



City of Pflugerville

Minutes - Final City Council

Tuesday, November 9, 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 7:00 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; Karen Thompson, City Secretary; Trey Fletcher, Managing Director of Operations; Beth Davis, Finance Director; Amy Atkins, Interim Director of Parks and Recreation; Leann Resendez, Acting Assistant Director of Recreation; Felix Benavides, City Engineer; Terri Waggoner, Public Information Officer; James Wills, Public Works Director; Patricia Rinehart, Public Works Admin Assistant; Susan Word, Human Resources 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.

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. Presentations

2010-0286 Proclamation declaring November 11, 2010, as Veterans Day in the City of Pflugerville.

Mayor Coleman read the proclamation declaring Veteran's Day, Thursday, November 11, 2010.

2010-0311 Jose Riojas Elementary School Choir performance honoring Veterans Day.

Mayor Coleman introduced the Jose Riojas Elementary School Choir led by Stephanie Kapsa. The Riojas Choir performed a song in honor of Veterans Day. Mayor Coleman thanked the Choir and recognized and thanked all Veterans in attendance for their service to our country.

2010-0287 Presentation of the Association of Hispanic Municipal Officials Alex Briseno Excellence and Leadership Award to Councilmember Victor Gonzales.

Mayor Coleman introduced Johnny Rodriguez, Executive Director of the Association of Hispanic Municipal Officials (AHMO) for presentation of the award. Mr. Rodriguez provided information on AHMO and the award. He introduced Councilmember Melanie Rios of Hutto and AHMO President Daniel Tejada. Mr. Tejada provided additional information and presented the award to Councilmember Gonzales. Mr. Gonzales provided comments.

4. Public Hearing and Ordinance First Readings

ORD-0025

Conduct a public hearing and consider approving an ordinance on first 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 public hearing was conducted and there was Council discussion on the item.

Mayor Coleman opened the public hearing and read the item along with the caption of the ordinance under consideration. Mr. Fletcher provided information and answered questions of the Council. Rodney Blackburn, Planning and Zoning Commissioner, indicated he was included in the majority that voted in favor of the ordinance. He stated that by approving this, the applicant would be allowed to submit an application for the special use district. Ryan Dodson, 1607 Old Tract Road, requested that the text amendment be approved to allow for a body art studio in the Central Business District. He stated that he has ten years of experience and has a solid clientele with a two to four week wait list. He stated that he is duly prepared to open a studio and would follow all laws and codes. He stated that his business is appointment based and would be open Monday to Saturday, Noon to 9:00 p.m. He asked the Council to give him a chance to open his own business in Pflugerville. Mr. Dodson answered questions of the Council. There were no additional requests to speak at the public hearing. Mr. Gonzales 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 moved to approve the amendment to the ordinance to allow a specific use permit for body art in the City of Pflugerville in areas zoned GB1 and GB2. Mr. Gonzales seconded the motion. Council discussion with Mr. Fletcher followed. All voted in favor. The motion carried.

ORD-0026 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, SERIES 2010; 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; CALLING CERTAIN OBLIGATIONS FOR REDEMPTION; AND AUTHORIZING OTHER MATTERS RELATED TO THE BONDS.

The public hearing was conducted on all three items concerning bond issuance and there was Council discussion on the three items.

Mayor Coleman opened the three public hearing items concerning bond issuance and read the items along with the captions of the ordinances under consideration. Ms. Davis provided information. She reported that the City's bond rating was increased this year by Moody's. She explained that the refunding had been changed to refund only two bond issues, which are the 2001 bonds for the Justice Center and the 2002 bonds for roads, parks, and 50% of the Colorado River Water Supply project. She reported that there would be a net savings of over 7%, amounting to a savings of \$1,000,000, and an average annual savings of \$64,000. Ms. Davis reported that the market was flooded with municipal bonds and the market moved away from us some. Bill Harrison, financial advisor, provided information and recommended approval of all three bonds with a delivery on or about December 8. There were no requests to speak at the public hearings. Mr. Marsh made a motion to close all three public hearings. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

The ordinance was approved on first and final reading on all three ordinances concerning bond issuance.

Mr. Gonzales made a motion to approve the subject ordinances for the bonds on all three items. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

ORD-0028 Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF PFLUGERVILLE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2010; AUTHORIZING THE LEVY OF AN AD VALOREM TAX AND THE PLEDGE OF CERTAIN NET REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, A PURCHASE AGREEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; AND AUTHORIZING OTHER MATTERS RELATED TO THE CERTIFICATES.

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The ordinance was approved on first and final reading on all three ordinances concerning bond issuance.

Mr. Gonzales made a motion to approve the subject ordinances for the bonds on all three items. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

ORD-0027 Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF PFLUGERVILLE, TEXAS LIMITED TAX BONDS, SERIES 2010; AUTHORIZING THE LEVY OF AN AD VALOREM TAX IN SUPPORT OF THE BONDS; APPROVING AN OFFICIAL STATEMENT, A PURCHASE AGREEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; AND AUTHORIZING OTHER MATTERS RELATED TO THE BONDS.

The public hearing was conducted on all three items concerning bond issuance and there was Council discussion on the three items.

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The ordinance was approved on first and final reading on all three ordinances concerning bond issuance.

Mr. Gonzales made a motion to approve the subject ordinances for the bonds on all three items. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

ORD-0024 Conduct a public hearing and consider approving 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 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.

The public hearing was conducted and there was Council discussion on the item.

Mr. Akers provided information and answered questions of the Council. There were no requests to speak at the public hearing. Mr. Gonzales 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. Gonzales made a motion to approve the ordinance on first reading. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

5. Public Comment

Brent Hurta, 3104 Murrelet Way, stated he provided a packet of information on a skate plaza opened three weeks ago in Marble Falls. He spoke regarding the skate plaza and stated he would send the City Secretary a better copy of the photographs for distribution.

Reading of the Consent Agenda

Items ORD-0021 and 2010-0301 were removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

6. Approval of Minutes

2010-0308 Approval of the minutes of the October 26, 2010, Worksession and Regular Meeting.

Approved on the consent agenda.

8. Ordinance Second Reading

ORD-0023 Approving an ordinance on second reading with a caption reading: AN ORDINANCE AMENDING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE AMENDING SUBCHAPTER 4 ESTABLISHMENTS OF DISTRICTS AND BOUNDARIES, SECTION A. RESIDENTIAL ZONING DISTRICTS, SUBSECTION FIVE THROUGH SEVEN, TO ADD REQUIREMENTS ADDRESSING SETBACKS FOR STORAGE SHEDS UNDER AND OVER 200 SQ. FT. (CA1009-01); REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.

Approved on the consent agenda on second and final reading.

9. Resolution

RES-0016 Approving a resolution with the caption reading: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS (CITY) AUTHORIZING THE INTERVENTION AT THE RAILROAD COMMISSION OF TEXAS CONCERNING THE FILING FOR AN INCREASE IN RATES BY ATMOS PIPELINE - TEXAS; REQUIRING ATMOS PIPELINE TO REIMBURSE REASONABLE RATE CASE EXPENSES; AUTHORIZING THE RETENTION OF COUNSEL AND RATE CONSULTANTS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND OTHER PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on the consent agenda.

10. Other Actions

2010-0310 Cancelling the City Council's December 28, 2010, Worksession and Regular Meeting.

Approved on the consent agenda.

2010-0309 Approving an agreement with Williamson County, City of Round Rock and the City of Georgetown to create a Central Texas Deferred Compensation Plan to replace the current voluntary participation Deferred Compensation Plan. This new plan is a voluntary participation plan with no fiscal impact to the City. All costs related to set up and administration will be borne by the employee participants in the plan.

Approved on the consent agenda.

2010-0295 Adopting the Filming in Pflugerville Policy as required by the Texas Film Commission to gain Film Friendly Designation and status.

Approved on the consent agenda.

2010-0290 Receive report on Council, Commission, Board and Committee expenditures for October 2010.

Approved on the consent agenda.

2010-0304 Approving a reimbursement in the amount of \$262.50 for mileage reimbursement and \$171.35 for hotel reimbursement made payable to Mr. Victor Gonzales for attendance of the Texas Municipal League Annual Conference in Corpus Christi, Texas from October 26, 2010 to October 29, 2010.

Approved on the consent agenda.

2010-0265 Approve action to ratify the appointment of Trey Fletcher as Managing Director of Operations effective June 13, 2010.

Approved on the consent agenda.

2010-0264 Approve action to ratify the appointment of James Wills as Public Works Director effective June 13, 2010.

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. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

7. Ordinance First Reading

ORD-0021 Approving an ordinance on first 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.

The ordinance was approved as amended on First Reading.

Mayor Coleman read the item along with the caption of the ordinance. Mr. Cooper asked if his previous concerns were addressed. Mr. Fletcher indicated that they were addressed in the use table. Mr. Cooper indicated concern for lighting across the street not being addressed. Mr. Fletcher indicated that he would add clarification that the maximum illumination is also 0.5 footcandles when across the street. Council discussion followed with Mr. Fletcher. Mr. Cooper made a motion to approve the ordinance as amended to address the adjacency across public right a way to .5 foot candle in accordance with what Mr. Fletcher has suggested. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

Other Action

- 2010-0301** Authorizing the City Manager to execute a contract with H.R. Gray for a total amount of \$248,094.00 for owner's representative services associated with the expansion of the Pflugerville Community Library. Funding for the expansion and these services is through General Obligation Bonds approved by voters in 2008.

The item was approved.

Mr. Cooper asked questions of Mr. Fletcher. Mr. Cooper made a motion to approve item 2010-0301. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

11. Resolution

- 2010-0281** Discuss and consider approving a resolution creating and making appointments to a Charter Review Commission.

The resolution was approved.

Mayor Coleman reviewed the appointments to the Charter Review Commission: Charles Colley, Leilani Smith, Michael Dossing, Cindy Engelhardt, Michael Marler, Marie Hornberger, Jerry Scott, Gina Whittington, Hilan Priddy, Elaine Boozer, Darlene Cross, Shannon Coleman and Melvin White. Mr. Cooper made a motion to approve the resolution making the appointments as presented by the Mayor. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

12. Discuss and consider action

- 2010-0241** Discuss and consider action regarding a proposed fee and application process for business and special event use of City parks and Lake Pflugerville.

The special event permit application and associated fee structure was approved with the amendment that they remove the charge for local non profits for a period not to exceed July 2011.

Ms. Atkins provided information and answered questions of the Council. She requested approval of the special event permit tonight. There was continued discussion. Mayor Coleman suggested putting the rules in place for the next six months and creating a committee to review. There was continued discussion. Mr. Marsh moved to approve the special event permit application and associated fee structure with the amendment that they remove the charge for local non profits for a period not to exceed July 2011. Mr. Cooper seconded the motion. All voted in favor. The motion carried. Mayor Coleman asked how they would proceed with the committee. Mr. Wade recommended assigning it to the Parks and Recreation Commission. Mr. Cooper and Mayor Coleman volunteered to participate on the committee.

2010-0277 Discuss and consider action regarding the rescheduling of the City Council's winter retreat worksession.
The City Council rescheduled the Council's winter retreat to January 29, 2011.

2010-0305 Discuss and consider action regarding future agenda items.
Mr. Cooper requested a future item to discuss potential development of BMX track, skate park and other parks facilities to set Pflugerville apart.

Executive Session

Executive Session was held from 9:25 p.m. to 11:30 p.m. for discussion related to items 2010-0243, 2010-0313, 2010-0249, and 2010-0314.

Mayor Coleman announced that the City Council was retiring to executive session on items 2010-0243, 2010-0313, 2010-0249, and 2010-0314. He read the items. The City Council retired to executive session at 9:25 p.m. Mayor Coleman reconvened in open session at 11:32 p.m.

2010-0243 1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding the creation of a Tax Increment Reinvestment Zone (TIRZ) with Newland Communities. 2.) Open Session Item: Discuss and consider action regarding the creation of a Tax Increment Reinvestment Zone (TIRZ) with Newland Communities.

No action was taken on the item.

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

2010-0313 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.

No action was taken on the item.

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

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.

No action was taken on the item.

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.

No action was taken on the item.

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

13. Adjourn

The meeting was adjourned at 11:32 p.m.

Mr. Marsh made a motion to adjourn. Ms. Sattler seconded the motion. All were in favor. The motion carried.

Respectfully submitted,

**Karen Thompson
City Secretary**

Approved as _____ on November 23, 2010.