



City of Pflugerville

Minutes - Final City Council

Tuesday, November 22, 2011

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Councilmembers Wayne Cooper, Brad Marshall and Darelle White were in attendance. Mayor Jeff Coleman, Mayor Pro Tem Victor Gonzales and Councilmember Starlet Sattler were absent. Mr. Cooper and Mr. Marshall were in agreement that Mr. White would preside. Mr. White called the meeting to order at 7:03 p.m. City employees in attendance: Brandon Wade, City Manager; George Hyde, Interim City Attorney; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Karen Thompson, City Secretary; Terri Waggoner, Public Information Officer; Kathy Ellis, Web and Events Coordinator; Tracy Hibbs, Utility Business Operations Manager; Chuck Hooker Police Chief; Lisa Charbonnet, Library Director. Floyd Akers, Pflugerville Community Development Corporation (PCDC) Director was also in attendance.

2. Opening

Mr. Hyde recommended that with only three Councilmembers in attendance, that they consider action on only the motion of one Councilmember, without a second. Mr. White was in agreement that this would be used as the voting procedure for this meeting.

Mr. White provided comments on the passing of Mayor Doyle Bridgefarmer and observed a moment of silence.

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.

Mr. White 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.

Mr. White led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

Items were addressed in the order as recorded in the minutes.

3. Presentation

- 3A. 2011-0920 Presentation highlighting the launch of Pflugervilletx.gov, the City's new website.

Ms. Gillam presented on the launch of the City's new website: Pflugervilletx.gov. She reviewed statistics regarding the usage of the City's website and the design of the new website emphasizing those areas most utilized. She thanked and recognized the efforts of Ms. Ellis and Ms. Waggoner on the redesign.

4. Public Hearing and Ordinance First Readings

- 4A. ORD-0083 Hold a public hearing and consider an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PFLUGERVILLE, TEXAS BY ADDING SUBCHAPTER 158, STORM WATER POLLUTION CONTROL ORDINANCE; REGULATING THE DISCHARGE OF POLLUTANTS INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) OR CONVEYANCES; ESTABLISHING A FINE OF NO MORE THAN \$2,000 FOR ANY VIOLATION OF THE ORDINANCE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (CA1110-01)

Mr. White opened the public hearing and read the caption of the ordinance to be considered. Mr. Fletcher provided information and answered questions of the Council. He stated that implementation would begin in February of 2012. There were no requests to speak at the public hearing. Mr. Cooper made a motion to close the public hearing. The public hearing was thereby closed.

Mr. Cooper made a motion to approve the ordinance on first reading. All voted in favor. The motion carried.

5. Public Comment

Brent Hurta, 3104 Murrelet Way, provided an update on the construction of a skate park at the Travis County Northeast Metropolitan Park, reporting that they are about 75% done with the features. He stated that he hopes that this might create interest on what could be done here in the City. He stated that next month a recommendation may come forward for funding of projects. He indicated that he would encourage the City to consult with skate boarders and BMX bikers on a design so that it would be well utilized. Mr. Wade explained that the Parks Commission would make a recommendation regarding projects to be funded from the General Capital Reserve and that staff would combine these with all of the other requests for those funds and bring to the Council for their consideration and action.

Reading of the Consent Agenda

Items 7A, 7B, 7C, 7D, 7E, 8A, and 9B were removed from the consent agenda. Mr. Wade introduced Mr. Tom Word, Assistant City Manager candidate. Ms. Thompson read the items to be considered on the consent agenda.

6. Approval of Minutes

- 6A. 2011-0918 Approval of the minutes of the November 1, 2011 Special Meeting, November 3, 2011 Special Meeting, and November 8, 2011 Worksession and Regular Meeting.
- The minutes were approved on the consent agenda.

9. Resolutions

- 9A. RES-0060 Appointing Mr. Ron Beyer to Position 2 and Mr. Bob Dwyer to Position 4 of the City of Pflugerville Reinvestment Zone No. One (Falcon Pointe TIRZ) Board of Directors for two year terms ending December 14, 2013.
- The resolution was approved on the consent agenda.

10. Other Actions

- 10A. 2011-0913 Approve the appointment of Tom Word, Jr., PE as Assistant City Manager.
- The item was approved on the consent agenda.
- 10B. 2011-0926 Approving a reimbursement request in the amount of \$23.00 by Mayor Jeff Coleman for business meeting expenses.
- The item was approved on the consent agenda.
- 10C. 2011-0915 Authorizing the City Manager to execute an agreement with HDR Engineering, Inc. for Bid & Construction Phase Services and Additional Bridge Inspection Services for the Pflugerville Parkway East Widening (from FM 685 to SH 130) project in an amount not to exceed \$79,695.00 as total compensation. This project is being funded through certificates of obligation issued in 2009.
- The item was approved on the consent agenda.
- 10D. 2011-0821 Authorizing the City Manager to execute a contract with Lee Lewis Construction in the amount of \$4,038,740.00 for the expansion and renovation of the Pflugerville Community Library.
- The item was approved on the consent agenda.

- 10E. 2011-0929 Authorizing Mayor Coleman to cast a ballot voting for Mr. Rico Reyes for the Board of Directors of the Travis Central Appraisal District (TCAD) for a two-year term beginning January 1, 2012.
- The item was approved on the consent agenda.

Action on the Consent Agenda

Mr. Cooper made a motion to approve the consent agenda. All voted in favor. The motion carried.

7. Ordinances First Reading

Mr. White opened items 7A, 7B, 7C, 7D and 7E for consideration. Ms. Thompson read the items along with the captions of the ordinances under consideration. Mr. Wade and Ms. Gillam provided information and answered questions of the Council. Mr. Cooper made a motion to approve the five ordinances on first reading. All voted in favor. The motion carried.

- 7A. ORD-0086 Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO CENTRAL TEXAS REFUSE, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was approved on first reading.

- 7B. ORD-0085 Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO IESI TX CORPORATION. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was approved on first reading.

7C. **ORD-0084** Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO TEXAS DISPOSAL SYSTEM, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was approved on first reading.

7D. **ORD-0087** Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO WASTE MANAGEMENT OF TEXAS INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was approved on first reading.

7E. **ORD-0088** Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO REPUBLIC SERVICES, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was approved on first reading.

8. Ordinances Second Reading

- 8A. **ORD-0082** Approving an ordinance on second reading with the caption reading:
AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS,
APPROVING THE PROJECT PLAN AND REINVESTMENT ZONE
FINANCING PLAN FOR REINVESTMENT ZONE NUMBER ONE,
CITY OF PFLUGERVILLE, TEXAS; AUTHORIZING THE CITY
SECRETARY TO DISTRIBUTE SUCH PLANS; CONTAINING
VARIOUS PROVISIONS RELATED TO THE FOREGOING
SUBJECT.

Mr. White opened the item for consideration. Ms. Thompson read the item along with the caption of the ordinance under consideration. Mr. Marshall made a motion to adopt the ordinance with the project plan clarified to specifically direct the economic development land cost reimbursements, referred to on page 3 of the Project Plan to include the language, "as more fully described and agreed upon in the Development Financing Agreement." All voted in favor. The motion carried.

9. **Resolutions**

- 9B. **RES-0062** Approving a resolution supporting the proposed creation of a regional center for EB5 visas in the City of Pflugerville and its Extra Territorial Jurisdiction (ETJ).

Mr. White opened the item for consideration. Ms. Thompson read the item to be considered. Mr. Fletcher provided information on this mechanism to allow foreign investment in Pflugerville. Mr. Akers provided additional information. Mr. White made a motion to approve the resolution. All voted in favor. The motion carried.

11. **Discuss and consider action**

Executive Session

Mr. White announced that the City Council was retiring to executive session on items 11B, 11E and 11F. He stated that they would not need to discuss items 11C or 11D which were addressed in the worksession. Ms. Thompson read items 11B, 11E and 11F. Mr. White retired to executive session. The time was 7:37 p.m.

- 11B. 2011-0914 1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding a Pflugerville Community Development Corporation performance agreement for DPS Megacenter and a City of Pflugerville Chapter 380 agreement for DPS Megacenter. 2.) Open Session Item: Discuss and consider action regarding a Pflugerville Community Development Corporation performance agreement for DPS Megacenter and a City of Pflugerville Chapter 380 agreement for DPS Megacenter.

Discussion on the item was to take place in executive session. Action was taken later in the meeting in open session.

- 11C. 2011-0919 1.) Executive Session Item: Consultation with legal counsel regarding agreements with Manville Water Supply Corporation pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding agreements with Manville Water Supply Corporation.

There was no discussion or action on the item.

- 11D. 2011-0889 A1.) Executive Session Item: Consultation with legal counsel regarding approving Consent to Assumption of New Sweden Development agreement to Graham Mortgage Corporation pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding approving Consent to Assumption of New Sweden Development agreement to Graham Mortgage Corporation.

There was no discussion or action on the item.

- 11E. ORD-0092 A1.) Executive Session Item: Consultation with legal counsel regarding approving a waterline easement for Cross County Water Supply Corporation pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding approving a waterline easement for Cross County Water Supply Corporation .

Discussion on the item was to take place in executive session. No action was taken.

- 11F. 2011-0807 1.) Executive Session Item: To deliberate upon the appointment/employment of the City Attorney and to consider a letter of engagement and appointment of Denton, Navarro, Rocha and Bernal P.C. as City Attorney effective November 9, 2011 pursuant to Chapter 551.074 of the Texas Government Code . 2.) Open Session Item: Discuss and consider action to approve a letter of engagement and appointment of Denton, Navarro, Rocha and Bernal P.C. as City Attorney effective November 9, 2011 and authorizing the City Manager to execute same.

Discussion on the item was to take place in executive session. Action was taken later in the meeting in open session.

Executive Session Closed

Mr. White reconvened in open session at 8:30 p.m.

- 11B. 2011-0914 1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding a Pflugerville Community Development Corporation performance agreement for DPS Megacenter and a City of Pflugerville Chapter 380 agreement for DPS Megacenter. 2.) Open Session Item: Discuss and consider action regarding a Pflugerville Community Development Corporation performance agreement for DPS Megacenter and a City of Pflugerville Chapter 380 agreement for DPS Megacenter.

Mr. White opened the item for consideration. The following were in attendance: Paul Medrano, Department of Public Safety; John Bundy and Jerry Reed, Development 2000; and Phil Spertus, landowner.

Mr. Reed, Mr. Bundy, and Mr. Medrano presented a rendering of the proposed project and provided information, stating that six of these Drivers License Megacenters are expected to be built and this would serve as the one in Central Texas. They answered questions of the City Council. Mr. Marshall stated that in the agreement it states that the City's design guidelines will be met for the building and they would like to expand that to include the site development for items such as detention and landscaping. Mr. Bundy indicated that they were fine with that. Mr. Marshall indicated that the second item that Council would like to consider is a timeline for cross access to Heatherwilde. Mr. Reed stated that they think their development will spur other development and that it will be important to others to cross. Mr. Marshall explained that the City would like to have the cross access within 36 months following the issuance of the Certificate of Occupancy (CO). Mr. Bundy indicated concern for the deadline with the unknowns given with the economy. Mr. Hyde stated that there would be no prohibition for them to come back to Council to discuss and request an amendment if they are unable to meet the deadline, but in the worst case, it could affect the tax abatement. Mr. Reed stated that it should not be a deal breaker for them and agreed to go for it. Mr. Marshall stated that the third item is the provisions for attorney fees and that the City would like to remove those. Mr. Reed stated that is fine. Mr. Marshall stated that the Council is prepared to make a motion to approve with the provisions discussed. Mr. Marshall made a motion to approve the performance agreement with the Pflugerville Community Development Corporation. All voted in favor. The motion carried.

Mr. Marshall made a motion to approve the 380 economic development agreement with the City with the following conditions in a form approved by the City Attorney: that the performance standards include a requirement to construct a cross access roadway to Heatherwilde that meets the City's standards within three years of Certificate of Occupancy (CO); that in the Economic Development Agreement Performance Section 3 change Drivers License Office to include all site improvements; under the Performance Agreement Section 4 (Miscellaneous), remove the Attorney's Fees provisions, and regarding the detention pond, to construct it predominantly of earthen materials consistent with established engineering practices. All voted in favor. The motion carried.

11F. 2011-0807 1.) Executive Session Item: To deliberate upon the appointment/employment of the City Attorney and to consider a letter of engagement and appointment of Denton, Navarro, Rocha and Bernal P.C. as City Attorney effective November 9, 2011 pursuant to Chapter 551.074 of the Texas Government Code . 2.) Open Session Item: Discuss and consider action to approve a letter of engagement and appointment of Denton, Navarro, Rocha and Bernal P.C. as City Attorney effective November 9, 2011 and authorizing the City Manager to execute same.

Mr. Cooper made a motion to designate George Hyde and Denton, Navarro, Rocha and Bernal as City Attorney in accordance with the letter of engagement. All voted in favor. The motion carried.

11A. 2011-0917 Discuss and consider action regarding future agenda items.

Mr. Cooper indicated that he would like to remove the item regarding hiring people that are credentialed.

12. **Adjourn**

Mr. Marshall made a motion to adjourn. All voted in favor. The motion carried. The meeting was adjourned at 8:48 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on December 13, 2011.