit applications for vacant board positions and submit those to the board selection committee and the city council in October. The city council shall appoint members to fill all vacancies. The term of each member shall begin on November 1st and end on October 31st of the year that board member’s term expires.
Section 5. Historic Preservation Commission Qualifications and Terms. The City of Leander Code of Ordinances, Chapter 1, General Provisions, Article 1.04, Boards, Commissions and Committees, is hereby amended by amending Section 1.04.121, part (b) and part (c), to read as follows:

(b) The commission shall serve as an advisory body to the city council and shall consist of seven (7) members appointed by the city council, and shall whenever possible meet one or more of the following qualifications:

(1) A registered architect, planner or representative of a design profession;
(2) A registered professional engineer in the state;
(3) A member of a nonprofit historical organization of the county;
(4) A local licensed real estate broker or member of the financial community;
(5) An owner of a historic landmark residential building;
(6) An owner or tenant of a business property that is a historic landmark or in a historic district.

(c) The members of the commission shall be identified by place numbers one (1) through seven (7). All commission members shall serve three-year terms, with the term beginning on November 1st of the year of appointment and expiring on October 31st three years later. The term for commission places 2, 4, 6, and 7 shall begin on November 1st following the general election of the mayor and city council places 2, 4, and 6, and shall expire on October 31st three years later. The term for commission places 1, 3, and 5 shall begin on November 1st following the general election of city council places 1, 3, and 5, and expire on October 31st three years later.

Section 6. Public Art Program Definitions. The City of Leander Code of Ordinances, Chapter 1, General Provisions, Article 1.14, Public Art Program, is hereby amended by amending Section 1.14.001, part (a), by amending the definition “Municipal construction project,” adding a definition for “parks,” and amending the definition for “Works of art or artworks” to read as follows:

Municipal construction project. Any project to be paid for wholly or in part by the city, regardless of the source of the monies, to construct, remodel or reconstruct any public buildings, decorative or commemorative structures, parking facilities and/or parks, or any portion of any of such buildings, structures, facilities or parks, belonging to the city, within its geographical boundaries as they now exist or shall exist in the future. This does not include road/street projects either new or repaving and/or utility projects, such as water or waste water lines.
Parks. Projects types include active parks, in whole or in part, such as athletic fields or courts; aquatic facilities; trails/greenways; and indoor facilities designed for activities/recreation, etc. Also includes passive parks which include public spaces such as garden areas; food courts, wildlife viewing areas; dog parks; picnic shelters; etc.

Works of art or artworks. As a guide, public art is art in any media that has been planned and executed with the intention of being staged in the physical public domain, usually outside, but not always, and accessible to all. Public art may be incorporated into architecture itself in the creation or renovation of buildings and sites; it could be interactive and designed to encourage public participation; and may also be installed in natural, environmental or landscape settings. In addition, tangible creations by artists exhibiting the high quality of skill and aesthetic principles, including but not limited to paintings, sculptures, stained glass, statues, bas reliefs, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, tapestries, photographs, drawings, monuments and fountains, fulfill the definition of public art.

Section 7. Public Art Fund. The City of Leander Code of Ordinances, Chapter 1, General Provisions, Article 1.14, Public Art Program, is hereby amended by amending Section 1.14.001, subparts (b)(1) and (b)(2), to read as follows:

(b) Public art fund.

(1) Established. There is hereby created a public art fund, which shall be a separate account set up by the city to receive monies appropriated for the public art program. The public art fund shall consist of the following:

(A) Up to one (1) percent of the construction cost of a municipal building project as bid, contracted and accepted by the city. Artwork should be first and foremost considered as a part of the project itself, and used in/for that particular city project. Any unexpended monies in this fund may be used for works of art at existing public properties and facilities as deemed appropriate by the public art commission and approved by the city council.

(B) All funds donated to the public art fund by the private sector.

(C) Other funds allocated by the city for public art through the budgetary process.

(D) Building for the Arts is specifying private developers of multi-family projects will incorporate funding public art through “X” amount (recommend $300 per dwelling unit) for public art projects that are incorporated on a city-owned site such as, library, plaza, park, trail system, and municipal buildings.

(E) Art funds can only be used within the scope of the specific project if utilizing bond funds. Bond funds cannot be used to supplement works of art at other public spaces other than the specific project to which they are attached.
(F) The public art fund shall be used solely for the selection, commission, acquisition, installation, maintenance, administration and insurance of the works of art or in relation thereto, and the administration of such funds shall be recommended to the mayor and city council by the city manager after the city manager receives the recommendation of the public art commission. The decision of the mayor and city council shall be final.

(2) Appropriations for municipal construction projects.

(A) All appropriations for public art through municipal construction projects shall include an amount of up to one (1) percent of the construction cost of a municipal construction project as bid, contracted and accepted by the city. Qualified projects are those with construction costs between one hundred thousand ($100,000.00) dollars and a maximum of twenty million (20,000,000.00) dollars. The following will be used as a guide in determining the amount to be placed in the construction budget:

- $100,000 - $5,000,000 = 0.5% ($25,000 maximum)
- $5,000,001 - $10,000,000 = 0.75% ($75,000 maximum)
- $10,000,001 - $20,000,000 = 1.0% ($200,000 maximum)
- $20,000,000+ = $200,000 maximum

The public art commission may recommend to the mayor and city council an increased expenditure for those projects of exceptional size or unique function; however, in no event shall the appropriation exceed one (1) percent.

(B) The public art commission shall review prior to an recommend to the mayor and the city council the amount of monies to be allocated for selection, commissioning, acquisition and installation of individual works of art to be incorporated as a part of the municipal construction project for which monies are appropriated under subsection (2)(A) above.

(C) Except as provided by subsection (1)(D) above, monies appropriated pursuant to this section as part of a municipal construction project but not spent in connection with the project may be utilized to supplement other appropriations for the acquisition of works of art or to place works of art on or near either existing city facilities or other city properties.

Section 8. Public Art Commission Membership. The City of Leander Code of Ordinances, Chapter 1, General Provisions, Article 1.14, Public Art Program, is hereby amended by amending Section 1.14.031 in its entirety to read as follows:
Sec. 1.14.031  Established; membership; removal of members for absence from meetings

(a) The public art commission is hereby established and shall be composed of seven (7) members who shall be residents of the city and who shall be appointed by the mayor and approved by the city council. Each member of the public art commission shall be appointed for a term of two (2) years, and no member shall serve more than three (3) consecutive terms (six years maximum). The Parks and Recreation Department shall solicit for members in July as needed and make recommendations to the board selection committee and the city council in August. The board selection committee shall interview and make recommendations to the City Council so that the City Council can make appointment(s) no later than the last Regular Council Meeting in September. Newly appointed member terms shall begin on October 1st and end on September 30th. If a vacancy shall occur on the public art commission, a successor shall be appointed to serve for the remainder of the unexpired term of the member previously appointed to the vacant position in April during mid-year appointments. Any member of the commission that consistently fails to attend meeting without good cause shown (as determined by the commission), or without prior approval of the chair of the commission (based on the good cause criteria established by the commission), may be referred by the commission to the city council for removal from the commission. They city council shall consider the referral and commission recommendation and may, in its sole discretion by majority vote, remove the referred member of the commission. The commission shall be composed of the following members:

1. One (1) city council member (Ex-officio, non-voting member);
2. One (1) member/instructor of an active local arts nonprofit organization/corporation or a commercial art dealer;
3. Two (2) art instructors within a local LISD Middle/High School; an accredited private school or an art instructor with a local college/university such as Austin Community College or Art Institute;
4. Two (2) active professional artists; and
5. Two (2) citizens, supportive of, educated in, and/or active in the field of public art or community affairs.

(b) This section addresses transition of the membership of the commission to serving staggered terms:

1. The following members appointed in 2018 will be appointed for a two year term before being replaced or reappointed: one (1) member/instructor of an active local arts nonprofit organization/corporation or a commercial art dealer; one (1) art instructor within a local LISD Middle/High School, accredited private school, or an
art instructor with a local college/university; one (1) active professional artist; and one (1) citizen.

(2) The following members appointed in 2018 will be appointed for a three year term before being replaced or reappointed: one (1) active professional artist; one (1) art instructor within a local LISD Middle/High School, accredited private school, or an art instructor with a local college/university; and one (1) citizen. After the expiration of the three-year terms, the members listed in this 1.14.031(b)(2) shall be appointed for two year terms pursuant to Section 1.14.031(a).

Section 9. Public Art Commission Officers and Support and Office Space. The City of Leander Code of Ordinances, Chapter 1, General Provisions, Article 1.14, Public Art Program, is hereby amended by amending Section 1.14.032, subparts (b)(3) and (b)(9), to read as follows:

(3) Officers. The officers of the commission shall be a chair, a vice-chair and a secretary. The first officers shall be appointed by the mayor and approved by the city council, provided that the city council member shall not serve as an officer of the commission. Thereafter, the commission shall elect the officers of the commission.

(9) Support and meeting space. The city shall furnish administrative support to the commission for the purpose of assisting in the implementation of recommendations and advice of the commission. The City will provide a location for the commission to hold meetings.

Section 10. Rules of Procedure; Officers. The City of Leander Code of Ordinances, Chapter 1, General Provisions, Article 1.14, Public Art Program, is hereby amended by amending Section 1.14.033 in its entirety to read as follows:

Sec. 1.14.033 Rules of procedure; officers

The public art commission may adopt procedural rules governing the transaction of its business. The rules may include provisions for the date, time and place of regular meetings of the commission, maintaining minutes of meetings, and records of all commission reports, conclusions and recommendations. After the expiration of the one-year term of the initial officers, the commission shall elect officers annually. Officers may be elected and may serve as an officer only for a maximum of two consecutive terms (two years) and must rotate off, even if they are appointed for a second or third successive two year commission appointment. The officers shall include a chair, vice-chairperson and secretary, who shall each be elected to serve a one-year term. All commission meetings shall be open to the public except as provided by the Open Meetings Act, and notice of meetings shall comply with the Open Meetings Act. The commission may adopt procedures that address the receipt and processing of citizen proposals and requests.

Section 11. Ethics Commission Terms. The City of Leander Code of Ordinances, Chapter 9, Personnel, Article 9.05, Code of Ethics, is hereby amended by amending Section 9.05.010, part (c), to read as follows:
(c) The members of the commission shall be identified by place numbers one (1) through seven (7). Commission members shall serve three-year terms, with the term beginning on November 1st of the year of appointment and expiring on October 31st three years later. The term for commission places 2, 4, 6, and 7 shall begin on November 1st following the general election of the mayor and city council places 2, 4, and 6, and shall expire on October 31st three years later. The term for commission places 1, 3, and 5 shall begin on November 1st following the general election of city council places 1, 3, and 5, and shall expire on October 31st three years later.

Section 12. TIRZ Board Members Terms. The City of Leander Code of Ordinances, Chapter 11, Taxation, Article 11.05, Tax Reinvestment Zones, is hereby amended by amending Section 11.05.033, part (2), to read as follows:

(2) Term of office. The members of the board shall be identified by place numbers one (1) through five (5). Board members shall serve two-year terms, with the term beginning on November 1st of the year of appointment and expiring on October 31st two years later. The term for board members 2 and 4 shall begin on November 1st following the general election of the mayor and city council places 2 and 4, and shall expire on October 31st two years later. The term for board members 1, 3, and 5 shall begin on November 1st following the general election of city council places 1, 3, and 5, and shall expire on October 31st two years later.

Section 13. Board of Adjustment Terms. The City of Leander Code of Ordinances, Chapter 1, Boards, Commissions, and Committees, Division 3, is hereby amended to be entitled “Board of Adjustment” and to add Sections 1.04.061 and 1.04.062 to read as follows:

Division 3. Board of Adjustment

Sec. 1.04.061. Organization and Membership

The Board shall consist of five citizens appointed or reappointed by the City Council. The Mayor shall have the authority to nominate persons for appointment. The members of the Board shall be identified by place numbers one (1) through five (5). Board members shall serve two-year terms, with the term beginning on November 1st of the year of appointment and expiring on October 31st two years later. The term for board members 2 and 4 shall begin on November 1st following the general election of the mayor and city council places 2 and 4, and shall expire on October 31st two years later. The term for board members 1, 3, and 5 shall begin on November 1st following the general election of city council places 1, 3, and 5, and shall expire on October 31st two years later. The Board shall elect its own chair, who shall serve for a period of one (1) year or until his or her successor is elected.

Sec. 1.04.062. Additional Requirements

Refer to Section 4, Article X, Exhibit A, Chapter 14 of the Code of Ordinances for additional requirements for the Board of Adjustment.
Section 14. Amendment of Conflicting Ordinances. Chapters 1, 9, and 11 City of Leander Code of Ordinances, are hereby amended as indicated herein and all ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 15. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair, or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 16. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 17. Effective Date. This Ordinance shall take effect and be in full force and effect on _____________, 2018.

PASSED AND APPROVED this ____ day of ____________, 2018.

ATTEST:

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Dara Crabtree, City Secretary

THE CITY OF LEANDER, TEXAS

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Christopher Fielder, Mayor