



City of Pflugerville

Minutes - Final City Council

Tuesday, April 12, 2011

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Jeff Coleman called the meeting to order at 7:06 p.m. Councilmembers Wayne Cooper, Mike Marsh, Starlet Sattler and Victor Gonzales were in attendance. Councilmember Darelle White was absent. City employees attending: Brandon Wade, City Manager; Floyd Akers, City Attorney; Lauri Gillam, Assistant City Manager; Trey Fletcher, Managing Director of Operations; Karen Thompson, City Secretary; Darrell Winslett, Water Superintendent; James Wills, Public Works Director; Felix Benavides, City Engineer; Terri Waggoner, Public Information Officer; Tracy Hibbs, Utility Business Operations Manager; Beth Davis, Finance Director; Amy Good, Assistant Finance Director; Jim McLean, Assistant Police Chief.

2. Opening

A. Pledge of Allegiance to the Flag of the United States of America: I pledge allegiance to the flag of the United States of America, and to the republic for which it stands: one nation under God, indivisible, with liberty and justice for all.

Mayor Coleman led those in attendance in reciting the Pledge of Allegiance to the flag of the United States.

B. Pledge of Allegiance to the Texas State Flag: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

Mayor Coleman led those in attendance in reciting the Pledge to the Texas State flag.

3. Presentation

A. 2010-0522 Proclamation declaring the week of April 10 to April 16, 2011 as National Public Safety Telecommunicators Week.

Mayor Coleman provided comments and thanked the Police telecommunicators for their work. He read and presented the proclamation to Police Dispatchers Belinda Polasek, Jamie Machu, Samantha Long, and Senaida Sandoval.

- B. 2010-0534** Proclamation declaring the week of April 10 to April 16, 2011 as National Volunteer Week.
- Mayor Coleman provided comments. He read the proclamation and thanked all volunteers for their contributions to the community.**
- C. 2010-0528** Presentation of the Fiscal Year 2010 Popular Annual Financial Report.
- Ms. Davis presented the Popular Annual Finance Report (PAFR). She explained that this is the first year that the City has produced the report and reviewed the information provided in the report. She stated that the report would be provided at the city's facilities and on the city website. She stated that an article would also be in this week's "Key to the City" with a link to the report. Mr. Gonzales stated that the report provides a good general overview of how the budget operates. Mayor Coleman explained that this report will be very helpful to him when he is presenting information to others.**

4. Public Comment

Natasha Hindmarsh, 2312 Linville Ridge Lane, stated she would like a skatepark and she is doing everything she can to get the word out. She stated that she would love it if they would let it go through.

Chris Cook stated he would like a skate park to be built and that now he has to go to other places. He stated that he knows a lot of people that like to skateboard.

Aaron Hindmarsh, 2312 Linville Ridge Lane, stated that he has a lot of friends that like to skateboard and bike. He stated that it would be cool to have a skatepark near his house.

Brent Hurta, 3104 Murrelet Way, did not wish to speak, but asked that the Mayor announce for the record his support for the development of a skatepark.

Reading of the Consent Agenda

Item 6A was removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

5. Approval of Minutes

- A. 2010-0511** Approval of the minutes of the March 22, 2011, Worksession and Regular Meeting; and March 29, 2011, Worksession.
- The minutes were approved on the consent agenda.**

6. Ordinances First Reading

- B. **ORD-0055** Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING CHAPTER 32 OF THE CITY CODE; REGARDING EMERGENCY MANAGEMENT; TO REPEAL THE DROUGHT CONTINGENCY AND WATER EMERGENCY PLAN; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

The ordinance was approved on first reading on the consent agenda.

7. Ordinances Second Reading

- A. **ORD-0050** Approving an ordinance on second reading with the caption reading: AN ORDINANCE AMENDING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE REPEALING AND REPLACING SUBCHAPTER 5 ESTABLISHMENT OF OVERLAYS AND SPECIAL DISTRICTS, SECTION (B) SH 130 AND SH 45 CORRIDOR DISTRICTS; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.

The ordinance was approved on second and final reading on the consent agenda.

8. Resolutions

- A. **RES-0030** Approving a resolution adopting a Water Conservation Plan.

The resolution was approved on the consent agenda.

- B. **RES-0031** Approving a resolution of the City of Pflugerville, Texas authorizing the City Manager to accept a State Energy Conservation Office (SECO) Distributed Renewable Energy Grant Award, execute necessary contracts and use matching funds from the 2011 budget as applicable.

The resolution was approved on the consent agenda.

- C. **RES-0032** Approving a resolution to remove Heritage Trees from property proposed as the Huntington Park subdivision located at the intersection of Rowe Lane and Rowe Loop.

The resolution was approved on the consent agenda.

9. Other Actions

- A. **2010-0524** Appointing Mr. Raul Capetillo as a regular member of the Board of Adjustment for an unexpired term ending December 31, 2012.

The item was approved on the consent agenda.

- B. 2010-0525 Appointing Ms. Kaye Jividen as a regular member of the Library Board for an unexpired term ending December 31, 2012.
The item was approved on the consent agenda.
- C. 2010-0508 Receive report on City Council, Commission, Board and Committee expenditures for March 2011.
The item was approved on the consent agenda.

Action on the Consent Agenda

Mr. Gonzales made a motion to approve the consent agenda. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

6. Ordinances First Reading (Removed from the Consent Agenda)

- A. ORD-0051 Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING CHAPTER 53 OF THE CITY CODE; REGARDING THE DROUGHT CONTINGENCY PLAN; ESTABLISHING RATES FOR SURCHARGES; PROVIDING A PENALTY NOT TO EXCEED \$2,000 PER OFFENSE; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Cooper explained that the ordinance addresses the use of potable water, but does not address reclaimed water. Mr. Wade asked that the Council approve the ordinance with the revision that the ordinance address use of non-potable water. Mr. Cooper made a motion to approve item 6A, drought contingency ordinance, with the provision that staff revise it to address the use of non-potable water. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

10. Discuss and consider action

- A. 2010-0529 Discuss and consider action regarding future agenda items.

No future agenda items were requested on the item.

Executive Session

Mayor Coleman announced that the City Council was retiring to executive session on items 10B, 10C, 10D, 10E, 10F, 10G, 10H, and 10I. He stated that they would address item 10D first and then would take the rest of the items in order. He read the items and retired to executive session. The time was 7:29 p.m. Mayor Coleman reconvened in open session at 7:55 p.m.

- D. 2010-0483 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for discussion regarding the professional services agreement with Vitetta Group, Inc. for the Library Expansion Project. 2.) Open Session Item: Discuss and consider action regarding the professional services agreement with Vitetta Group, Inc. for the Library Expansion Project.

Discussion on the item took place in executive session. Mayor Coleman reconvened in open session at 7:55 p.m. Mr. Cooper made a motion to approve the amendment and relationship with Piwonka Sturrock Architects. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

Executive Session

Mayor Coleman announced that the City Council was returning to executive session on items 10B, 10C, 10E, 10F, 10G, 10H and 10 I. The time was 7:56 p.m.

- B. 2010-0473 1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding Project Icarus. 2.) Open Session Item: Discuss and consider action regarding Project Icarus.

Discussion on the item was to take place in executive session.

- C. 2010-0480 1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding Project Morpheus. 2.) Open Session Item: Discuss and consider action regarding Project Morpheus.

Discussion on the item was to take place in executive session.

- E. 2010-0510 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for discussion concerning pending litigation. 2.) Open Session Item: Discuss and consider action concerning pending litigation.

Discussion on the item was to take place in executive session.

- F. 2010-0532 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for discussion concerning Texas Open Meetings Act litigation. 2.) Open Session Item: Discuss and consider action concerning Texas Open Meetings Act litigation.

Discussion on the item was to take place in executive session.

- G. 2010-0523 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code concerning the City Attorney. 2.) Open Session Item: Discuss and consider action regarding personnel matters concerning the City Attorney.
- Discussion on the item was to take place in executive session.**
- H. 2010-0414 1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code concerning development agreements between Terrell Timmermann and the City of Pflugerville for the Greenview and Pfluger Crossing developments. 2.) Open Session Item: Discuss and consider action concerning development agreements between Terrell Timmermann and the City of Pflugerville for the Greenview and Pfluger Crossing developments.
- Discussion on the item was to take place in executive session.**
- I. 2010-0448 1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding economic development agreements for the Stone Hill Town Center in Pflugerville, Texas. 2.) Open Session Item: Discuss and consider action regarding economic development agreements for the Stone Hill Town Center in Pflugerville, Texas.
- Discussion on the item was to take place in executive session.**

Executive Session

Mayor Coleman reconvened in open session at 11:05 p.m.

- H. 2010-0414 1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code concerning development agreements between Terrell Timmermann and the City of Pflugerville for the Greenview and Pfluger Crossing developments. 2.) Open Session Item: Discuss and consider action concerning development agreements between Terrell Timmermann and the City of Pflugerville for the Greenview and Pfluger Crossing developments.
- This item was addressed at the same time as item 10I. Mr. Marsh made a motion to approve that the City Manager enter into an agreement with Greenview limited to \$1.15 million and that the agreement be brought back to the Council for approval after its negotiation. Ms. Sattler seconded the motion. Mayor Coleman asked if the motion included an agreement with Stonehill for \$500,000. Mr. Marsh indicated yes and stated to amend his motion to include that. Ms. Sattler seconded. The vote was Ms. Sattler-yes, Mr. Marsh-yes, Mr. Gonzales-yes, Mr. Cooper-no. The motion carried.**

- I. **2010-0448** 1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding economic development agreements for the Stone Hill Town Center in Pflugerville, Texas. 2.) Open Session Item: Discuss and consider action regarding economic development agreements for the Stone Hill Town Center in Pflugerville, Texas.

This item was addressed at the same time as item 10H. Mr. Marsh made a motion to approve that the City Manager enter into an agreement with Greenview limited to \$1.15 million and that the agreement be brought back to the Council for approval after its negotiation. Ms. Sattler seconded the motion. Mayor Coleman asked if the motion included an agreement with Stonehill for \$500,000. Mr. Marsh indicated yes and stated to amend his motion to include that. Ms. Sattler seconded. The vote was Ms. Sattler-yes, Mr. Marsh-yes, Mr. Gonzales-yes, Mr. Cooper-no. The motion carried.

11. **Adjourn**

Mr. Cooper made a motion to adjourn. Ms. Sattler seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 11:08 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on April 26, 2011.