



City of Pflugerville

Minutes - Final City Council

Tuesday, September 13, 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 7:04 p.m. Councilmembers Brad Marshall, Darelle White, Starlet Sattler, and Victor Gonzales were in attendance. Councilmember Wayne Cooper was absent. City employees attending: Brandon Wade, City Manager; Floyd Akers, City Attorney; Lauri Gillam, Assistant City Manager; Trey Fletcher, Managing Director of Operations; Karen Thompson, City Secretary; Beth Davis, Finance Director; Jennifer Coffey, Interim Library Director; Blake Overmyer, Building Official; Darren Strozewski, City Engineer; Chuck Hooker, Police Chief.

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 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.

Mayor Coleman led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

3. Presentation

3A. 2011-0793 Mayor's proclamation declaring September 2011 as National Childhood Cancer Awareness Month in the City of Pflugerville.

Mayor Coleman read the proclamation declaring September 2011 as National Childhood Cancer Awareness Month in the City of Pflugerville and presented it to Anne Maschka and Ian Fulbright. Ms. Maschka provided information on her participation in the Central Texas Childhood and Adolescent Cancer Coalition.

4. Public Hearing and Ordinance First Reading

- 4A. **ORD-0075** Hold a public hearing and consider approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS ADOPTING THE FISCAL YEAR 2012 BUDGET FOR THE CITY OF PFLUGERVILLE, TEXAS.

Mr. Wade recommended conducting the public hearing and approving the ordinance adopting the budget. 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.

Mr. Marshall made a motion to approve the budget. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

5. Ordinance First Reading

- 5A. **ORD-0076** Approving an ordinance on first reading with the caption reading: TAX LEVY ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS.

Mr. Wade recommended approval of the tax rate. Mayor Coleman stated that this would be the eighth year in a row that the City of Pflugerville has lowered its property tax rate. He stated that the City would now be under 60 cents. Mr. White made a motion to approve the property tax rate of .599. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

6. Public Comment

There were no requests to speak under the public comment item.

Reading of the Consent Agenda

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

7. Approval of Minutes

- 7A. **2011-0792** Approval of the minutes of the August 23, 2011, Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

8. Ordinances First Reading

- 8A. **ORD-0070** Approving an ordinance on first reading with a caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ANNEXING FOR FULL PURPOSES, 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); 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.

- 8B. **ORD-0077** Granting a petition for annexation and approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A PETITION FOR VOLUNTARY ANNEXATION AND ANNEXING, FOR FULL PURPOSES, APPROXIMATELY 7.321 ACRES OF LAND ADJACENT TO THE CITY LIMITS OF THE CITY OF PFLUGERVILLE, TEXAS, GENERALLY LOCATED SOUTH OF PECAN STREET AND WEST OF SH 130, BEING PART OF THE WILLIAM CALDWELL SURVEY NO. 66, ABSTRACT 162 IN TRAVIS COUNTY, TEXAS; 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. (ANX1109-01)

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

9. Ordinance Second Reading

- 9A. **ORD-0071** 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 GENERAL BUSINESS 1 (GB1) TO LIGHT INDUSTRIAL (LI) FOR LOT 2, BLOCK A, PFAIRWAY OFFICE PARK, A 5.773 ACRE LOT OUT OF THE WILLIAM BARKER SURVEY NO. 74 IN PFLUGERVILLE, TEXAS, LOCATED AT 2911 A.W. GRIMES BLVD; TO BE KNOWN AS THE 2911 A.W. GRIMES REZONING. (REZ1106-01), AND PROVIDING AN EFFECTIVE DATE.

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

10. Other Actions

10A. 2011-0799 Awarding construction bid for the Heatherwilde Boulevard Overlay project to APAC-Texas, Inc. of Belton, Texas, the lowest responsive bidder of two bids received on September 2, 2011, in the amount of \$131,133.65. Resources from the FY 2011 and FY 2012 Streets Department Budget will be used for the project.

The item was approved on the consent agenda.

10B. 2011-0791 Receive report on City Council, Commission, Board and Committee expenditures for August 2011.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

11. Discuss and consider action

11A. 2011-0790 Discuss and consider action regarding future agenda items.

No future agenda items were noted under the item.

- 11B. 2011-0678 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for discussion concerning request for approval of Sixth Amendment of Comprehensive Development Agreement concerning Lakeside Water Control Improvement Districts Nos. 1, 2A, 2B, 2C, and 2D; request for approval of Second Amendment of Comprehensive Development Agreement for Lakeside Municipal Utility District No. 5; request for consent for creation of Lakeside Municipal Utility District No. 6 and request for consent for creation of a proposed new municipal utility district in the New Sweden area. 2.) Open Session Item: Discuss and consider action concerning request for approval of Sixth Amendment of Comprehensive Development Agreement concerning Lakeside Water Control Improvement Districts Nos. 1, 2A, 2B, 2C, and 2D; request for approval of Second Amendment of Comprehensive Development Agreement for Lakeside Municipal Utility District No. 5; request for consent for creation of Lakeside Municipal Utility District No. 6 and request for consent for creation of a proposed new municipal utility district in the New Sweden area.

No discussion took place in executive session on the item during the regular meeting. Mayor Coleman noted that the item was discussed in the worksession. Mr. Wade recommended approval of the 6th Amendment and 2nd Amendment as discussed in the worksession. Mr. White made a motion to approve the 6th Amendment and 2nd Amendment as discussed. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

Executive Session

Mayor Coleman announced that the City Council was retiring to executive session on items 11C, 11D, 11E, 11F, 12A, and 12B for deliberations regarding economic development negotiations, discussion of personnel matters, and consultation with legal counsel. He read the items to be discussed and noted that items 11C, 11D, 11E, and 11F may be discussed and considered in open session later in the meeting, but that items 12A and 12B would only be discussed in executive session and would not be addressed in open session. The time was 7:16 p.m.

- 11C. 2011-0812 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.

- 11D. 2011-0807 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding search and hiring for the position of City Attorney. 2.) Open Session Item: Discuss and consider action regarding search and hiring for the position of City Attorney.

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

- 11E. 2011-0794 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding the City Manager. 2.) Open Session Item: Discuss and consider action regarding personnel matters regarding the City Manager.

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

- 11F. 2011-0809 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.

12. Discuss Only- Executive Session Only

- 12A. 2011-0816 1.) Executive Session Item: Consultation with legal counsel regarding applications for rate increase and consolidation of certificates of convenience and necessities (CCN's) by Monarch Utilities (Windermere Utilities/SWWC) pursuant to Chapter 551.071 of the Texas Government Code.

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

- 12B. 2011-0813 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.

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

Executive Session Closed

Mayor Coleman reconvened in open session at 10:21 p.m.

- 11D. 2011-0807 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding search and hiring for the position of City Attorney. 2.) Open Session Item: Discuss and consider action regarding search and hiring for the position of City Attorney.

Mr. White made a motion to move forward with contracting for interim City attorney services with Denton, Navarro, Rocha & Bernal. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

13. Adjourn

Mr. Marshall made a motion to adjourn. Ms. Sattler seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 10:22 p.m.

Respectfully submitted,

**Karen Thompson
City Secretary**

Approved as _____ on September 27, 2011.