



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, May 14, 2013

7:00 PM

100 East Main Street, Suite 500

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### Regular Meeting

#### 1. Call to order

Mayor Jeff Coleman called the regular meeting to order at 7:05 p.m. City Councilmembers Wayne Cooper, Brad Marshall, Omar Peña, and Victor Gonzales were in attendance. City Councilmember Starlet Sattler was absent. 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; James Wills, Public Works Director; Emily Barron, Planning Director; Jeremy Frazzell, Senior Planner; Erin Sellers, Planner II; Beth Davis, Finance Director; Amy Good, Assistant Finance Director; Karen Thompson, City Secretary; Darrell Winslett, Water Conservation Manager; Patricia Rinehart, Public Works Admin; Blake Overmyer, Building Official; Chuck Hooker, Police Chief; Daryl Wilkes, Police Sergeant.

#### 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. Presentations

**3A. 2013-1945** Proclamation declaring May 2013 as Motorcycle Safety and Awareness Month in the City of Pflugerville.

Mayor Coleman provided comments and read the proclamation and presented it to the members of the Gold Wing Road Riders Association, Chapter O.

**3B. 2013-1946** Proclamation declaring May 19 to May 25, 2013 as National Public Works Week in the City of Pflugerville.

Mayor Coleman provided comments and read the proclamation and presented it to James Wills, Darrell Winslett and Patricia Rinehart.

- 3C. 2013-1886** Presentation of Public Works Conservation Award.

**Mayor Coleman presented the award to James Wills, Darrell Winslett and Patricia Rinehart. Mr. Wills provided information on the activity book that the Public Works Department created to educate the community regarding water conservation.**

- 3D. 2013-1926** Presentation on Stormwater Awareness and Water Quality.

**Mr. Franz presented on the item and Mayor Coleman provided comments.**

#### **4. Public Hearing and Ordinance First Reading**

- 4A. ORD-0151** 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, SECTION B(2) AND B(3) BY ADDING ALTERNATIVE FINANCIAL SERVICES, BAIL BOND, AND PAWN SHOP USES AND CONDITIONS; AND AMENDING SUBCHAPTER 20 DEFINITIONS SECTION B AND C, ADDING ALTERNATIVE FINANCIAL SERVICES, BAIL BOND, PAWN SHOP AND RELATED DEFINITIONS; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; ESTABLISHING PENALTIES NOT TO EXCEED \$2,000.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE. (CA1304-01).

**Mayor Coleman opened the public hearing and read the caption of the ordinance under consideration. Ms. Barron provided information on the item and answered questions of the Council. Mr. Peña made a motion to close the public hearing. Mr. Cooper seconded the motion. All voted in favor. The motion carried.**

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

#### **5. Public Comment**

**Ms. Barbara Woodworth, 809 Windsor Castle Drive, did not wish to speak but asked that the Mayor pass the word that dog and cat adoptions at the Pflugerville Animal Shelter are free through June 2, 2013, to include shots, microchip and spay/neuter.**

**Brent Hurta, 3104 Murrelet Way, asked that the City continue to push the skate spot project along so it could be finished around New Year's. He stated that he would also like to see a fund set up for parks.**

#### **Reading of the Consent Agenda**

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

## 6. Approval of Minutes

- 6A. 2013-1950 Approval of the minutes of the April 23, 2013 Worksession and Regular Meeting; and April 27, 2013 Worksession.

The minutes were approved on the consent agenda.

## 7. Ordinances First Reading

- 7A. ORD-0152 Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE SECOND 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.

- 7B. ORD-0156 Approving an ordinance on first reading with the caption reading: AN ORDINANCE CONFIRMING THE CITY'S CONSENT TO THE ANNEXATION OF 16.24 ACRES OF LAND INTO KELLY LANE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 AND CONTAINING FINDINGS AND PROVISIONS RELATING TO THE SUBJECT.

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

## 8. Resolution

- 8A. RES-0140 Resolution supporting the determination of the Highland Lakes Firm Water Customers Cooperative regarding the proceedings related to the Lower Colorado River Authority (LCRA) Water Management Plan application No. 5838A currently pending before the Texas Commission on Environmental Quality (TCEQ).

The resolution was approved on the consent agenda.

## 9. Other Actions

- 9A. 2013-1813 Approving an agreement with the Williamson County YMCA for Summer 2013 Facility Usage and authorizing the City Manager to execute same.

The item was approved on the consent agenda.

- 9B. 2013-1831 Authorizing the City Manager to execute a license agreement granting the Falcon Pointe Homeowners Association Inc. permission to install

landscaping improvements and provide private parkland maintenance for the public parks within the Falcon Pointe Subdivisions for a minimum term of 10 years.

**The item was approved on the consent agenda.**

- 9C. 2013-1832** Authorizing the City Manager to execute a license agreement granting the Falcon Pointe Homeowners Association, Inc. permission to install and maintain landscaping improvements within the street rights-of-way (R-O-W) in the Falcon Pointe Subdivisions.

**The item was approved on the consent agenda.**

- 9D. 2013-1833** Authorizing the City Manager to execute a license agreement granting the Falcon Pointe Homeowners Association Inc. permission to install and maintain landscaping improvements within the street rights-of-way (R-O-W) within East Pflugerville Parkway and Kelly Lane adjacent to the Falcon Pointe Subdivisions.

**The item was approved on the consent agenda.**

- 9E. 2013-1847** Award the construction contract for the Colorado Sand Drive project (between Kelly Lane and the intersection of FM 685 with SH 130) to Patin Construction, LLC of Taylor Texas, the lowest responsive bidder of 7 bids received on April 4, 2013, in the amount of \$2,485,603.97 and authorize the City Manager to execute documents to include a funding agreement with Cornerstone at Kelly Lane, LLC for funding of construction of Bid Alternates 1&2.

**The item was approved on the consent agenda.**

- 9F. 2013-1909** Awarding the construction contract for the Pfluger Farm Lane project to Chasco Constructors of Round Rock, Texas in the amount of \$2,277,732.72 and authorizing City Manager to execute the contract agreement and authorizing the City Engineer to execute the Notice of Award and Notice to Proceed.

**The item was approved on the consent agenda.**

- 9G. 2013-1943** Review of the Quarterly Investment Reports for the quarters ending December 31, 2012 and March 31, 2013.

**The item was approved on the consent agenda.**

- 9H. 2013-1947** Receive report on City Council, Commission, Board and Committee expenditures for April 2013.

**The item was approved on the consent agenda.**

- 9I. 2013-1948** Approving Mayor Pro Tem Victor Gonzales attendance of the Texas Municipal League (TML) Board of Directors meeting in Mesquite from June 27 to June 28, 2013.

The item was approved on the consent agenda.

- 9J. 2013-1949** Approving Mayor Pro Tem Victor Gonzales registration in the amount of \$225.00 for the Texas Municipal League seminar "From Chaos to Collaboration: Effective Ways to Engage the Public" in Austin from June 6 to June 7, 2013.

The item was approved on the consent agenda.

#### Approval of the Consent Agenda

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

#### 10. Discuss and consider action

- 10A. 2013-1951** Discuss and consider action regarding future agenda items and City Manager significant activities report.

No future items were noted. Mr. Wade stated that the report was attached and he was happy to answer any questions. There was no discussion on the item.

#### Executive Session

Mayor Coleman announced that the City Council was retiring to executive session on item 10B, 11A, 11B, and 11C. He read the items to be discussed and retired to executive session. The time was 7:39 p.m.

- 10B. 2013-1955** 1.) Executive Session Item: Deliberations regarding real property pursuant to Chapter 551.072 of the Texas Government Code, 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 a Pflugerville Community Development Corporation (PCDC) Drainage Facility Maintenance Agreement, Performance Agreement with and Sale of approximately one acre in the 130 Commerce Park to Project Thin. 2.) Open Session Item: Discuss and consider action regarding a PCDC Drainage Facility Maintenance Agreement, Performance Agreement with and Sale of approximately one acre in the 130 Commerce Park to Project Thin.

Mayor Coleman reconvened in open session at 7:53 p.m. to consider action on item 10B.

Mr. Akers provided information on Project Thin, a local company named Thinology. He stated that the company will initially have 10 employees, and will grow to up to 20 employees. He reviewed the incentives and stated that they estimate that it will break even within five years. Mr. Peña made a motion to approve the PCDC drainage facility maintenance agreement, performance agreement and sale of one acre of property. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

Mayor Coleman announced that the City Council was returning to executive session for discussion on the remaining items. The time was 7:56 p.m.

## 11. Discuss only

- 11A. 2013-1952** 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. 2013-1953** 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.
- 11C. 2013-1954** 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.

## Executive Session - Closed

Mayor Coleman reconvened in open session at 9:57 p.m. Mr. Cooper, Mr. Marshall, and Mr. Gonzales were in attendance. Mr. Peña was absent from the dais. No action was taken.

## 12. Adjourn

Mr. Marshall made a motion to adjourn. Mr. Gonzales seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 9:57 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as \_\_\_\_\_ on May 28, 2013.