



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, February 26, 2013

7:00 PM

100 East Main Street, Suite 500

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### Regular Meeting

(Executive sessions held during this meeting will generally take place in Suite 300, at the discretion of the City Council.)

#### 1. Call to order

Mayor Jeff Coleman called the meeting to order at 7:05 p.m. Councilmembers Brad Marshall, Starlet Sattler and Victor Gonzales were in attendance. Councilmembers Wayne Cooper and Omar Peña were absent. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Lauri Gillam, Assistant City Manager; Tom Word, Assistant City Manager; Trey Fletcher, Assistant City Manager; Dan Franz, City Engineer; Emily Barron, Planning Director; Terri Waggoner, Public Information Officer; Beth Davis, Finance Director; Chuck Hooker, Police Chief; Jim McLean, Assistant Police Chief; Kathy Ellis, Information and Community Development Coordinator.

#### 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

**3A.** [2013-1683](#) Informational presentation about the Pecan Street Community Garden.

Mr. Word provided information on the item and answered questions of the Council. Mr. Word introduced Eddie Garcia, Volunteer Coordinator. Mr. Garcia provided additional information.

**3B.** [2013-1708](#) Presentation on Lake Pflugerville maintenance.

Mr. Word reported on maintenance efforts at Lake Pflugerville and announced that the improvements would be complete this Friday and that the lake would begin to be refilled for the summer at that time. He answered questions of the

Council.

#### 4. Public Comment

Brent Hurta, 3104 Murrelet Way, provided an update on the City's skate spot project. He explained that the designs had shown a cost of \$75,000 for each and asked Council to consider providing additional funding.

Janice Hayes, Representing SouthWest Water (Windermere Utilities), provided information on their assistance program: H2O.

J. Linnen, 16911 Copperhead Dr., asked regarding the status of the negotiations with Windermere Utilities. Mr. Wade stated that the negotiations are continuing and they are continuing to try to find a solution. Mr. Linnen stated concerns for the due dates of the water bills, stating that the issues had still not been corrected as was promised by Windermere Utilities. Mr. Linnen explained that the residents are looking to him and want to know what they are going to do when the negotiation period is over and indicated concern that Windermere Utilities would raise their rates at that time. Mr. Linnen stated that they still want Windermere Utilities out of the community. Mr. Wade stated that he is not aware of increases being proposed by Windermere Utilities at this time. Mr. Wade stated that they are looking at solutions and that the negotiations would not have taken place if the area was not in the City limits.

#### Reading of the Consent Agenda

Ms. Thompson read the items to include the captions of the ordinances under consideration.

#### 5. Approval of Minutes

- 5A. [2013-1692](#) Approval of the minutes of the February 12, 2013 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

#### 6. Ordinances First Reading

- 6A. [ORD-0143](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FIRST AMENDMENT TO THE FISCAL YEAR 2012-2013 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

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

#### 7. Ordinances Third Reading

- 7A. [ORD-0138](#) Approving an ordinance on third reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ESTABLISHING REQUIREMENTS FOR NON-MUNICIPALITY

OWNED WATER AND SEWER UTILITIES FOR THE PRE-FILING OF DATA NECESSARY FOR THE GOVERNING BODY TO MAKE A DETERMINATION OF A REASONABLE RATE BASE FROM WATER AND WASTEWATER PROVIDERS; AUTHORITY TO RETAIN CONSULTANTS TO REVIEW AND ANALYZE RATE CHANGE PROPOSALS; AUTHORITY TO SEEK REIMBURSEMENT OF SAID EXPENSES; PROVIDING FOR THE FOLLOWING; ENACTMENT; FINDINGS OF FACT; REPEALER; SEVERABILITY; PROPER NOTICE AND MEETING; RULES; STANDARDS; AND ENFORCEMENT, INCLUDING INJUNCTIVE RELIEF AND CIVIL REMEDIES AND PROVIDING AN EFFECTIVE DATE.

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

## **8. Other Actions**

- 8A.**     [2013-1679](#)     Approving the Interlocal Cooperation Agreement for the Austin Regional Intelligence Center (ARIC) and Interlocal Cooperation Agreement for Sustainment Funding for the ARIC and authorizing the City Manager to execute the agreements.
- The item was approved on the consent agenda.**
- 8B.**     [2013-1681](#)     Authorizing the City Manager to execute a Public Water Easement between the Pflugerville Community Development Corporation (PCDC) and the City of Pflugerville for the necessary utility access associated with Lot 2 of the Renewable Energy Park subdivision.
- The item was approved on the consent agenda.**
- 8C.**     [2013-1682](#)     Authorizing the City Manager to execute a Public Water Easement between A-S 93 SH 130-SH 45, L.P. and the City of Pflugerville for the necessary utility access associated with Lot 4 Block 2 of the Stone Hill Town Center subdivision.
- The item was approved on the consent agenda.**
- 8D.**     [2013-1686](#)     Approving a reimbursement request in the amount of \$133.57 by Mayor Pro Tem Victor Gonzales for business meeting mileage and expenses.
- The item was approved on the consent agenda.**

## **Action on the Consent Agenda**

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

## **9. Discuss and consider action**

- 9A.**     [2013-1649](#)     Discuss and consider action to approve two four-year contracts for the development and maintenance of a mobile phone application and authorize the City Manager to execute same.
- Ms. Waggoner provided information and answered questions of the Council. Mr. Wade indicated his support and recommended implementation. Mr. Hyde indicated that work was still being done on the agreements and asked that if approving, to approve in a form approved by the City Attorney. Mr. Gonzales made a motion to approve this item contingent on the City Attorney's changes. Ms. Sattler seconded the motion. All voted in favor. The motion carried.
- 9B.**     [2013-1709](#)     Discuss and consider action regarding infrastructure improvements at Lake Pflugerville to support the annual fireworks event.
- Mr. Word provided information on two options for providing pedestrian access during the Fireworks Festival on the east side of Lake Pflugerville. He answered questions of the Council and there was discussion. The Councilmembers were not in support of either alternative. Mr. Wade stated that there may be another alternative to purchase a lesser barge than suggested before at a cost around \$40,000. Ms. Ellis addressed the Council and discussed this option. The Council was not in support of this option unless perhaps it was possible to rent this barge at a cost of \$3,000 or \$4,000 per year. Additional research was to be done and the item was to be brought back to the Council for consideration in two weeks.
- 9C.**     [2013-1684](#)     Discuss and consider action regarding scheduling and agenda items for a retreat worksession.
- There was Council discussion on the item. The retreat worksession was scheduled for April 27, 2013 and was to begin at 9:00 a.m.
- 9D.**     [2013-1694](#)     Discuss and consider action regarding future agenda items.
- No future agenda items were noted.

### **Executive Session**

Mayor Coleman announced that the City Council was retiring to executive session on items 9E and 9F. He read the items and retired to executive session. The time was 8:36 p.m. Executive session was to be held in Suite 300.

- 9E.**     [2013-1705](#)     1.) Executive Session Item: Deliberations regarding real property acquisition for parkland use pursuant to Chapter 551.072 of the Texas Government Code and consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding real property acquisition for parkland use.
- Discussion on the item was to take place in executive session. Action was taken later in the meeting.
- 9F.**     [2013-1707](#)     1.) Executive Session Item: Deliberations regarding economic development negotiations pursuant to Chapter 551.087 of the Texas

Government Code and consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding economic development agreement provisions for the Stone Hill Town Center Connection Town Center Drive and Portchester Castle Path Extension. 2.) Open Session Item: Discuss and consider action regarding economic development agreement provisions for the Stone Hill Town Center Connection Town Center Drive and Portchester Castle Path Extension.

**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 9:11 p.m.**

- 9E.**     [2013-1705](#)     1.) Executive Session Item: Deliberations regarding real property acquisition for parkland use pursuant to Chapter 551.072 of the Texas Government Code and consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding real property acquisition for parkland use.

**Mr. Gonzales made a motion to authorize the City Manager to negotiate the purchase of property. Mr. Marshall 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 10A, 10B, 10C, 10D. He read the items and retired to executive session. The time was 9:13 p.m. Executive session was to be held in Suite 300.**

**10.     Discuss only**

- 10A.**     [2013-1693](#)     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. No action was taken.**

- 10B.**     [2013-1695](#)     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.**

- 10C.**     [2013-1696](#)     1.) Executive Session Item: Discussions regarding deliberations regarding 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.**

**10D.**     [2013-1698](#)

1.) Executive Session Item: Consultation with legal counsel regarding Texas law and procedure related to petition for the creation of the proposed Travis County Emergency Services District (ESD) #2A, the disannexation of territory from ESDs pursuant to the Texas Health & Safety code, the services provided to the City and its extraterritorial jurisdiction (ETJ) by ESD #2 and/or #2A (if created) and the options for integration of Fire and First Responder 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 Coleman reconvened in open session at 10:11 p.m.

**11.     Adjourn**

Mr. Marshall made a motion to adjourn. Ms. Sattler seconded the motion. The vote was Mr. Marshall-yes, Ms. Sattler-yes, Mr. Gonzales-no. The motion carried. The meeting was adjourned at 10:11 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as presented on March 12, 2013.