



City of Pflugerville

Minutes - Final City Council

Tuesday, June 25, 2013

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Councilmembers Brad Marshall, Omar Peña, Starlet Sattler and Mayor Pro Tem Victor Gonzales were in attendance. Mayor Jeff Coleman and Councilmember Wayne Cooper were absent. Mayor Pro Tem Gonzales called the regular meeting to order at 7:03 p.m. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Trey Fletcher, Assistant City Manager; Lauri Gillam, Assistant City Manager; Tom Word, Assistant City Manager; Dan Franz, City Engineer; Emily Barron, Planning Director; Christa Deamer, Deputy City Secretary; Terri Waggoner, Public Information Officer; Chuck Hooker, Police Chief; James Wills, Public Works Director, Patricia Rinehart, Administrative Technician II; Darrell Winslett, Water Conservation Manager; Blake Overmyer, Building Official; Beth Davis, Finance Director; Amy Good, Assistant Finance Director; Pamela Cosel, Marketing and Special Events Coordinator.

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

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.

Mr. Gonzales led those in attendance in reciting the Pledge of Allegiance to the Flag of the United States of America.

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.

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

3. Presentation

3A. 2013-2013 Presentation on Pflugerville Pfirecracker Pfestival 2013.

Ms. Waggoner and Ms. Cosel gave a presentation on the Pflugerville Pfirecracker Pfestival 2013.

4. Public Hearing and Ordinance First Readings

- 4A. ORD-0157** Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING CHAPTER 53 OF THE CITY CODE; REGARDING THE DROUGHT CONTINGENCY PLAN; ESTABLISHING RATES FOR SURCHARGES; ESTABLISHING ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE PLAN; PROVIDING A CRIMINAL PENALTY FOR VIOLATIONS OF THE RATIONING PROVISIONS OF THE PLAN NOT TO EXCEED \$2,000 PER OFFENSE; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Gonzales read the item to include the caption of the ordinance to be considered. Mr. Wills gave a presentation, provided information and answered questions. Mr. Gonzales opened the public hearing. There were no requests to speak at the public hearing. Mr. Marshall made a motion to close the public hearing. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

Mr. Marshall made a motion to approve the ordinance as written. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

5. Public Comment

Mr. Brent Hurta, 3104 Murrelet Way, did not wish to speak, but asked that his support for skate spots/parks in Pflugerville be announced for the record.

Ms. Kim Waters, 17508 Kessler Dr., did not wish to speak, but asked that an announcement be made about a Bake Sale at the Pflugerville Pfood Ranch on Saturday, June 29th from 10:00 a.m. to 6:00 p.m. benefiting the homeless pets of Pflugerville.

Reading of the Consent Agenda

Ms. Deamer read the items along with the captions of the ordinances under consideration.

6. Approval of Minutes

- 6A. 2013-2050** Approval of the minutes of the June 11, 2013 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

7. Ordinances First Reading

- 7A. ORD-0162** Approving an ordinance on first reading with an agenda caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A PETITION BY SORENTO HOLDINGS 2012, LLC FOR VOLUNTARY ANNEXATION AND ANNEXING, FOR FULL PURPOSES, A 2.624 ACRE TRACT OF LAND OUT OF THE REMAINING PORTION OF A CALLED 119.023 ACRE TRACT

RECORDED IN DOCUMENT NO. 2012164042 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, OUT OF THE JOHN C. BRAY, SURVEY NO. 10, ABSTRACT 73, IN THE CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS; AND TO BE ZONED AGRICULTURE-CONSERVATION; 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; APPROVING A SERVICE PLAN; AND PROVIDING AN EFFECTIVE DATE.

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

8. Ordinance Second Reading

- 8A. **ORD-0159** Approving an ordinance on second reading with the caption reading: AN ORDINANCE AMENDING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES XI BUSINESS REGULATIONS, CHAPTER 112 SEXUALLY ORIENTED BUSINESSES AMENDING GENERAL PROVISIONS SECTION 112.02 DEFINITIONS; AMENDING ADMINISTRATIVE REGULATIONS SECTION 112.10 PROHIBITED LOCATIONS OF ANY TYPE OF SEXUALLY ORIENTED BUSINESS; AMENDING EMPLOYEE LICENSES SECTION 112.43 APPEAL; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; ESTABLISHING PENALTIES NOT TO EXCEED \$4,000.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

9. Other Actions

- 9A. **2013-2033** Authorizing the City Manager to execute a public Wastewater Easement between Sorento Holdings 2012, LLC and the City of Pflugerville for the property necessary for the construction of a future regional wastewater interceptor main.

The item was approved on the consent agenda.

- 9B. **2013-2034** Authorizing the City Manager to execute public utility easements between the Cornerstone at Kelly Lane LLC, Larry and Nancy Mellenbruch, Montgomery and Mary Ann Meigs, John Mellenbruch, David Mellenbruch, William Meigs, Matthew Meigs and the City of Pflugerville for the necessary Oncor street light and dry utility construction associated with the Colorado Sand Capital Improvement Project.

The item was approved on the consent agenda.

- 9C. 2013-2046** Approving the selection of Davcar Engineering for the Design and Construction Project Management for the Lake Pflugerville North Parking Lot expansion and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

The item was approved on the consent agenda.

- 9D. 2013-2060** Authorize the City Manager to execute an interlocal agreement for the provision of electricity for the City of Pflugerville with the General Land Office at the most favorable rate to the City within the next 60 days.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

- 4A. ORD-0157** Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING CHAPTER 53 OF THE CITY CODE; REGARDING THE DROUGHT CONTINGENCY PLAN; ESTABLISHING RATES FOR SURCHARGES; ESTABLISHING ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE PLAN; PROVIDING A CRIMINAL PENALTY FOR VIOLATIONS OF THE RATIONING PROVISIONS OF THE PLAN NOT TO EXCEED \$2,000 PER OFFENSE; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Wade stated that the item would need to be brought back up for discussion and to clarify the motion. Mr. Hyde explained that the ordinance as presented requested an effective date of June 25, 2013 upon passage on first reading and that the city charter requires that the effective date then become part of the motion if it is the City Council's intent for the ordinance to take immediate effect. Mr. Wills explained the importance of having the ordinance take immediate effect as opposed to on approval on second reading. Mr. Marshall made a motion to reconsider item 4A. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

Mr. Marshall made a motion to approve the ordinance on first reading with the ordinance to become effective immediately. Mr. Peña seconded the motion. All voted in favor. The motion carried.

10. Discuss and consider action

- 10A. 2013-2054** Discuss and consider action regarding future agenda items.

No items were noted.

11. Discuss only

Mayor Pro Tem Gonzales announced that the City Council was retiring to executive session on items 11A, 11B and 11C. He read the items to be discussed and retired to executive session. The time was 7:37 p.m.

- 11A. 2013-2055** 1.) Executive Session Item: Discussions regarding deliberations on economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code.

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

- 11B. 2013-2056** 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.

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

- 11C. 2013-2059** 1.) Executive Session Item: Consultation with legal counsel regarding provision of emergency services within the City pursuant to Chapter 551.071 of the Texas Government Code.

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

Executive Session - Closed

Mayor Pro Tem Gonzales reconvened in open session at 9:02 p.m. No action was taken.

12. Adjourn

Mr. Marshall made a motion to adjourn. Mr. Peña seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Christa Deamer
Deputy City Secretary

Approved as _____ on July 9, 2013.