



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

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday - September 5, 2019



Mayor – Troy Hill

Place 1 – Kathryn Pantalion-Parker

Place 2 – Michelle Stephenson

Place 3 – Jason Shaw

Place 4 – Christine Sederquist

Place 5 – Chris Czernek, *Mayor Pro Tem*

Place 6 – Marci Cannon

Interim City Manager – Gordon Pierce

EXECUTIVE SESSION AND BRIEFING WORKSHOP - CONVENE AT 6:00 P.M.

1. Opened Meeting at 6:02 p.m.
2. Confirm Quorum Present. All present.
3. Convened into Executive Session at 6:03 p.m. pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding:
(1) HBA Residential Care Group, LLC v. City of Leander, HUD Case No. 06-19-5454-8 and a proposed conciliation offer; and
(2) the prior City Manager's employment agreement and strategy, litigation, and resolution of Cause No. D-1-GN-19-004678, Kent Cagle v. the City of Leander, in the 200th Judicial District Court, Travis County, Texas.

Reconvened into open session at 6:58 p.m. to take action as determined appropriate in the City Council's discretion regarding:

- (1) HBA Residential Care Group, LLC v. City of Leander, HUD Case No. 06-19-5454-8 and a proposed conciliation offer; and
- (2) the prior City Manager's employment agreement and strategy, litigation, and resolution of Cause No. D-1-GN-19-004678, Kent Cagle v. the City of Leander, in the 200th Judicial District Court, Travis County, Texas.

No action taken; will reconvene back into executive session during regular meeting.

4. If time allows, the City Council may ask questions of Staff about any item that is posted on the agenda for the Regular Meeting.

REGULAR MEETING – CONVENE AT 7:00 PM

5. Opened Meeting at 7:01 p.m., Invocation was provided by Pastor Brian Lightsey with Life Church and Mayor Hill led the Pledges of Allegiance.
6. Roll Call reflected all present.

7. Recognitions/Proclamations/Visitors.
 - Proclamation declaring September Emergency Preparedness Month
8. Staff Reports
 - Interim City Manager
 - Permits
 - Engineering Department
 - Parks Department
9. Public Comments About Agenda Items: Three (3) minutes allowed per speaker.
[Speaker request form must be turned in before the meeting begins.]

Stephani Bercu, 2500 Champions Corner Drive - commented on library rental space not available to public; library books opened up dialogue with her autistic child; library programs build connections in community; request the council reconsider the library policies; and individuals do not have to attend programs they do not support.

Ellen Deckinga, 1126 Iron Horse - commented on resident 20 years; girl scout leader; single story narrative excludes individuals; media portrayal of individuals in Leander; LGBTQ; community of one; citizens failed to have input on library policies; and hope move forwarding the community recognizes diversity.

Selica Granders, 150 Howard Lane, Austin - commented on signage restrictions; restrictions holding back companies from moving to Leander; and too many restrictions.

Amy Dark, 203 Ran Road - commented on Leander library meeting room rentals; request the council revisit the meeting room policy; issue not about lack of space for library; out dated ideas; LGBTQIA live here, spend money and vote here; clear to everyone reason for policy; and request the library director be allowed to make decisions regarding program.

Tegan Retzer, 2105 Emerald Isle Drive- commented difficult for her to speak before council; removal of renting library meeting rooms; sign she held up in past meeting; images of sign posted on hate site; hard to keep showing up but come to speak up on what believe in; requesting reopen topic of library meeting room rentals; and return control to library.

Jessica Cooper, 605 Clear Spring Lane - commented on library; being unwelcome in community; self awareness in students; everyone should feel included safe and worthy; responsibility to make students feel safe; LGBTQ readings; and the harm in erasing groups of people from a community.

Mary Hengstebeck, 1609 Lions Den - commented on increasing trust in city council; publishing of major documents prior to meeting dates; library policy changes met law in publishing but not sufficient time for public to review changes; and request city council write guidelines for documents to be published 2 weeks in advance and available to assist.

Anna Nguyen, 7603 Cat Tail Cove, Austin - commented on library; Houston based fundamentalist group; what happens in Leander affects not just Leander; two (2) gay men beaten in Austin; and mission of the public library to represent all people and ideas.

Kathy Howell, Pickle Mason House - commented on Cub Scout Pack 160 holding a flag retirement ceremony on September 15 at Veteran's Park; everyone invited; very involved ceremony; researched US flag; no rules regarding the US flag until 1942; Congress passed the Flag Code; the flag is considered a living entity; and flag retirement ceremonies reserved for Scouts.

Karen Thompson, 11327 Hero Way West - commented on flags contributed to children of DAR; shared 1938 Leander girl scout photo; and 1938-39 photo if girl scout certificate of membership for Frances

Mason and the badges she earned.

CONSENT AGENDA: ACTION

Mayor Hill announced Consent Items 11, 13 and 14 had been pulled from the Consent Agenda and would be considered separately.

Motion by Councilmember Marci Cannon, Seconded by Councilmember Kathryn Pantalion-Parker to approve Consent Agenda Item 10, Item 12 and Items 15 through 26.

Vote: 7 - 0

10. Approval of the minutes for special meeting held on August 13, 2019; regular meeting held on August 15, 2019; and special meeting and workshop held on August 22, 2019.

11. Authorize the Interim City Manager to provide notice to Hilltop Securities (formerly First Southwest Company) of the City's intention to terminate its Municipal Advisor Agreement, dated July 3, 2014, and further authorize the Interim City Manager to negotiate and execute a new agreement with RBC Capital Markets, LLC as the City's Municipal Advisor.

Motion by Councilmember Marci Cannon, Seconded by Councilmember Michelle Stephenson to authorize Interim City Manager to provide notice to Hilltop Securities terminating its Municipal Advisor Agreement and execute new agreement with RBC Capital Markets, LLC as the City's Municipal Advisor and clarify language as discussed.

Vote: 7 - 0

12. Acceptance of the Quarterly Investment Report for the period ending June 30, 2019.

13. Approval of the Second Reading of an Ordinance regarding Zoning Case 18-Z-035 to amend the current zoning of TF-2-B (Two-Family) to PUD (Planned Unit Development) with the base zoning District of CH-2-A (Cottage Housing) on one (1) parcels of land approximately 0.94 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R578189; and legally described as 1.5 acres out of lot 7 of the Leander Heights Section 2, Block A Final Plat, Leander, Williamson County, Texas.

Motion by Councilmember Marci Cannon, Seconded by Councilmember Christine Sederquist to postpone the Second Reading of an Ordinance regarding Zoning Case 18-Z-035 until the September 19, 2019 regular meeting.

Vote: 7 - 0

14. Approval of the Second Reading of an Ordinance regarding Special Use Case 19-SU-003 to consider action on a Special Use Permit to allow for GC (General Commercial) uses on one (1) parcel of land approximately 10.316 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R031710; and located at 100 Mockingbird Hill, Leander, Williamson County, Texas.

Motion by Mayor Pro Tem Chris Czernek, Seconded by Councilmember Marci Cannon to approve the Second Reading of an Ordinance regarding Special Use Case 19-SU-002.

Vote: 6 - 1

NAY: Councilmember Jason Shaw

15. Approval of the Second Reading of an Ordinance regarding Zoning Case 19-Z-012 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to SFR-3-B (Single-Family Rural) and SFE-3-B (Single-Family Estate) on a portion of one parcel of land approximately 57.01 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R032244; and more commonly known as 600 CR 267, Leander, Williamson County, Texas.
16. Approval of the Second Reading of an Ordinance regarding Zoning Case 19-Z-002 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to SFR-3-B (Single-Family Rural) and SFE-3-B (Single-Family Estate) on one (1) parcel of land approximately 77.96 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R032244; and more commonly known as 600 CR 267, Leander, Williamson County, Texas.
17. Approval of the Second Reading of an Ordinance regarding Special Use Case 19-SU-002 to allow for the temporary residential use of a travel trailer or recreational vehicle for use by an ill, convalescent or otherwise disabled friend or relative needing care from the occupant of the primary residence, or a friend or relative providing necessary care for an ill, convalescent or otherwise disabled occupant; on one (1) parcel of land approximately 0.83 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R002120; and legally described as Lot 4, Block L of the Falcon Oaks Section 4 Final Plat; and more commonly known as 701 Osprey Drive, Leander, Williamson County, Texas.
18. Approval of the Second Reading of an Ordinance amending the current zoning Interim SFR-1-B (Single-Family Rural) to LC-2-B (Local Commercial); on one (1) parcel of land approximately 10.317 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R031710; and more commonly known as 100 Mockingbird Hill, Leander, Williamson County, Texas.
19. Authorize the Interim City Manager to execute an Interlocal Agreement with the Texas Department of Motor Vehicles relating to Motor Vehicle Registration Refusal ("Scofflaw Services Contract"); and providing an effective date.
20. Approval of the extension of the application expiration for Subdivision Case 18-FP-005 Bar W Ranch Phase 1, Section 2 final plat; WCAD Parcel R542844; generally located to the southwest of the intersection of Via De Sienna Boulevard and Ronald W. Reagan Boulevard on the west side of Ronald W. Reagan Boulevard; Leander, Williamson County, Texas.
21. Approval of the extension of the application expiration for Subdivision Case 18-PP-004 Travisso Phase 3, Sections 9 and 10 preliminary plat; TCAD Parcel 353024; generally located to the west of the intersection of Travisso Parkway and Sorvino Walk; Leander, Travis County, Texas.
22. Approval of License Agreement Case 19-LA-004, an amendment to the License Agreement for the Travisso Subdivision between the City of Leander and Travisso, LTD, City of Leander, Travis County, Texas.
23. Approval of dedication and acceptance of offsite water and wastewater public improvements for Heritage Grove Commercial.
24. Approval of dedication and acceptance of subdivision infrastructure improvements for Valley Vista Phase 2.
25. Approval of dedication and acceptance of subdivision infrastructure improvements for Mason Ranch Phase 1 Section 10.
26. Approval of dedication and acceptance of subdivision infrastructure improvements for Hawkes Landing Phase 3.

PUBLIC HEARING: ACTION

27. Mayor Hill opened the Public Hearing at 8:37 p.m. regarding Special Use Case 19-SU-001 to allow for a day care with modifications to the site development standards; on one (1) parcel of land approximately 1.469 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R031288; generally located to the southeast of the intersection of CR 269 and Hero Way; and addressed as 1501 CR 269, Leander, Williamson County, Texas. Holly Jones, 305 Alabaster Caverns, Georgetown spoke in favor of the request. No one spoke in opposition of the request. The Public Hearing closed at 8:43 p.m.

- Discuss and consider action on Special Use Case 19-SU-001 to allow for a day care with modifications to the site development standards; on one (1) parcel of land approximately 1.469 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R031288; generally located to the southeast of the intersection of CR 269 and Hero Way; and addressed as 1501 CR 269, Leander, Williamson County, Texas.

Motion by Councilmember Christine Sederquist, Seconded by Mayor Pro Tem Chris Czernek to approve Special Use Case 19-SU-001 to allow a day care with modifications at 1501 CR 269, Leander, TX, following a discussion.

Vote: 7 - 0

DEVELOPMENT PROPOSAL REVIEW

28. Receive a ten (10) minute presentation from Steven Buffman with Costello, Inc. regarding a petition for a Comprehensive Plan Amendment for a proposed mixed use development including multi-family, townhouses, and commercial associated with the property located at 3200 & 3300 US 183, Leander, Williamson County.

- Discuss and consider action on the petition for an amendment to the Comprehensive Plan to allow for the applicant to proceed with the application process for a Comprehensive Plan Amendment.

This item was postponed at the request of the applicant.

REGULAR AGENDA

29. Discussed proposed annual budget for fiscal year 2020 including: .
30. Discuss and consider action on the First Reading of an Ordinance levying ad valorem taxes for the use and support of the municipal government of the City of Leander, Texas, for the Fiscal Year 2020; providing for and apportioning each levy for specific purposes; and providing when taxes shall become due and when the same shall become delinquent if not paid.

Motion by Councilmember Marci Cannon, Seconded by Councilmember Kathryn Pantalion-Parker to approve the First Reading of an Ordinance levying ad valorem taxes for Fiscal Year 2020, following a discussion.

Vote: 7 - 0

31. Discuss and consider possible action on a contract with Ogletree Deakins for legal services related to employment litigation.

This item was pulled from the agenda.

32. Discuss and consider nominating Mayor Hill to fill the City of Leander's voting position on the Transportation Policy Board (TPB) of the Capital Area Metropolitan Planning Organization (CAMPO).

Motion by Mayor Pro Tem Chris Czernek, Seconded by Councilmember Marci Cannon to appoint Mayor Hill to fill the City of Leander's voting position on TPB of CAMPO.

Vote: 7 - 0

33. Discuss and consider directing staff to prepare ordinance amendments related to parkland fees and funding of public arts and revitalization of Old Town.

Motion by Councilmember Michelle Stephenson, Seconded by Councilmember Kathryn Pantalion-Parker to approve directing staff to proceed with reviewing options amending the Ordinance related to parkland fees and funding of public arts and revitalization of Old Town to present at the October 3, 2019 regular meeting, following a discussion.

Vote: 7 - 0

34. Discuss and consider directing staff to change the SmartCode from a mandatory regulation to an optional regulation in applicable areas.

Motion by Councilmember Jason Shaw, Seconded by Councilmember Kathryn Pantalion-Parker to approve directing staff to change the SmartCode as an optional regulation in applicable areas.

Vote: 6 - 1

NAY: Councilmember Michelle Stephenson

35. Discuss and consider adopting the Council Rules and Procedures of council meetings.

Motion by Councilmember Marci Cannon, Seconded by Mayor Pro Tem Chris Czernek to approve the Council Rules of Procedures of council meetings with amendments as discussed.

Vote: 6 - 1

NAY: Councilmember Christine Sederquist

36. Reconvened into executive session at 7:03 p.m. regarding the prior City Manager's employment agreement and strategy, litigation, and resolution of Cause No. D-1-GN-19-004678, Kent Cagle v. the City of Leander, in the 200th Judicial District Court, Travis County, Texas, posted on the Executive Session and Briefing Workshop Agenda. Reconvened into open session at 7:48 p.m.

Motion by Mayor Pro Tem Chris Czernek, Seconded by Councilmember Marci Cannon Item 1 authorize legal counsel to make a conciliation offer discussed in executive session.

Vote: 7 - 0

Motion by Mayor Pro Tem Chris Czernek, Seconded by Councilmember Marci Cannon Item 2 authorize the interim city manager to execute a settlement agreement in the form approved by legal counsel as discussed in executive session.

Vote: 7 - 0

37. Council Member Closing Statements.

Kathryn Pantalion-Parker - commented today was National Be Late to Something Day; Sam Houston elected President of the Republic of Texas on this date in 1836; and September 5th was also Freddy Mercury's birthday (lead singer of Queen).

Michelle Stephenson - stated today was her husband Brick's birthday and wished him happy birthday.

Jason Shaw - commented on the American Legion upcoming Centennial Gala; for event information to contact him directly; asked everyone to lift up the American Legion and VFW; benefits and programs offered; and they serve the whole community not just veterans.

Christine Sederquist - thanked everyone for sticking around; previously worked at the library; suicide is US epidemic; and asking community to come out and support Live 4 Tomorrow event on Tuesday, September 10.

Chris Czernek - thanked everyone for coming out; commented on Economic Development profile provided by ED Manager Evan Milliron; nice piece to showcase Leander; and positive vibes.

Marci Cannon - commented on October 1 is National Night Out; information can be found on police department page on the website; and reminded everyone it was high school football season.

Troy Hill - thanked citizens Tisa Stephenson and Deanna Rameriz for helping AJ Bar and Grill clean the building and clear the overgrowth and plant shrubs in preparation of their opening in Old Town.

38. Adjourned at 10:40 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY