



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, August 9, 2011

7:00 PM

100 East Main Street, Suite 500

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### Regular Meeting

#### 1. Call to order

Mayor Jeff Coleman called the meeting to order at 7:00 p.m. Councilmembers Wayne Cooper, Brad Marshall, Darelle White, Starlet Sattler and Victor Gonzales were in attendance. City employees attending: Brandon Wade, City Manager; Floyd Akers, City Attorney; Lauri Gillam, Assistant City Manager; Trey Fletcher, Managing Director of Operations; Beth Davis, Finance Director; Amy Good, Assistant Finance Director; Amy Atkins, Parks Director; Leann Resendez, Recreation Center Supervisor; Caroline Davis, Municipal Court Administrator; Chuck Hooker, Police Chief; Shawn Brown, Police Lieutenant; James Wills, Public Works Director; Karen Thompson, City Secretary.

#### 2. Opening

- 2A. 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.

Boy Scout Troop 193 led those in attendance in reciting the Pledge of Allegiance of the Flag of the United States of America.

- 2B. 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.

Boy Scout Troop 193 led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

#### 3. Presentation

- 3A. [2011-0737](#) Presentation by George Rash of Linc Service Company regarding preliminary analysis of the City's electrical load, service provider rates and all department facilities as they pertain to gas, electric, water, and operational schedules.

Mr. Wade introduced Mr. George Rash of Linc Service Company. Mr. Rash presented and answered questions of the Council. Mr. Doug Smyers of Linc also provided information. Mr. Wade stated that they would continue to work with Mr. Rash on this and would bring back something for the Council to consider at a future meeting.

#### 4. Public Hearing

- 4A. [ORD-0070](#) Conduct a Public Hearing on the annexation, for full purposes, of two separate tracts of land consisting of approximately 84 acres within the SH 45 right of way, out of the Peter Conrad Survey No. 71, Abstract No. 200 in Travis and Williamson County, Texas to be known as the SH 45 Right of Way Annexation (ANX1106-01)

**Mr. Fletcher provided information on the annexation of two tracts of right of way owned by the Texas Department of Transportation. He stated that this is the first public hearing and a second public hearing is scheduled for August 23, 2011, with first reading of the ordinance scheduled to take place on September 13, 2011. There were no persons in attendance requesting to speak at the public hearing. Mr. Gonzales made a motion to close the public hearing. Mr. Cooper seconded the motion. All voted in favor. The motion carried.**

#### 5. Public Hearing and Ordinance First Readings

- 5A. [ORD-0069](#) 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 4 ESTABLISHMENT OF DISTRICTS AND BOUNDARIES TO ADD CLARIFICATION TO THE UNIT MIX REQUIREMENT IN THE MULTI-FAMILY SUBURBAN RESIDENTIAL DISTRICT (MF-S) AND MULTI-FAMILY URBAN RESIDENTIAL DISTRICT (MF-U); AND SUBCHAPTER 5 ESTABLISHMENT OF OVERLAYS AND SPECIAL DISTRICTS TO ADD UNIT MIX REQUIREMENTS FOR MULTI-FAMILY DEVELOPMENTS IN THE SUBURBAN LEVEL 3 (CL3), URBAN LEVEL 4 (CL4) AND URBAN CENTER LEVEL 5 (CL5) DISTRICTS (CA1106-01); REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.

**Mr. Fletcher provided information. There were no persons in attendance requesting 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.**

## 6. Public Comment

Brent Hurta, 3104 Murrelet Way, provided information regarding statistical surveys on emergency room visits regarding sports injuries showing that trampolines, soccer, baseball, football, basketball and bicycling had more injuries than skateboarding. He indicated that skateboarding would be safer if conducted in a skate spot facility intended for the use. He stated that he is looking at funding for a skate spot and looking into how much it would cost to construct a new basketball court.

W.C. Kolinek, 18920 Carlisle Castle Drive, reported on water pressures issues in Highland Park North with the water provider, Manville Water Supply Corporation. He indicated that in March, he put in a sprinkler system and the sprinkler heads would not pop up. He stated that he got a pressure gauge and the pressure was in the 20's. He stated that he called Manville and they sent a man out and his reading was within 1 pound of Mr. Kolinek's reading. Mr. Kolinek stated that then the water pressure came up a little bit. He stated that they had the same problem in June, so he called the Fire Department. He stated their pressure went up 65 pounds then and the first week of July they had a fire on Porchester and they put the fire out. He stated that now they are back in the same situation. He stated that he would hope something could be done to solve this problem. Mr. Wade explained that Highland Park North, Highland Park and Springbrook are part of a former Municipal Utility District, annexed and operated by the City, but the water pressure and fire flow are provided by Manville Water Supply Corporation. Mr. Wade stated that he and his staff are working with Manville on a continuing basis to do their best to keep the flow up and running. He stated that the City has been continuing discussions with Manville regarding the contracts and are working toward getting the pressure and flow that we should be getting from Manville.

## Public Hearing and Ordinance First Readings

### ORD-0069

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 4 ESTABLISHMENT OF DISTRICTS AND BOUNDARIES TO ADD CLARIFICATION TO THE UNIT MIX REQUIREMENT IN THE MULTI-FAMILY SUBURBAN RESIDENTIAL DISTRICT (MF-S) AND MULTI-FAMILY URBAN RESIDENTIAL DISTRICT (MF-U); AND SUBCHAPTER 5 ESTABLISHMENT OF OVERLAYS AND SPECIAL DISTRICTS TO ADD UNIT MIX REQUIREMENTS FOR MULTI-FAMILY DEVELOPMENTS IN THE SUBURBAN LEVEL 3 (CL3), URBAN LEVEL 4 (CL4) AND URBAN CENTER LEVEL 5 (CL5) DISTRICTS (CA1106-01); REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.

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

**Sup Resolution**

1.

**RES-0053**

Resolution ordering a November 8, 2011, Special Election for consideration of amendments to the City's Charter.

Ms. Thompson indicated that she had provided the resolution with the propositions prepared by the City Attorney directly from the recommendations of the Charter Review Commission. She noted that a special meeting would be needed on November 16 or 17 for canvassing of the votes. Mayor Coleman asked if they should consider waiting until next May to hold the election. Ms. Thompson explained that questions remain at this time if the counties will conduct the City's election next May due to changes by the Legislature. She stated that it is expected that the City may have to move its election to November. Mr. Akers stated that the Charter Amendment Election would need to be held this November. Mr. Cooper asked regarding the percentages required in the charter for submitting petitions to call a vote, stating that they seem high. Mr. Akers indicated that the Charter Review Commission discussed the issue and decided not to recommend changing it. He stated that the Charter Review Commission did not think it was insurmountable. Mr. White made a motion to approve the resolution. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

**Reading of the Consent Agenda**

Mayor Coleman asked about the over \$2,000 cost reported under Ms. Sattler and Mr. Gonzales on the expenditure report under item 10C. Ms. Thompson stated that this was for the Austin Chamber of Commerce's InterCity visit. Ms. Thompson read the items along with the captions of the ordinances under consideration.

**7. Approval of Minutes**

7A. **2011-0754** Approval of the minutes of the July 26, 2011, Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

**8. Ordinances First Reading**

8A. **ORD-0068** 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 #2 FOR THE CITY OF PFLUGERVILLE, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

The ordinance was approved on first reading on the consent agenda.

**9. Ordinances Second Reading**

- 9A. [ORD-0067](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FOURTH AMENDMENT TO THE FISCAL YEAR 2010-2011 BUDGET FOR THE CITY OF PFLUGERVILLE AND PROVIDING AN EFFECTIVE DATE.
- The ordinance was approved on second and final reading on the consent agenda.

**10. Other Actions**

- 10A. [2011-0601](#) Approving a reimbursement request in the amount of \$558.19 by Mayor Pro Tem Victor Gonzales for business meeting mileage and hotel expenses for attendance of the Texas Municipal League Board of Directors meeting in Arlington from June 23 to June 24, 2011.
- The item was approved on the consent agenda.
- 10B. [2011-0763](#) Approving Councilmember Darelle White registration fees for attendance of the Austin Chamber of Commerce's 2nd Annual State of Transportation Luncheon in Austin on August 24, 2011.
- The item was approved on the consent agenda.
- 10C. [2011-0756](#) Receive report on City Council, Commission, Board and Committee expenditures for July 2011.
- The item was approved on the consent agenda.
- 10D. [2011-0753](#) Authorizing the City Manager to accept a ChargePoint America Program grant for electric vehicle charging stations and execute required documents including the Master Services Support Agreement.
- The item was approved on the consent agenda.
- 10E. [2011-0761](#) Authorizing the Pflugerville Community Development Corporation (PCDC) to purchase approximately 7.3 acres of land in the Northeast Metropolitan Park from Travis County for reconfiguration of area roadway access near SH 130 and Pecan Street.
- The item was approved on the consent agenda.
- 10F. [2011-0762](#) Approving a Pflugerville Community Development Corporation (PCDC) professional services agreement for engineering services with DCS Engineering in the amount of \$259,302.
- The item was approved on the consent agenda.

## Action on the Consent Agenda

Mr. White made a motion to approve the consent agenda. Mr. Cooper seconded the motion. Mr. Marshall asked regarding the ChargePoint America Program if it would be possible to discuss the locations of the stations. Mr. Fletcher indicated in the affirmative. All voted in favor. The motion carried.

### 11. Discuss only

- 11A. [2011-0596](#) Discussion regarding the Fiscal Year 2011-2012 Proposed Budget.

Mr. Wade commended Mr. Fletcher for the work he has done while being in charge of basically all development and operations. He explained that he is recommending adding an additional Assistant City Manager to focus on operations and that Mr. Fletcher become Assistant City Manager over development, building inspection, planning, engineering and special zones. He explained that based on final values, the City is projected to receive an additional \$177,000 in revenues over previous projections. He stated with those adjustments and adjustments to these positions, if Council would care to do so, they can also include a 3% pool for merit raises, instead of just 1%. Mr. Wade provided a handout to Council showing these proposed adjustments to his original budget and a new five year pro forma. Council discussion followed with Mr. Wade. The budget was to be considered for approval on September 13.

### 12. Discuss and consider action

- 12A. [2011-0764](#) Discuss and consider action regarding a Highland Park North Homeowners Association issue with a special warranty deed with HPN (John Lloyd, developer).

Mr. Akers indicated that Mr. David Rogers and Ms. Melody Ryan are here to address the issue. Mr. Akers provided information on the issues, explaining that the deed conveyed four parcels belonging to the City and the homeowner association president that signed the deed did not have the authority to sign the document. Mr. Rogers provided a copy of the deed and some additional documents to Council and provided information on the issues. He stated that as he mentioned last time, they are currently in a negotiation posture with John Lloyd and would prefer not to go into litigation. He stated that they want to know how much help they can count on from the City of Pflugerville when they deal with John Lloyd. He stated that they would want the Homeowners Association and the City of Pflugerville's interest to be aligned to the greatest degree possible. He stated that their view is that all of the property deeded to City of Pflugerville and Highland Park North, belongs to the City of Pflugerville. He stated that to the extent that there are lots transferred to others other than the City of Pflugerville, that those are invalid transfers. Mr. Cooper asked if any money changed hands. Mr. Rogers stated it looks like there was resuscitation of \$10, but there is no record that money was transferred. Mr. Cooper asked if this looks like a clerical error. Mr. Akers stated that there are no issues with the lots that the City was deeded, that the City maintains those. He stated that the issue is the drainage lot 29 which is 18.5 acres which is not being maintained. He stated that there is also supposed to be a hike and bike trail. He stated that the agreement with the City was that the developer was to build a hike and bike trail and then the City was to take it over. Mr. Rogers stated that is essentially what they want to do, to get a hike and bike trail and have John Lloyd pay for it and then transfer it to the City. Mr. Cooper made a motion to direct staff to support the Highland Park North Homeowners Association as necessary to get this thing resolved as quickly and equitably as possible. Council discussion followed. Mr. Cooper restated his motion to direct staff to initially touch base with the Highland Park North Homeowners Association and define where the hike and bike trail would be, establish a value for that hike and bike trail as a negotiation point with John Lloyd and present that to John Lloyd as an equitable solution to all of the woes and hard feelings and miscommunications about transferring the property as a way to get out of this and pursue that as an equitable and timely solution to this issue so when we build this hike and bike trail all of the issues about property title conveyance and all of those things go away and the maintenance issues end. Mr. White seconded the motion. All voted in favor. The motion carried.

- 12B. [2011-0755](#) Discuss and consider action regarding future agenda items.

No future agenda items were requested under the item.

### Executive Session

Mayor Jeff Coleman announced that the Council was retiring to executive session for consultation with legal counsel under item 12C and deliberations regarding economic development negotiations under item 12D. The time was 8:20 p.m.

- 12C. [2011-0742](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding the second amendment to the wholesale water agreement with SWWC Utilities, Inc. (previously Windermere Utility Company). 2.) Open Session Item: Discuss and consider action to approve the second amendment to the wholesale water agreement with SWWC Utilities, Inc.

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

- 12D. [2011-0765](#) 1.) Executive Session Item: Deliberations regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding economic development negotiations.

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

### **Executive Session Closed**

**Mayor Coleman reconvened in open session at 9:12 p.m.**

- 12C. [2011-0742](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding the second amendment to the wholesale water agreement with SWWC Utilities, Inc. (previously Windermere Utility Company). 2.) Open Session Item: Discuss and consider action to approve the second amendment to the wholesale water agreement with SWWC Utilities, Inc.

**Mr. Gonzales made a motion to approve the second amendment to the wholesale water agreement with SWWC Utilities, Inc. Mr. White seconded the motion. All voted in favor. The motion carried.**

### **13. Adjourn**

**Mr. Cooper made a motion to adjourn. Mr. White seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 9:13 p.m.**

**Respectfully submitted,**

**Karen Thompson  
City Secretary**

**Approved as presented on August 23, 2011.**