



City of Pflugerville

Minutes - Final City Council

Tuesday, November 23, 2010

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Jeff Coleman called the meeting to order at 7:05 p.m.

Councilmembers Wayne Cooper, Mike Marsh, Darelle White, Starlet Sattler and Victor Gonzales were in attendance. City employees in attendance: Brandon Wade, City Manager; Floyd Akers, City Attorney; Lauri Gillam, Assistant City Manager; Karen Thompson, City Secretary; Trey Fletcher, Managing Director of Operations; Kathy Freiheit, Library Director; Terri Waggoner, Public Information Officer; Blake Overmyer, Building Official; Felix Benavides, City Engineer; Chuck Hooker, Police Chief; Beth Davis, Finance Director; Amy Atkins, Interim Director of Parks and Recreation; Bill Anderson, Police Lieutenant.

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 of Allegiance to the Texas State Flag.

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

3. Presentations

- 2010-0296** Presentation by the Texas Film Commission designating the City of Pflugerville as Film Friendly.
- Ms. Waggoner provided introductory information and introduced Ms. Carol Pirie, Deputy Director and Program Manager of Film Friendly Texas. Ms. Pirie provided information and presented Mayor Coleman with the Film Friendly designation certificate. Mayor Coleman provided comments.**
- 2010-0294** Presentation by the City of Pflugerville Police Department Animal Control to Ms. Lissa Slovacek, Ms. Heather Shaddock, and Ms. Lynn Vaughan of the Pflugerville P furry Pfriends in appreciation of their contribution to the recent improvements to the dog runs at the Pflugerville Animal Shelter.
- Mayor Coleman introduced the item and provided comments on the P furry Pfriends organization. He thanked them for their efforts. Lieutenant Anderson provided information on the work of the P furry Pfriends and their donation of new dog runs and equipment at the Animal Shelter. He presented an appreciation plaque to Angie Elizondo, Lissa Slovacek, Lynn Vaughan and Heather Shaddock which will be placed on the dog runs. Mr. White commented on the cleanliness and pet friendliness of the Animal Shelter. He encouraged citizens to visit the shelter and to adopt a pet. Mr. Gonzales provided comments and thanked the P furry Pfriends. He encouraged citizens to visit their website: pflugervillepfurypfriends.org and to make a donation.**

5. Public Comment

Dana Glover, 3211 Elizabeth Anne Lane, Round Rock, and Michelle Carter, independent film producers, explained that they are working with Connally High School students that are doing a film to submit to the Caanes Film Festival. They stated that they are asking the community to support these students. They stated that they have a press release that they would like to leave with the Council.

Brent Hurta, 3104 Murrelet Way, stated that he did a drive by of the Travis County Northeast Metropolitan Park and from the entrance at Pecan Street, it is one and a half miles to the back of the park and the skate park will be further back. He stated that the nearest point of food and concessions is three miles away. He stated that he would like the Council to consider that when considering his request for a skate park closer to a neighborhood. He stated that Marble Falls and Lockhart already have skate parks and he will provide information and cost estimates to hopefully prepare for a skate spot within the City of Pflugerville.

Sandy Flora, 807 Ramble Creek Drive, stated she was here to present noise concerns regarding McMurtrie Farms and the failure of off duty police to enforce noise rules. She stated that music, amplifiers, and singing are creating a noise disturbance. She stated this has occurred at her house a minimum of six times. She stated that on July 14, 2009, the neighborhood was zoned single family residential and that ordinances are not being enforced and they feel they are being harassed.

Sandy Jones, 905 Ramble Creek Drive, stated that they have concerns regarding noise from McMurtrie Farms. She stated that nothing has been done and they have called and complained. She also stated concerns for the increased traffic flow and for children playing nearby.

John Gomez, 900 Ramble Creek Drive, stated he is a resident of 15 years and wanted the small town feeling. He stated that over the last two years, things have changed. He stated that they have been annexed into the City and a commercial business is operating and hosting parties, weddings and other events, which is causing traffic and noise. He stated that he can hear everything being said while he is sitting in his living room. He stated that the neighborhood's complaints go unheard. He stated that McMurtrie Farms is hiring off duty police, but they are not doing anything about the noise. He stated that they sent a letter to the City Manager and the Police and were ignored. He stated that they are asking that an investigation be held and for the Police Department to uphold the law.

Kim Marsolan, 903 Ramble Creek Drive, stated complaint regarding the loud noise from McMurtrie Farms, stating that it is disturbing. She stated that the off duty police have said that nothing can be done until after 10:00 p.m. She stated that they need some resolution. She stated that either there is an ordinance or there is not. She stated that they need to understand the ordinance. Mr. Akers explained that the wedding and events venue was in business prior to annexation, so they are allowed to continue to operate their use as a wedding and events venue until they cease to operate that venue.

Mayor Coleman asked that they give the City Attorney's Office a call, and he

would provide a response.

11. Discuss and consider action

2010-0249

1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding a Chapter 380 economic development agreement and use of 4B funds with Pecan Street Plaza, LLC or its affiliates for the Pacana ALUR Development. 2.) Open Session Item: Discussion regarding a Chapter 380 economic development agreement and use of 4B funds with Pecan Street Plaza, LLC or its affiliates for the Pacana ALUR Development.

There was Council discussion and public comment on the item. No action was taken.

Mayor Coleman stated that they would now address the open session portion of the item. He stated that no action would be taken on the item this evening, that the agreement is only in a draft form. He provided background information on the proposed Pacana project and the current status. He provided a conceptual visual and provided basic information on the proposed incentive agreement. Mayor Coleman stated that, in his opinion, the City needs to invest in the west side of Pflugerville. He stated that he is worried about the long term deterioration of the west side of Pflugerville and that he saw this as a way to put a nice anchor on the west side of town. He stated secondly, it is a gateway into our community and thirdly, it is something that gives us a chance for a destination because it is going to be different, and lastly, at full buildout of the entire project, the estimate is that it would raise the value to \$250 million dollars. He stated that it would be a 20-30 year process, but someday it could be a nice mixed use development. He stated that it should be noted that one member of Council thinks the other five have made a mistake. Mr. Cooper provided comments on his opposition. He explained that when they went through the ALUR process, he was the biggest critic. He stated that he wanted to make sure the pretty pictures were what would be provided in the ALUR, and he thinks they got there after some time. He stated that he thinks there is a reason why that property has sat vacant. He stated that he appreciates the Council wanting to do development on the west side, but spoke to his concerns with the park being the City's but being run and profited by developer, funding a parking garage for residential uses, giving the developer \$40 million and 20% of the sales tax revenue over the next 30 years.

Kevin Kluge, 17905 Ice Age Trail Street, stated concerns with the central area being a City park. He stated that it is not in the parks plan and you can call it a city park, but it is not connected and really is a development centric area. He stated that it may be better to have the developer keep that property and to require that they keep it up to certain standards.

Erica Keiser, 812 Oldwick Castle Way, stated that she is still opposed to it. She stated that she is not opposed to the economic development, but the financials do not sit right with her. She stated that she is not ready to devote 30 years to pay for this. She stated that she saw the Community Impact poll, and that 85% do not want it to be financed up front and 65% do not want it to be financed at all. She stated that she thinks the developer needs to open up all of the financials, and she thinks we need to be more open and give us everything from the beginning to now. She stated that she thinks it is scary and that any of the upfront tax incentives should be decided by the voters, not just the Council.

Katie Brewer, 1040 Kensington Caslte, stated that she does not think anyone in this room is opposed to developing, but she is concerned about the funding of this. She stated that she had a concern for this two years ago, and that she knew that the developer wanted money from Council back then. She stated that Brian Rogers knows what the good parts and bad parts of these agreements and she gave Council that information. She stated that the City of Austin got screwed and that she does not want that to happen to Pflugerville. She stated that this is happening right before Thanksgiving which she does not appreciate. She stated that from the agenda language, she did not know if this item might be approved this evening. Mayor Coleman stated that the last six agendas have stated the same thing. Ms. Brewer recommend getting information from people that understand what can happen on these projects. She stated that she is opposed, but Mr. Rogers is not. She stated that the Council told the City Manager to go into negotiations but they did not get any information from the public. She stated that there is no way for public to know if the contract is a good one. She stated that it needs to be available to the public before it is voted on. She stated that this is a bad deal, and asked that they not let the developer get one over on us.

Cindy Engelhardt, 18824 Edinburgh Castle Road, stated that she is not opposed to development, but is opposed to financing the agreement for Pacana. She stated that the Stonehill and Timmermann agreements were based on performance. She stated that Pacana is asking for \$40 million and disguising the number by stating \$16 million net present value. She stated that she is asking why the City would provide funding upfront. She asked why Pacana is worth putting the City at risk. She stated that the City has not provided this type of incentive in the past. She stated that if they are going to open this door, the should be prepared for other developers to want money, too. She asked why tax incentives would be provided to Pacana for residential development. She proposed that Pacana not receive any more incentive than Stonehill and Timmermann.

Melody Ryan, 1012 Ripley Castle, stated that she is not opposed to the Pacana development if the free market provides for it. She stated that this is a bad deal for the City and should be rejected. She stated that Pacana is requesting \$43.3 million and would be providing 59 percent residential. She stated that the costs of city services to be provided are not stated. She stated that it would take 40-70 years for the City to recoup the investment in sales and property tax. She stated that if the City is giving a tax incentive, it should be similar to that given to others. She stated that the Pacana financing agreement is a bad deal for the City, and the park is also not on parks plan, because it is not needed yet.

David Rogers, 1120 Glendalough Drive, stated he would like to address the issue on a broader more philosophical sense by asking what taxpayer money is for. He stated that Pflugerville tax dollars are not for Cid Galindo, that they are for the people who live here and shop here and to provide amenities for the community. He stated that one way the City could help Mr. Galindo and provide a benefit to the community would be to buy some of the land from him out right, near a school, and turn it into a park. He stated that this would be a fair exchange of value, and would make it easier for him to do his project. He stated this could be integrated into the parks plan and all of the taxpayers would feel like they got something that everyone can enjoy. He stated that he thinks the Mayor is correct in that this is a critical gateway. He stated that he

thinks if we use public tax dollars for a true public purpose that we can ultimately help Mr. Galindo create a great development.

Rebecca Martin, 908 Rochester Castle Way, stated that not all of the Highland Park North residents oppose this measure. She stated that every city that strives for economic development knows it has to provide economic incentives. She stated that this would benefit west Pflugerville and all of Pflugerville.

Mayor Coleman stated that Crystal Connally, 18921 Carlisle Castle Court, did not wish to speak but asked that her opposition to the Pacana project be recorded for the record.

There were no additional requests to speak on the item.

Mr. Gonzales stated that he appreciates everyone's comments. He stated that this piece of property has been vacant for a half century or more. He stated that there are logistical problems and engineering issues and it is a challenging piece of property. He stated that this piece of property does stand out as a sore thumb. He stated that this type of project is scary and it is scary to the Council, and each of them has diligently looked at this project and they are still looking at the agreement, and he would not be opposed to having Mr. Rogers look at it. He insured those in attendance that the Council would continue to look at it very carefully.

Mr. Marsh stated he wants to address the larger issue. He stated that this Council is a conservative council, that they have had limited government expansion and have always kept in mind the local tax burden because the City does not have enough commercial. He stated that the Council has supported investment to build a strong local economy. He stated that all of these agreements essentially pay for themselves. He stated that with the issuance of bonds, they would use the added value to pay the bonds off. He stated that all of the agreements have been to create more net revenue. He provided further comments. Ms. Brewer stated that the Council told the City Manager to go into negotiations like it was a done deal. Mr. Marsh stated that it is not a done deal.

Mayor Coleman explained that this is not a done deal. He stated that the basics are as he outlined. He stated that there is a philosophical argument that the Domain was a bad deal for the City of Austin, but noted that a lot of money is spent there. He stated that the agreement will be up for action some time in the future and that will be decided upon by the Council. He stated that after negotiations are final it will come back before Council and everyone will have a chance to comment on it. Mr. Marsh stated that if there is any concern that they are trying to run this through during the holidays, the reason it was in the Community Impact newspaper is that he asked Mr. Garrett if they would do an article on it. He stated that he invited Mr. Galindo to join him in discussing the pros and cons of the project and that at the end of the interview, he asked that they contact Mr. Cooper for the cons on the project. Mr. Marsh stated that they wanted it to be public. He stated that he thinks this is a neat project and that it will withstand public scrutiny. He stated that he wants a public open debate on this.

Mr. White stated that he respects Mr. Cooper's opinions when it comes to planning items, but he has to look at it from his perspective. He explained that

he has a financial background and is very careful with citizen tax dollars. He stated that they are going to discuss this in the open and he wants to be as open as possible. He stated that some items are done in executive session, but when it can be done in public session, it will be. He stated that if members of the public have concerns, to please let him know. He stated that he wants to get the facts out of what they are looking at and when it comes to a vote, each will state their decision and why they made that decision. He stated that his goal is to represent all of the citizens of Pflugerville and to be responsible to the citizens and how their tax dollars are spent.

Ms. Sattler explained that the Council has gone back and forth on this project and at one point it was rejected. She stated that in looking at the three scenarios now, they are now much closer to reality. She stated that they need to do something for the west side of town, that it is a gateway and that she would love to see something there that would bring others in from outside of town.

Mayor Coleman closing the discussion on the item. He stated that no action would be taken.

10. Ordinances First Reading

ORD-0029

Discuss and consider approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, CHAPTER 90, REGARDING ANIMALS, PROVIDING FOR THE REGULATION OF AGGRESSIVE DOGS, REQUIRING THE OWNERS OF AGGRESSIVE DOGS TO OBTAIN LIABILITY INSURANCE AND ADEQUATELY RETRAIN AGGRESSIVE DOGS, PROVIDING A HEARING FOR THE OWNER OF AN AGGRESSIVE DOG, PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 AND PROVIDING AN EFFECTIVE DATE

The ordinance was approved on first reading as amended to remove 1A and add to Level 2 "causes serious bodily injury."

Mayor Coleman read the item along with the caption of the ordinance under consideration. Mr. Akers explained that this ordinance is for dogs that bite other animals. He explained that State law covers dogs that bite humans and there is no reason to have a duplicate ordinance for that. Mr. Akers provided information on the specifics of the ordinance. Mr. Akers answered questions of the Council. Mr. Marsh asked regarding a dog that is within its fenced yard that barks at a stranger and is acting to protect. Mr. Akers explained that that would be Level 1A. Council discussion followed with input from Lt. Anderson and Chief Hooker. Mayor Coleman proposed that under Level 1 behavior, to delete A completely and change B by adding "and cause physical injury" and making Level 2 for severe physical injury. There was continued discussion. Mr. Marsh agreed with concern with Level 1A. Mr. Akers suggested that they leave 1B and make it 1A if they want this type of ordinance. Mr. Akers stated that the City does receive complaints on 1A. There was continued discussion.

Lee Goldstein, 1002 Pleasant Valley Drive, stated that in 1A they could state that if the dog is not restrained by a chain link fence. Mr. Akers stated that chain link fence is not allowed to be built. Mr. Goldstein stated that if the dog had an enclosure that people could reasonably know that the dog could not get out.

Mr. Hooker spoke regarding the pros and cons of the ordinance. Mayor Coleman stated that he thinks they need the ordinance but does not like 1A, that he thinks that part is too subjective. He stated on 1B, he would like it to have some kind of personal injury. There was continued discussion with input from Lt. Anderson.

Mr. White made a motion to approve the ordinance as modified to remove 1A and B becomes A. Mr. Marsh seconded the motion. There was continued discussion. Mayor Coleman asked for an amendment to add severe injury. Mr. White stated that there are not any minor ones, he stated if severe helps, though, he is all for it. Mr. Akers stated that they could use the wording "serious bodily injury." Mr. White stated that he means serious bodily injury. Mr. Cooper stated that he would rather err on the side of caution, and stated the issue is that there is a pattern that develops. The Mayor stated to disagree.

Mr. White made a motion to remove 1A and add to Level 2 "causes serious bodily injury." Ms. Sattler seconded the motion. All voted in favor. The motion carried.

Meeting Break

Mayor Coleman called for a break at 9:37 p.m. He reconvened at 9:51 p.m.

Reading of the Consent Agenda

Item ORD-0025 was removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

6. Approval of Minutes

2010-0335 Approval of the minutes of the November 2, 2010, Special Meeting; and November 9, 2010, Worksession and Regular Meeting.

Approved on the consent agenda.

7. Ordinances First Reading

ORD-0033 Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ANNEXING FOR FULL PURPOSES, APPROXIMATELY 159 ACRES OF LAND GENERALLY LOCATED EAST OF HEATHERWILDE BLVD., NORTH OF SH 45, AND SOUTH OF GATTIS SCHOOL ROAD, IN TRAVIS COUNTY TO INCLUDE THE GREENRIDGE SUBDIVISION PHASES 1-6; TO BE KNOWN AS THE GREENRIDGE 2010 ANNEXATION; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

Approved on the consent agenda on first reading.

ORD-0031 Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, CHAPTER 150, REGARDING THE ADOPTION OF THE INTERNATIONAL BUILDING CODES, 2009 EDITION; REPEALING ARCHAIC SECTIONS; PROVIDING FOR SEVERABILITY; ESTABLISHING PENALTIES NOT TO EXCEED \$2,000.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

Approved on first reading on the consent agenda.

8. Ordinances Second Reading

ORD-0021 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 AMENDING SUBCHAPTER 4 ESTABLISHMENT OF DISTRICTS AND BOUNDARIES TO ALLOW ATHLETIC FIELD LIGHTING BY SPECIFIC USE PERMIT, AND AMENDING SUBCHAPTER 13. LIGHTING STANDARDS TO ADD SECTION 13. ATHLETIC FIELD LIGHTING REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERABILITY CLAUSE AND DECLARING AN EFFECTIVE DATE.

Approved on the consent agenda on second and final reading.

ORD-0024 Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, DESIGNATING A CERTAIN AREA AS THE PFLUGERVILLE RENEWABLE ENERGY REINVESTMENT ZONE FOR THE CITY OF PFLUGERVILLE, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on the consent agenda on second and final reading.

9. Other Actions

2010-0330 Review of Quarterly Investment Report for the quarter ending September 30, 2010.

Approved on the consent agenda.

2010-0338 Authorizing the City Manager to respond to the Texas Water Development Board's (TWDB) invitation to apply for the State Fiscal Year (SFY) 2011 Clean Water State Revolving Fund (CWSRF) Mainstream Funding for the Wilbarger Creek Regional Wastewater Treatment Facility and Wilbarger Creek Interceptor and Reuse System projects.

Approved on the consent agenda.

2010-0342 Approving the Mayor's appointment of Linda Atkins, Michael Russell, Robert Spoonemore, and Judith Carter to the Personnel Appeal Board for three-year terms beginning January 1, 2011.

Approved on the consent agenda.

Action on the Consent Agenda.

The consent agenda was adopted.

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

Ordinances Second Reading

ORD-0025

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 AMENDING SUBCHAPTER 5 ESTABLISHMENT OF OVERLAYS AND SPECIAL DISTRICTS, SECTION A. CENTRAL BUSINESS DISTRICT (CBD), SUBSECTION 3, AND AMENDING SUBCHAPTER 4 ESTABLISHMENTS OF DISTRICTS AND BOUNDARIES, SECTION B. OFFICE, RETAIL AND COMMERCIAL ZONING DISTRICTS, SUBSECTION 3, PROVISION 12, TO ALLOW FOR A BODY ART STUDIO BY SPECIFIC USE PERMIT; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.

The ordinance was adopted on second and final reading.

Mr. White stated that he asked that the ordinance be removed from the consent agenda because he does not wish to vote for it.

David Rogers, 1120 Glendalough Drive, spoke in opposition to the ordinance. He stated that there are a number of these type of businesses near Pflugerville and there is not a shortage to access to these type of services. He stated that it is not a big source of ad valorem tax to the City. He stated that he is concerned with this type of business, that it is a gateway drug for other less savory type of activities. He stated that it is not family friendly. He answered questions of Council. Mayor Coleman explained that this is a specific use permit that would allow the Council to consider an application to put in a body art studio. He stated that it is only the first step of doing that. He stated that the proposed location that the owner wants is between two bars and across the street from another. He stated that society has changed dramatically and that of the 35 and under crowd, the majority has body art. Mayor Coleman explained that to him, this is a free-market issue. He stated that he has a differing opinion than Mr. Rogers and that he would vote for this.

Ms. Sattler stated that body art is considered as self expression by others. She stated that there are a lot of people out there that choose to have body art.

Mr. Cooper commented on the widespread use of tattoos as self expression. He stated that he has talked to Mr. Dodson (the proposed applicant) and will vouch for him. He stated that the Council would be doing this to allow a specific use permit. He stated that Mr. Dodson is looking at this location to add interest.

Mayor Coleman stated that body art used to be a military and a bad guy thing, but it has evolved into something more mainstream.

Mr. Gonzales stated that he looks at the person, not at the tattoos.

Kevin Pakenham, 1101 Swenson Farms Boulevard, stated that this ordinance is not about a tattoo. He stated that the issue is about an ordinance to allow a business that offers tattoos. He stated that he has no knowledge of the gentleman that wants to open the business. He stated that they have to look at

the unintended consequences of changing an ordinance that does not allow it. He stated that there are plenty of other venues for people to get tattoos. He stated that he picked Pflugerville for a family community. He stated concern for passing of an ordinance like this, that it has an underlying message that Pflugerville is trying to emulate Austin. He stated that once you open a business of that nature, you open the door to additional ones of that nature. He asked Council to look at unintended consequences of what future Councils might see.

Carl Wasmuth, 1510 Santonlina, was signed up to speak, but was no longer in attendance when called upon by Mayor Coleman.

Katie Brewer, 1040 Kensington Castle, stated that she is not opposed to a tattoo studio. She stated that she is a stay at home mom and a homeowners association president and has four tattoos. She asked if anyone really believes that getting tattoos is going to create this atmosphere in our community. She stated that the market will decide if he is no good. She stated that word of mouth is most important for tattoos. She stated that this is about judging and you are judging. She stated that they are going to go to Austin or somewhere else because they want a tattoo and people will spend their money elsewhere. She stated that 85% of what he gets would come back to Pflugerville by supporting a local business. She stated her only concern is that she hopes that he is good.

Mr. White stated that the reason he would not support the request is that the City ordinance does not currently provide a specific use permit for this activity. He stated that there are other locations where the business could locate.

Mr. Gonzales made a motion to approve the ordinance. Mr. Cooper seconded the motion. The vote was Mr. Cooper-aye, Mr. Marsh-aye, Mr. White-no, Ms. Sattler-aye, Mr. Gonzale-aye. The motion carried.

4. Public Hearing and Ordinance First Reading

2010-0243 Hold a public hearing and consider an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, DESIGNATING A CERTAIN AREA AS REINVESTMENT ZONE NO. ONE, CITY OF PFLUGERVILLE, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; AND PROVIDING FOR AN EFFECTIVE DATE. The City Council is expected to retire to executive session on the item for deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding the creation of this proposed Tax Increment Reinvestment Zone (TIRZ) with Newland Communities. Any action will take place in open session.

The public hearing was held.

Mayor Coleman opened the public hearing and read the item to include the caption of the ordinance under consideration. Tim Austin, Attorney, and Ian Boyd of Newland Communities indicated that they were in attendance to be on record in favor of this ordinance and available to answer any questions.

There were no additional 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.

The ordinance was approved on first reading.

Mr. Cooper made a motion to approve the ordinance as written. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

11. Discuss and consider action

2010-0345 Discuss and consider action regarding future agenda items.

Mr. Cooper asked regarding the previously requested BMX item. Mr. Wade stated that staff has been gathering information and would bring the item forward. Mr. White requested an item to discuss the neighbors' complaints regarding noise from McMurtrie Farms event center.

Executive Session

Executive Session was held on items 2010-0337, 2010-0336, 2010-0339, and 2010-0314.

Mayor Coleman announced that the City Council was retiring to Executive Session on items 2010-0337, 2010-0336, 2010-0339, and 2010-0314 and read the items. The time was 10:24 p.m.

- 2010-0337** 1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding the First Supplement and Addendum to the Economic Development Agreement for the Stone Hill Town Center in Pflugerville, Texas. 2.) Open Session Item: Discuss and consider action regarding the First Supplement and Addendum to the Economic Development Agreement for the Stone Hill Town Center in Pflugerville, Texas.

Discussion on the item was to take place in Executive Session.

- 2010-0336** 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.

Discussion on the item was to take place in Executive Session.

- 2010-0339** 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code to discuss hiring a temporary Assistant City Attorney to cover municipal court while City Attorney is on vacation. 2.) Open Session Item: Discussion and action concerning hiring a temporary Assistant City Attorney to cover municipal court while City Attorney is on vacation.

Discussion on the item was to take place in Executive Session.

- 2010-0314** 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code to discuss procedures related to the evaluation of the City Manager and City Attorney. 2.) Open Session Item: Discuss and consider action regarding procedures related to the evaluation of the City Manager and City Attorney.

Discussion on the item was to take place in Executive Session.

Executive Session Closed

Executive Session was closed.

Mayor Coleman reconvened in open session at 12:20 a.m.

2010-0339 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code to discuss hiring a temporary Assistant City Attorney to cover municipal court while City Attorney is on vacation. 2.) Open Session Item: Discussion and action concerning hiring a temporary Assistant City Attorney to cover municipal court while City Attorney is on vacation.

Council took action to approve the hiring of Kent "Bud" Wymore as Assistant City Attorney for December 2010.

Mr. White made a motion that the Council hire Kent "Bud" Wymore as Assistant City Attorney for December 2010. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

12. Adjourn

The meeting was adjourned at 12:21 a.m. on Wednesday, November 24, 2010.

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

Respectfully submitted,

**Karen Thompson
City Secretary**

Approved as _____ on December 14, 2010.