



City of Pflugerville

Minutes - Final City Council

Tuesday, December 11, 2012

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Jeff Coleman called the regular meeting to order at 7:04 p.m. Councilmembers Wayne Cooper, Brad Marshall, Starlet Sattler and Victor Gonzales were in attendance. Councilmember Omar Peña was absent. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Karen Thompson, City Secretary; Dan Franz, City Engineer; Emily Barron, Planning Director; Laura Wilkes, Police Lieutenant; Terri Waggoner, Public Information Officer; Chuck Hooker, Police Chief; Blake Overmyer, Building Official; Jim Bowlin, Parks Director; Amy Good, Assistant Finance Director; Beth Davis, Finance Director.

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 of America.

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 of Allegiance to the Texas State Flag.

3. Presentation

3A. 2012-1520 Appreciation presentation to outgoing City Councilmember David Darelle White III for service to the City as Councilmember Place 3 from November 2006 to November 2012.

Mayor Coleman presented a plaque and expressed appreciation to Mr. White for his service to the City as Councilmember. Mr. White provided comments that it had been an honor and he is proud of the Council and staff.

4. Public Hearing and Ordinance First Readings

4A. ORD-0127 Conduct a public hearing and consider approving an ordinance on first

reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS; AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING A SPECIFIC USE PERMIT FOR A BODY ART STUDIO IN THE CENTRAL BUSINESS DISTRICT ON LOT 18 BLOCK 1 OF THE PFLUGERVILLE SUBDIVISION, LOCALLY ADDRESSED AS 117 E. MAIN ST; TO BE KNOWN AS THE FREEDOM MACHINE TATTOO SPECIFIC USE PERMIT (SUP1210-01), AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman opened both items 4A and 4B for simultaneous consideration. He read the items to include the captions of the ordinances under consideration. Mr. Fletcher provided information and answered questions of the Council. Ryan Dodson, the applicant, answered questions of the Council.

Brent Hurta, 3104 Murrelet Way, did not wish to speak, but requested that the Mayor announce for the record his support for the approval of the items.

There were no additional requests to speak at the public hearings on items 4A and 4B. Mr. Gonzales made a motion to close the public hearings. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

Mr. Cooper made a motion to approve the specific use permit at the new location and to rescind the specific use permit at the former location. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

- 4B. ORD-0130** Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS; AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY RESCINDING AN EXISTING SPECIFIC USE PERMIT APPROVED THROUGH ORDINANCE NO. 1068-11-02-08 FOR A BODY ART STUDIO ON LOTS 10-12, BLOCK A PFLUGERVILLE SUBDIVISION, LOCALLY ADDRESSED AS 101 E. PECAN ST; AS RELATED TO A CONDITION OF APPROVAL FOR THE FREEDOM MACHINE TATTOO SPECIFIC USE PERMIT APPLICATION FOR 117 E. MAIN ST (SUP1210-01), AND PROVIDING AN EFFECTIVE DATE.

The public hearing on item 4B was conducted simultaneously with the public hearing on item 4A.

The ordinance on item 4B was considered simultaneously with the ordinance under item 4A. The ordinance was approved on first reading.

- 4C. ORD-0131** Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING AN AMENDMENT TO THE SPECIAL DISTRICT ORDINANCE NO. 1091-11-10-25 FOR A LIGHT INDUSTRIAL USE IN CORRIDOR URBAN CENTER LEVEL 5 (CL5) FOR LOT 4 OF THE RENEWABLE ENERGY PARK SUBDIVISION,

APPROXIMATELY 15 ACRES OUT OF THE W. CALDWELL SURVEY NO. 66, ABSTRACT 162, PFLUGERVILLE, TX, GENERALLY LOCATED NEAR THE SOUTHWEST CORNER OF SH 130 AND E. PECAN STREET, TO BE KNOWN AS THE PROJECT JERSEY SPECIAL DISTRICT. (SD1211-01), AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman read the item to include the caption of the ordinance under consideration. Mr. Fletcher provided information and answered questions of the Council. There were no requests to speak at the public hearing. Mr. Cooper made a motion to close the public hearing. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

Mr. Cooper made a motion to approve item 4C as presented and to allow the applicant to have another building elevation as requested. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

- 4D. ORD-0132** Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING A SPECIAL DISTRICT FOR A LIGHT INDUSTRIAL USE IN CORRIDOR URBAN LEVEL 4 (CL4) ON APPROXIMATELY 40.36 ACRES OUT OF THE T.G. STEWART SURVEY NO. 6 AND THE H. BLESSING SURVEY NO. 3, IN TRAVIS COUNTY, TX, GENERALLY LOCATED NEAR THE INTERSECTION OF W. PFLUGERVILLE PARKWAY AND F.M. 685, TO BE KNOWN AS THE DATA CENTER PARK SPECIAL DISTRICT. (SD1210-02), AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman read the item to include the caption of the ordinance. Mr. Fletcher provided information and answered questions of the Council. There were no requests to speak at the public hearing. Mr. Cooper made a motion to close the public hearing. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

Mr. Marshall made a motion to approve item 4D as read. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

5. Public Comment

Brent Hurta, 3104 Murrelet Way, did not wish to speak but asked that the Mayor announce for the record his support for development of skate spots/skate parks in Pflugerville.

Reading of the Consent Agenda

Ms. Thompson read the items to include the captions of the ordinances under consideration.

6. Approval of Minutes

- 6A. 2012-1557** Approval of the minutes of the November 19, 2012 Special Meeting

and November 27, 2012 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

7. Ordinances Second Reading

- 7A. **ORD-0123** Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING ORDINANCE NO. 874-07-04-10 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING A SPECIAL DISTRICT FOR LOT 3 OF THE RENEWABLE ENERGY PARK SUBDIVISION, AND APPROXIMATELY 4.797 ACRES IN THE CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS, KNOWN AS THE EIEIO SPECIAL DISTRICT (SD1210-01) AND PROVIDING AN EFFECTIVE DATE.

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

- 7B. **ORD-0128** Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING CHAPTER 110, (ENTITLED "FOOD ESTABLISHMENTS") OF THE CITY OF PFLUGERVILLE'S CODE OF MUNICIPAL ORDINANCES BY DESIGNATING THE CITY OF PFLUGERVILLE TO BE THE REGULATORY AGENCY ADMINISTERING THE CHAPTER; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING; AND PROVIDING FOR AN EFFECTIVE DATE.

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

8. Resolutions

- 8A. **RES-0121** Resolution approving the fee schedule for permits under the Food Establishment Ordinance.

The resolution was approved on the consent agenda.

- 8B. **RES-0108** Approving a resolution appointing Mr. Mike Marsh to Position 1, Mr. Scott Johnson to Position 3, and Mr. Scott Williams to Position 5 of the City of Pflugerville Reinvestment Zone No. One (Falcon Pointe TIRZ) Board of Directors for two year terms ending December 31, 2014.

The resolution was approved on the consent agenda.

- 8C. **RES-0123** Approving a resolution appointing Mr. Mike Marsh, Position 1, as chairman of Reinvestment Zone No. One (Falcon Pointe TIRZ) for a

one-year term beginning January 1, 2013.

The resolution was approved on the consent agenda.

- 8D. RES-0119** Approving a resolution amending the Personnel Appeal Board policy and procedures to be consistent with the City Charter.

The resolution was approved on the consent agenda.

- 8E. RES-0120** Approving a resolution with a caption reading: RESOLUTION APPROVING PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING DISTRIBUTION OF SUCH PRELIMINARY OFFICIAL STATEMENT RELATING TO THE CITY'S COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2013, AND LIMITED TAX BONDS, SERIES 2013.

The resolution was approved on the consent agenda.

- 8F. RES-0122** Approving a resolution supporting the nomination and appointment of Mr. Brandon Wade, City Manager, as a voting member of Region K , also known as the Lower Colorado Regional Water Planning Group (LCRWPG).

The resolution was approved on the consent agenda.

- 8G. RES-0124** Approving a resolution authorizing the City Manager to enter into agreements with the Texas Water Development Board for the recovery of study costs in connection with the regional water supply planning study for the Pflugerville Service Area and including, for feasibility study purposes, areas adjacent to the Pflugerville service area.

The resolution was approved on the consent agenda.

9. Other Actions

- 9A. 2012-1552** Approving the appointment of Mr. Dave Taylor to the Parks and Recreation Commission as the alternate member for a term beginning January 1, 2013 and ending December 31, 2013.

The item was approved on the consent agenda.

- 9B. 2012-1564** Authorizing the City Manager to execute a master professional services agreement with Bureau Veritas North America, Inc. for the inspection of food establishments under the City of Pflugerville Food Establishment Ordinance.

The item was approved on the consent agenda.

- 9C. 2012-1567** Approving travel and training expenses in the amount of \$999.03 for Mayor Pro Tem Victor Gonzales for attendance of the 2012 Texas Municipal League Annual Conference.

The item was approved on the consent agenda.

- 9D. 2012-1566** Receive report on City Council, Commission, Board and Committee expenditures for November 2012.

The item was approved on the consent agenda.

- 9E. 2012-1561** Authorizing the City Manager to accept the donation of 9.82 acres of land currently owned by Mr. Jerry Reed and Mr. John Bundy.

The item was approved on the consent agenda.

- 9F. 2012-1570** Approving the Mayor's appointment of Loretty Doty to the Personnel Appeal Board for a three-year term beginning January 1, 2013.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

10. Discuss and consider action

- 10A. 2012-1532** Discuss and consider action to approve RFP: 033 regarding Existing Roof Maintenance in the amount of \$68,940 and Change Order Number Two for the Pflugerville Community Library Expansion and Renovation Project in the amount of \$157,562.20 and authorizing the City Manager to execute the same.

Mr. Fletcher provided information on the item. Mr. Marshall requested that they consider another material other than pine for the fascia. Mr. Scott Swiderski, HR Gray, provided information. Mr. Marshall made a motion to approve 10A as written. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

- 10B. 2012-1558** Discuss and consider action regarding future agenda items.

Mr. Gonzales requested a written status report to the Council regarding Complete Energy Systems. Mayor Coleman indicated that he had requested information from the City Attorney on the regulation of smoking paraphernalia shops.

11. Discuss only

- 11A. 2012-1529** Discuss report on the Circuit of Americas Formula 1 United States Grand Prix held November 16-18, 2012 in Austin, Texas.

Mr. Cooper reported on the Circuit of Americas Formula 1 and answered questions of the Council. Ms. Gillam provided information during the report. Mr. Wade provided information on staff participation with perspectives given from Chief Hooker, Ms. Waggoner, Mr. Fletcher and Ms. Gillam. Mr. Cooper

provided additional comments. Mr. Hyde stated that former Councilmember Darelle White also attended on his own and is still on the Pflugerville Community Development Corporation (PCDC) and the city will also have that perspective.

Executive Session

Mayor Coleman announced that the City Council was retiring to executive session on items 11B and 11C. He read the items to be discussed in executive session and retired at 8:10 p.m.

- 11B. 2012-1559** 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.

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

- 11C. 2012-1560** 1.)Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding the provision of public utilities within the City of Pflugerville.

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

Executive Session Closed

Mayor Coleman reconvened in open session at 8:39 p.m. No action was taken.

12. Adjourn

Mr. Gonzales made a motion to adjourn. Mr. Marshall seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on January 8, 2013.