



City of Pflugerville

Minutes - Final City Council

Tuesday, June 14, 2011

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, Brad Marshall, Darelle White, Starlet Sattler, and Victor Gonzales were in attendance. City employees attending: Brandon Wade, City Manager; Floyd Akers, City Attorney; Karen Thompson, City Secretary; Lauri Gillam, Assistant City Manager; Terri Waggoner, Public Information Officer; LeAnn Resendez, Recreation Center Supervisor; Amy Atkins, Parks Director; Amy Good, Assistant Finance Director; Sabrina Schmidt, Accounts Payable; Amy Giannini, Engineer, Blake Overmyer, Building Official.

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 to the Texas State flag.

3. Presentations

3A. 2011-0628 Appreciation presentation to Mr. Mike Marsh for service to the City as City Councilmember Place 2 from May 2008 to May 2011.

Mayor Coleman presented an award of appreciation to Mr. Mike Marsh and thanked him for his service to the City.

3B. 2011-0621 Appreciation presentation to Mr. Matthew Evans for service to the City as Student Member of Parks and Recreation Commission from June 2010 to May 2011.

Mayor Coleman presented an award of appreciation to Mr. Matthew Evans and thanked him for his service to the City.

- 3C. 2011-0657 Appreciation presentation to Mr. Austin Anker for service to the City as Library Advisory Board High School Liaison from July 2009 to May 2011.

Mayor Coleman presented an award of appreciation to Mr. Austin Anker and thanked him for his service to the City.

- 3D. 2011-0623 Charter Review Commission report of findings and recommendations to the City Council to be presented by Chairman Charles Colley.

Charter Review Commission Chairman Charles Colley presented the Charter Review Commission report and answered questions of the City Council. Mr. Akers also provided information.

- 3E. 2011-0635 Appreciation presentation to the members of the Charter Review Commission for service to the City from December 2010 to May 2011.

Mayor Coleman presented awards of appreciation to the Charter Review Commissioners in attendance: Mr. Charles Colley, Ms. Marie Hornberger, Mr. Hilan Priddy, Ms. Leilani Smith, and Ms. Gina Whittington and thanked them for their service to the City.

9. Discuss and consider action

- 9A. 2011-0629 Conduct candidate introductions and discuss and consider action to appoint a student member to the Parks and Recreation Commission for a term ending May 31, 2012.

The City Council conducted candidate introductions with Mr. Pedro Segura and Miss Devon Swartz. Council submitted written nominations to Mayor Coleman as follows: Mr. Cooper- Mr. Segura; Mr. Marshall - Mr. Segura; Mr. White - Ms. Swartz; Ms. Sattler - Ms. Swartz; Mr. Gonzales - Mr. Segura. Mr. Gonzales made a motion to appoint Pedro Segura as the student member of the Parks and Recreation Commission. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

4. Public Comment

There were no requests to speak under the Public Comment Item.

Reading of the Consent Agenda

A corrected resolution was provided to the Council for Item 7D and a resolution was provided to the Council for Item 7F. Items 7C, 7E, and 8C were removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

5. Approval of Minutes

- 5A. 2011-0647 Approval of the minutes of the May 24, 2011, Worksession and Regular Meeting; May 25, 2011, Quorum; and June 3, 2011, Quorum.
The minutes were approved on the consent agenda.

6. Ordinances Second Reading

- 6A. ORD-0058 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 FROM LIGHT INDUSTRIAL (LI) TO GENERAL BUSINESS 2 (GB2) FOR LOT 1, PFLUGERVILLE INDUSTRIAL PARK, A 2.509-ACRE LOT LOCATED SOUTHEAST OF THE WEISS LANE AND KELLY LANE INTERSECTION IN PFLUGERVILLE, TEXAS, TO BE KNOWN AS THE WEISS LANE C-STORE REZONING (REZ1103-01), AND PROVIDING AN EFFECTIVE DATE.

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

- 6B. ORD-0062 Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE SECOND 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.

7. Resolutions

- 7A. RES-0040 Approval of Resolution Authorizing the City Manager to Extend the Contract with First Texas Bank for Banking Services.

The resolution was approved on the consent agenda.

- 7B. RES-0034 Approving a resolution titled RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS REVIEWING AND AMENDING THE INVESTMENT POLICY OF THE CITY OF PFLUGERVILLE, TEXAS.

The resolution was approved on the consent agenda.

- 7D. RES-0039 Approving a resolution adopting tax abatement guidelines.

The resolution was approved on the consent agenda.

- 7F. RES-0041 Award construction contract for the Becker Farm Road reconstruction project to Cash Construction, Inc. of Pflugerville, Texas, the lowest responsive bidder of four bids received on June 1, 2011, in the amount of \$546,938.00. The funding source is from the Certificate of Obligation Bond balance as shown in the fiscal year 2011 budget.
- The resolution was approved on the consent agenda.

8. Other Actions

- 8A. 2011-0546 Authorizing the City Manager to approve an amendment to the 2010 Kayak Rental Concession Agreement.
- The item was approved on the consent agenda.
- 8B. 2011-0547 Authorizing the City Manager to approve the 2011 Pool Use Agreement between the City of Pflugerville and the Pflugerville Piranhas' Swim Team.
- The item was approved on the consent agenda.
- 8D. 2011-0555 Approving a fee and application process for business and special event uses of City parks and Lake Pflugerville.
- The item was approved on the consent agenda.
- 8E. 2011-0625 Approving registration fees for Councilmember Brad Marshall to attend the Texas Municipal League Newly Elected City Officials' Orientation in Austin from July 15 to July 16, 2011.
- The item was approved on the consent agenda.
- 8F. 2011-0636 Approving the Third Supplement and Amendment to the Economic Development Agreement for Stone Hill Town Center, Pflugerville, Texas.
- The item was approved on the consent agenda.
- 8G. 2011-0624 Receive report on City Council, Commission, Board and Committee expenditures for May 2011.
- The item was approved on the consent agenda.
- 8H. 2011-0654 Authorize the City Manager to execute a contract for the purchase of water treatment chemicals with Thatcher Company in the amount of \$.297 per pound.
- 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. All voted in favor. The motion carried.

7. Resolution (removed from the consent agenda)

- 7E. RES-0042 Approving a resolution amending the Articles of Incorporation of the Pflugerville Community Development Corporation to provide that all contracts for Economic Development Projects, Purchase or Sale of Real Property or contracts in excess of \$50,000 must be approved by the City Council before the contract is executed by the officers of the Corporation.

Ms. Sattler explained that she wanted to discuss if \$50,000 was too high and to get Mr. White's opinion. Mr. White indicated that he thought \$50,000 was appropriate and had to do more with the operational side of things. Council discussion followed. Mr. White made a motion to approve the item as presented. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

8. Other Action (removed from the consent agenda)

- 8C. 2011-0553 Approving the amendments to the park facility reservation structure.

Ms. Atkins provided information and answered questions of the Council. Mr. White made a motion to approve the amendments to the park facility reservation structure. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

9. Discuss and consider action

- 9B. 2011-0626 Discuss and consider action to elect a Mayor Pro Tem per City Charter Section 3.06.

Mayor Coleman explained that Mr. Gonzales is agreeable to remaining as Mayor Pro Tem. Mr. Cooper made a motion to elect Victor Gonzales as Mayor Pro Tem. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

Roll Call

Mr. White exited the meeting. The time was 8:00 p.m.

- 9C. 2011-0627 Discuss and consider action regarding City Council representation on City Council Committees and City Council liaisons with other organizations.

The Council discussed their assignments on committees and as liaisons. Mayor Coleman indicated that he would like to allow Mayor Pro Tem Gonzales to take his place on the CAMPO Transportation Policy Board. It was stated that the Corridor Review Committee and the Healthcare Steering Committee have completed their work and that the work of the Come Home to Shop Committee is almost complete. Mr. Marshall was to take Mr. Cooper's place on the ESD #2 Committee. Mr. Marshall agreed to serve as the only Councilmember on the Finance and Budget Committee, with intent to reduce the membership from two Councilmembers to one Councilmember on the next agenda item. Mr. Cooper indicated interest in serving on the Pflugerville Community Development Corporation in the future. Council discussed participation at Pflugerville Council of Neighborhood Association (PfCONA) meetings. Mr. Wade suggested discussing again in two weeks after he meets with the Chairman of PfCONA this Thursday. Mr. Cooper made a motion to approve the changes as discussed. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

7. Resolution (removed from the consent agenda)

- 7C. RES-0038 Approving a resolution amending the membership of the Finance and Budget Committee to consist of two Councilmembers and five citizen members.

Ms. Thompson recommended amending the membership to include one Councilmember and six citizen members, noting that one vacancy would remain for a citizen member. Mr. Cooper made a motion to amend the membership of the Finance and Budget Committee to consist of one Councilmember and six citizen members. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

9. Discuss and consider action (continued)

- 9D. 2011-0631 Discuss and consider action regarding the City of Pflugerville's participation in the Austin Chamber of Commerce Intercity visit to Charlotte, North Carolina from September 25 to September 27, 2011.

There was Council discussion on the item and Mr. Gonzales and Ms. Sattler were interested in attending the Intercity visit. Mr. Cooper made a motion to approve up to two Councilmembers to attend. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

- 9E. 2011-0648 Discuss and consider action regarding future agenda items.

Discussion regarding PfCONA participation was noted as a future agenda item. Mr. Cooper requested an item to discuss a city policy to hire people that are credentialed to do the work.

Executive Session

Mayor Coleman announced that the City Council was retiring to executive session on items 9H, 9I, 9J and 9K for economic development negotiations, consultation with legal counsel and discussion regarding personnel matters. The time was 8:19 p.m.

- 9H. 2011-0649 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. No action was taken.
- 9I. 2011-0655 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. No action was taken.
- 9J. 2011-0658 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for discussion concerning pending litigation. 2.) Open Session Item: Discuss and consider action concerning pending litigation.
- Discussion on the item was to take place in executive session. No action was taken.
- 9K. 2011-0659 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding personnel matters.
- 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 10:12 p.m.

9. Discuss and consider action (continued)

- 9F. 2011-0448 1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding economic development agreements for the Stone Hill Town Center in Pflugerville, Texas. 2.) Open Session Item: Discuss and consider action regarding economic development agreements for the Stone Hill Town Center in Pflugerville, Texas.

Items 9F and 9G were addressed and acted upon simultaneously. Mr. Marshall made a motion to approve the "Stormwater Acceptance, Roadway Dedication, Release and Settlement Agreement" between the City, Terrell Timmermann, and the Stone Hill Developer, authorizing the City Manager and City Attorney to finalize the language to assure the detention pond is constructed at no cost to the City, and to assure that funds are paid so far by the Stonehill developer for detention will be used by the City to pay for a portion of this contract, and to clarify that the City has no obligation to build any roadway under this contract. Mr. Gonzales seconded the motion. The vote was: Mr. Cooper-no, Mr. Marshall-yes, Ms. Sattler-yes, Mr. Gonzales-yes. The motion carried.

- 9G. 2011-0414 1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code concerning development agreements between Terrell Timmermann and the City of Pflugerville for the Greenview and Pfluger Crossing developments. 2.) Open Session Item: Discuss and consider action concerning development agreements between Terrell Timmermann and the City of Pflugerville for the Greenview and Pfluger Crossing developments.

Items 9F and 9G were addressed and acted upon simultaneously. Mr. Marshall made a motion to approve the "Stormwater Acceptance, Roadway Dedication, Release and Settlement Agreement" between the City, Terrell Timmermann, and the Stone Hill Developer, authorizing the City Manager and City Attorney to finalize the language to assure the detention pond is constructed at no cost to the City, and to assure that funds are paid so far by the Stonehill developer for detention will be used by the City to pay for a portion of this contract, and to clarify that the City has no obligation to build any roadway under this contract. Mr. Gonzales seconded the motion. The vote was: Mr. Cooper-no, Mr. Marshall-yes, Ms. Sattler-yes, Mr. Gonzales-yes. The motion carried.

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 10:13 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on June 28, 2011.