



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

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

Thursday ~ August 5, 2010 at 7:00 PM

**Mayor - John D. Cowman**

**Place 1 – Andrea Navarrette**

**Place 2 – Kirsten Lynch**

**Place 3 – Carl Wake**

**Place 4 – Mitchell Cantwell**

**Place 5 – Christopher Fielder (Mayor Pro Tem)**

**Place 6 – David Siebold**

**City Manager – Anthony Johnson**

1. Open meeting, Invocation, Pledges of Allegiance  
**Mayor Cowman opened the meeting at 7:00 p.m and welcomed those in attendance.  
Council Member Lynch delivered the invocation**
2. Roll Call  
**All Council Members present**
3. Staff Comments
4. Citizen Comments: Three (3) minutes allowed per speaker  
**Please turn in speaker request form before the meeting begins.**  
  
**Jennifer Frankovsky 601 Leander Drive – spoke against the single solid waste contract  
Julie Rowland 601 Leander Drive – spoke against the single solid waste contract  
Jason Nicholas – Field Representative for Congressman John Carter – introduced himself  
to the Council**
5. Proclamation for Leander Leadership Alumni Food Drive Month  
Sponsored by Mayor Cowman  
**Mayor Cowman read the Proclamation and presented it to the Leander Leadership Alumni  
Group**

**CONSENT AGENDA: ACTION**

6. Approval of the minutes: Regular Meeting: July 15, 2010
7. Receive Quarterly Investment Report for the period ending 6/30/10
8. Consider a Special Event Permit for “Back to School for Children Block Party” requested by His Glory Fellowship Christian Church
9. Consider Employee Benefits for FY 2010-11
10. Consider Standard Professional Services Agreement and Task Order FNI-1 with Freese and Nichols, Inc. for Roadway Impact Fee Study

11. Consider Brushy Creek Regional Utility Authority (BCRUA) Supplemental Contract No. 2 to contract for Engineering Services with Jacobs Engineering Group, Inc.
12. Consider Brushy Creek Regional Utility Authority (BCRUA) Agreement for Construction Services for Raw Waterline/Underwater Pipeline with J.R. Tolles & Associates
13. Consider Brushy Creek Utility Authority (BCRUA) Revised Bylaws
14. Consider Brushy Creek Regional Utility Authority (BCRUA) Agreement for Construction Materials Testing and Geotechnical Services with Pre-Test Laboratory of Central Texas
15. Consider Brushy Creek Regional Utility Authority (BCRUA) Agreement for Construction Materials Testing and Geotechnical Services with Fugro Consultants, Inc.
16. Consider Brushy Creek Regional Utility Authority (BCRUA) Agreement for Construction Materials Testing Services with Kleinfelder Central, Inc.
17. Consider an Ordinance amending FY 2009-10 Annual Budget
18. Consider authorization of Acceptance of Energy Efficiency and Conservation Block Grant (EECBG) from the SECO Stimulus – American Recovery and Reinvestment Act of 2009 (ARRA)
19. Consider a Resolution approving Amendment No. 3 to the Operating Budget of the Brushy Creek Regional Utility Authority for the Fiscal Year ending September 30, 2010
20. Consider a Resolution approving the Brushy Creek Regional Utility Authority proposed Annual Operating Budget for Fiscal Year 2010-11
21. Consider a Financing agreement with Bancorp South for 36 month lease purchase for Police Department and Public Works Department vehicles and equipment  
**Council Member Lynch asked a question on item #18 and complimented staff for the writing of the Grant. Council Member Lynch asked a question on item #20. Robert Powers, Finance Director explained.**

**Motion made by Council Member Cantwell to approve. Second by Council Member Siebold. Motion passes, all voting “aye”**

<b>PUBLIC HEARING: ACTION</b>
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22. **a. Conduct public hearing** on issuance of City of Leander, Texas General Obligation and Refunding Bonds, Series 2010  
**No speakers**
- b. Consideration and action** on an ordinance authorizing the issuance of an amount not to exceed \$38,000,000 "City of Leander, Texas General Obligation and Refunding Bonds, Series 2010"; authorizing the refunding of certain outstanding obligations; levying a continuing direct annual ad valorem tax on all taxable property within the city to pay the interest on said bonds and to create a sinking fund for the redemption thereof and the assessment and collection of such taxes; authorizing the delivery of an escrow agreement; authorizing the sale thereof; and enacting provisions incident and related to the issuance of said bonds

**Robert Powers, Finance Director explained  
Chris Allen with First Southwest explained the selling of the bonds**

**Motion made by Council Member Navarrette to approve. Second by Council Member Lynch.  
Motion passes, all voting “aye”**

23. a. **Public Hearing** on Zoning Case #10-Z-007: Consider a zoning change for 7.697 acres, more or less, for the Parcel located at 1075 CR 271 from SFS-2-B, Single Family Suburban to SFS-3-B, Single Family Suburban, Leander, Williamson County, Texas  
Applicant: Randy Mongold on behalf of Lakeline Church, Property Owner  
**Randy Mongold explained the request**

- b. **Action** on Zoning Case #10-Z-007: amending Ordinance #05-018, the Composite Zoning Ordinance for the parcel located at 1075 CR 271, Leander, Williamson County, Texas

**David Hutton, Director of Planning explained**

**Motion made by Council Member Cantwell to approve. Second by Council Member Wake  
Motion passes, all voting “aye”**

**Mayor Cowman called for a break at 7:25 p.m.  
Council returned from break at 7:42 p.m.**

24. a. **Public Hearing** on Case #10-OR-001: Consider an amendment to Article 3.00 (b), (c), and (j) of Appendix A, Leander Code of Ordinances, revising fees for land use, subdivisions, and site development  
**No speakers**

- b. **Action** on Case #10-OR-001: Amending Article 3.00 (b), (c), and (j) of Appendix A, Leander Code of Ordinances

**David Hutton, Director of Planning explained**

**Motion made by Council Member Siebold to approve. Second by Council Member Navarrette.  
Motion passes, all voting “aye”**

## REGULAR AGENDA

25. Consider an Ordinance amending Chapter 2 of the City of Leander Code of Ordinances relating to Animal Control

**Betty Saenz 607 Thrush Drive – spoke in favor of the TNR Program**

**Andrew Wilhelm 104 Grant Court – spoke in favor of the TNR Program**

**Sturgess 1801 Londonderry Drive – spoke in favor of the TNR Program**

**Shannon Bayless spoke in favor of the TNR Program**

**Dorothy Keenan Oak Creek Drive – spoke in favor of the TNR Program**

**David Brinell spoke in favor of the TNR Program**

**Council Member Wake explained**

**Motion made by Council Member Wake to approve with a report on the progress to be brought back to Council within 2 years. Second by Council Member Cantwell.  
Motion passes, all voting “aye”**

26. Appoint Commissioners to the Planning and Zoning Commission  
**Council Member Navarrette, nominated Eric Zeno to the P&Z Commission, Place 1. Second by Mayor Pro Tem Fielder . Motion passes, all voting “aye”.**

**Council Member Wake, nominated Ronald Abruzzese to the P&Z Commission, Place 3. Second by Council Member Cantwell. Motion passes, all voting “aye”.**

**Mayor Pro Tem Fielder, nominated Richard Allen to the P&Z Commission, Place 5. Second by Council Member Cantwell. Motion passes, all voting “aye”.**

**Council Member Lynch, nominated Chris Tovar to the P&Z Commission, Place 2. Second by Council Member Wake. Motion passes, all voting “aye”.**

27. Consider replacement or reappointment of General Assembly Representative for the Capital Area Council of Governments (CAPCOG).

**Council Member Wake nominated Council Member Navarrette as the second liaison to CAPCOG. Second by Council Member Lynch. Motion passes, all voting “aye”.**

28. Council Member Board/Committee service updates

**Each Council Member gave an update on the committees/boards on which they serve**

**EXECUTIVE SESSION**

**Council convened into executive session at 8:35 p.m.**

**Council will take a 7 minute break prior to executive session**

29. Convene into executive session pursuant to Section 551.071, Tex. Gov't Code and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding contemplated litigation related to:

- a. property owner violation
- b. threat of litigation regarding annexation

and pursuant to Section 551.072, Tex. Gov't Code, and Rule 1.05 Tex. Rules of Professional Conduct to consider an offer to purchase an interest in real property

**Council reconvened into open session at 9:10 p.m.**

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

- a. property owner violation

**Motion made by Mayor Pro Tem Fielder to authorize legal action against David Wise for property violations as discussed in executive session. Second by Council Member Wake. Motion passes, all voting “aye”**

- b. threat of litigation regarding annexation

**No action taken**

- c. purchase of an interest in real property

**Motion made by Mayor Pro Tem Fielder to approve the purchase of real property as discussed in executive session. Second by Council Member Cantwell.  
Motion passes, all voting "aye"**

31. First reading of an ordinance annexing a tract of land being 183.4 acres, more or less, comprised of CR 269 and abutting land located in Williamson County Texas; including the abutting streets, roadways and rights of way

**Motion made by Council Member Cantwell to approve. Second by Council Member Siebold.  
Motion passes, all voting "aye"**

32. Adjournment

**With there being no further business, the meeting adjourned at 9:12 p.m.**

Attest:

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John D. Cowman, Mayor

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Debbie Haile, City Secretary