



City of Pflugerville

Minutes - Final City Council

Tuesday, April 24, 2012

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Pro Tem Victor Gonzales called the meeting to order at 7:03 p.m. Councilmembers Wayne Cooper, Brad Marshall, Darelle White and Starlet Sattler were in attendance. Mayor Jeff Coleman was absent. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Blake Overmyer, Building Official; Dan Franz, City Engineer; Karen Thompson, City Secretary; Laura Wilkes, Police Sergeant; Beth Davis, Finance Director; Terri Waggoner, Public Information Officer.

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 Pro Tem Gonzales 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 Pro Tem Gonzales led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

3. Presentations

3A. 2012-1153 Proclamation recognizing the Tenth Anniversary of the Heritage House Museum.

Mayor Pro Tem Gonzales read the proclamation and presented it to the Heritage House Partners in attendance: Vernagene Mott, Gloria Wuthrich, Janelle Hebbe and Gloria Kuempel. Ms. Mott thanked the City and provided comments. Ms. Wuthrich invited the public to attend their event on May 6, 2012.

- 3B. 2012-1134** Presentation regarding the William Pfluger House, located at 1512 Pflugerville Parkway, and the efforts by Pfluger Haus to restore it.
- Vernagene Mott and Stephen Fuller presented on the efforts of the Pfluger Haus Foundation to restore the home. Laura Baker of the Pfluger Haus Foundation and Barth Timmerman, property owner, were in attendance.
- 3C. 2012-1170** Proclamation declaring April 23 to April 27, 2012 as National Work Zone Awareness Week in the City of Pflugerville.
- Mayor Pro Tem Gonzales read the proclamation and presented it to Jesse Sepeda; City employees Lonnie Reed, Senior Construction Inspector; Brandon Maxwell, Construction Inspector II; and Doug Sproull and Jesus Cruz of RGM Constructors.
- 3D. 2012-1115** Award presentation to the Pflugerville Community Development Corporation (PCDC) for Excellence in Economic Development.
- Mayor Pro Tem Gonzales presented the award to Floyd Akers, PCDC Director; and PCDC Boardmembers Doug Weiss, Starlet Sattler and Darelle White. Mr. Akers provided information on the award.
- 3E. 2012-1128** Presentation on bicycle safety and the bicycle rodeo.
- Police Chief Chuck Hooker presented on the item.

4. Public Hearings and Ordinances First Readings

- 4A. ORD-0105** Conduct a public hearing and consider approving an ordinance on first reading with caption reading: ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF PFLUGERVILLE, TEXAS, LIMITED TAX REFUNDING BONDS, AUTHORIZING THE LEVY OF AN AD VALOREM TAX IN SUPPORT OF THE BONDS; APPROVING AN OFFICIAL STATEMENT, A PURCHASE AGREEMENT, AN ESCROW AGREEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; AUTHORIZING CERTAIN OBLIGATIONS TO BE CALLED FOR REDEMPTION; ESTABLISHING PROCEDURES FOR SELLING AND DELIVERING THE BONDS AND AUTHORIZING OTHER MATTERS RELATED TO THE BONDS.
- Mayor Pro Tem Gonzales opened the public hearing and consideration of the item. Ms. Thompson read the item to include the caption of the ordinance. Ms. Gillam provided information. She noted that the ordinance only requires one reading. Richard Donoghue, McCall, Parkhurst and Horton, Bond Counsel, and Bill Harrison, Harrison Financial Securities, Financial Advisor, were in attendance. There were no requests to speak at the public hearing. Mr. White provided comments that he was pleased with the past results of Mr. Harrison with refunding bonds. There were no requests to speak at the public hearing. Mr. Cooper made a motion to close the public hearing. Ms. Sattler seconded the motion. All voted in favor. The motion carried.
- Mr. White made a motion to approve. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

- 4B. ORD-0102** 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 CHANGING THE
ZONING DESIGNATION OF ALL LOTS IN THE PFLUGER
CROSSING SOUTH, PHASE 1 SUBDIVISION, CONSISTING OF
22.78 ACRES OF LAND AT THE SOUTHWEST CORNER OF FM
685 AND E. PFLUGERVILLE PKWY, FROM CORRIDOR URBAN
LEVEL 4 (CL4) TO GENERAL BUSINESS 1 (GB1) DISTRICT; AND
ALL LOTS IN THE PFENNIG LANE-FM 685 COMMERCIAL
SUBDIVISION AND SUBSEQUENT RESUBDIVISION, CONSISTING
OF APPROXIMATELY 28.792 ACRES OF LAND AT THE
NORTHWEST CORNER OF FM 685 AND PFENNIG LN, FROM
CORRIDOR URBAN LEVEL 4 (CL4) TO GENERAL BUSINESS 1
(GB1) DISTRICT; TO BE KNOWN AS THE PFLUGER CROSSING
REZONING (REZ 1203-01), AND PROVIDING AN EFFECTIVE
DATE.

Mayor Pro Tem Gonzales opened the public hearing and consideration of the item. Mayor Pro Tem Gonzales read the item to include the caption of the ordinance. Mr. Fletcher provided information and there was Council discussion regarding the request for rezoning. There were no requests to speak at the public hearing. Mr. Cooper made a motion to close the public hearing. Mr. White seconded the motion. All voted in favor. The motion carried.

Mr. Cooper made a motion to approve. Mr. White seconded the motion. All voted in favor. The motion carried.

5. Public Comment

David Taylor, 403 S. Third, Chairman of the Tree Board, indicated concerns that he had heard that Mr. Fletcher is going to recommend that the Tree Board be absorbed into the Parks and Recreation Commission. He stated that he is the Tree Board Chairman and believes in the Neighborwoods program and would like to see more educational programs. Mr. Taylor indicated that he is also with the Old Town Neighborhood Association and has concerns for the City's property at 102 S. Third being put up for sale, stating they thought they had a gentleman's agreement that they would be notified when anything happened downtown. He indicated concerns for commercial encroachment on the neighborhood. He stated that his understanding is that the City is going to sell the property and it is zoned retail. He stated that he would like the Council to rezone the property to residential prior to selling it.

Chuck Lesniak, 203 W. Walnut, stated that he lives in Old Town and would like to urge the Council to rezone the property to residential and to renovate it prior to selling it. He stated on the basis on fairness, with the other two houses being denied rezoning to commercial, that he had hoped the City would work with them. He stated that he would appreciate it if they would listen to their wishes and look at that. He stated that the current bid allows the City to deny all bids and reoffer.

Larry Cox, 203 W. Hall, stated that he was not aware until one of the Old Town Neighborhood Association members came by that the property was retail. He stated that this causes him and his wife distress and plays into their quality of life. He stated that it was pointed out that this is a pro-business City Council. He stated that he has two sons that ride their bikes, and that they have a quiet neighborhood, and do not get a lot of traffic or incompatible uses. He stated that he is worried about what will move in if the City sells this as an unrestricted retail property. He stated that there is no parking. He urged the Council to hold off on the sale and make it a residential property or find another City use for the property.

Mr. Wade noted that no action would be taken this evening on item regarding the sale of real property.

Reading of the Consent Agenda

Ms. Thompson read the items along with the caption of the ordinance under consideration.

6. Approval of Minutes

- 6A. 2012-1159 Approval of the minutes of the April 3, 2012 Quorum; and April 10, 2012 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

7. Ordinance Second Reading

- 7A. ORD-0103** Approving an ordinance on second reading with the caption reading:
AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS
REPEALING ORDINANCE NO. 1096-12-01-10, GRANTING THE
CONVEYANCE OF A 10' PRIVATE WASTEWATER EASEMENT ON
CITY PROPERTY JOINTLY TO HW CARMEN INVESTMENTS AND
DPS MEGACENTER 2000, LTD. ON A 10.51-ACRE TRACT OF
LAND OUT OF THE L.C. CUNNINGHAM SURVEY, NO. 63,
ABSTRACT NO. 163; AND MORE SPECIFICALLY DESCRIBED IN A
DEED TO THE CITY OF PFLUGERVILLE, OF RECORD IN
DOCUMENT NO. 2003293775 OF THE OFFICIAL PUBLIC
RECORDS OF TRAVIS COUNTY, TEXAS.

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

8. Other Actions

- 8A. 2012-1166** Appointing Mr. Jason Heath to the Finance and Budget Committee for an unexpired term ending December 31, 2012.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

9. Discuss and consider action

- 9A. 2012-1152** Discuss and consider action regarding future agenda items.

No future agenda items were noted.

Executive Session

Mayor Pro Tem Gonzales announced that the City Council was retiring to executive session on items 9B, 9C and 9D. He read the items. He retired to executive session at 8:12 p.m.

- 9B. 2012-1172** 1.) Executive Session Item: Deliberation regarding the sale of real property pursuant to Chapter 551.072 of the Texas Government Code.
2.) Open Session Item: Discuss and consider action regarding the sale of real property.

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

- 9C. 2012-1168** 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: Discussion and consider action regarding agreements with Manville Water Supply Corporation.
- Discussion on the item was to take place in executive session. No action was taken.**
- 9D. 2012-1174** 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. 2.)Open Session Item: Discuss and consider action 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.**

10. Adjourn

Mr. Cooper made a motion to adjourn. Mr. Marshall seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 8:51 p.m.

Respectfully submitted,

**Karen Thompson
City Secretary**

Approved as _____ on May 8, 2012.