



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, January 8, 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 7:02 p.m. Councilmembers Wayne Cooper, Brad Marshall, Omar Peña, Starlet Sattler and Victor Gonzales were in attendance. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Terri Waggoner, Public Information Officer; Dan Franz, City Engineer; Blake Overmyer, Building Official; Lisa Charbonnet, Library Director; Emily Barron, Planning Director; Beth Davis, Finance Director; Amy Good, Assistant Finance Director; 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.

**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.

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

#### 3. Discuss and consider action

- 3A. 2013-1597** Discuss and consider action to appoint Mr. Brian Burkinshaw, Mr. David Rogers and Mr. Eduardo Zamora as alternate members to the Board of Adjustment for two-year terms ending December 31, 2014.

Ms. Thompson provided information. Mr. Gonzales made a motion to approve the appointments. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

#### 4. Presentations

- 4A. 2013-1587** Recognition presentations for incoming and outgoing members of the Board of Adjustment, Library Board, Parks and Recreation Commission, Personnel Appeal Board, Pflugerville Community Development Corporation, Planning and Zoning Commission, Tree Care Advisory Board, Finance and Budget Committee and Reinvestment Zone No. 1 (Falcon Pointe TIRZ) Board.

Mayor Coleman presented certificates of appreciation and a small gift to the outgoing members in attendance: Corey Shepperd (Parks and Recreation Commission); Kirk Lowe (Planning and Zoning Commission), David Taylor (Tree Care Advisory Board); and Melody Ryan (Finance and Budget Committee). Mayor Coleman presented certificates of appointment to the incoming members in attendance: Aaron Dvorak and David Prout (Board of Adjustment); Jeanette Larson, Rosie Riddick and Samantha Atkins (Library Board); Glenn Beck, Edward Marburger and David Taylor (Parks and Recreation Commission); Starlet Sattler and Darelle White (PCDC Board); Daniel Flores (Planning and Zoning Commission); Jason Heath, Rudolph Karl Metayer, Brad Marshall (Finance and Budget Committee); Scott Williams (Falcon Point TIRZ Board).

- 4B. 2013-1586** Proclamation declaring January 2013 as School Board Recognition Month in the City of Pflugerville.

Mayor Coleman read the proclamation and presented it to Vernagene Mott of the Pflugerville ISD Board of Trustees. Mayor Coleman and Ms. Mott provided comments.

- 4C. 2013-1415** Awards Presentation from Central Texas Crime Prevention Association.

Chief Hooker announced that the Pflugerville Police Department had received an award for outstanding crime prevention agency and that Corporal Dan Griffith had received the award for outstanding crime prevention specialist. He presented the awards to Corporal Griffith.

- 4D. 2013-1598** Presentation of the 2012 Citizen Survey by Ms. Karen Falk, ETC Institute.

Ms. Waggoner introduced Karen Falk. Ms. Falk presented the findings of the survey showing high levels of citizen satisfaction and answered questions of the City Council. Mr. Wade provided comments. He indicated that he would be recommending to the Council to do the survey every two years to see how the City is doing.

## **5. Public Hearing and Ordinance First Readings**

- 5A. ORD-0133** Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF PFLUGERVILLE, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2013; AUTHORIZING THE LEVY OF AN AD VALOREM TAX AND THE PLEDGE OF CERTAIN NET REVENUES IN SUPPORT OF THE

CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, A PURCHASE AGREEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; AND AUTHORIZING OTHER MATTERS RELATED TO THE ISSUANCE OF THE CERTIFICATES.

- 5B. ORD-0134** Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF PFLUGERVILLE, TEXAS, LIMITED TAX BONDS, SERIES 2013; AUTHORIZING THE LEVY OF AN AD VALOREM TAX IN SUPPORT OF THE BONDS; APPROVING AN OFFICIAL STATEMENT, A PURCHASE AGREEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; AND AUTHORIZING OTHER MATTERS RELATED TO THE BONDS.

**Mayor Coleman opened the public hearings simultaneously on items 5A and 5B. He read the items along with the captions of the ordinances under consideration. Ms. Gillam provided information and answered questions of the City Council. She stated that the bonds were sold today and the certificates of obligation would be for 20 years at an interest rate of 3.4% and the bonds for the Library would be for 20 years at an interest rate of 3.5%. She noted that both the certificates of obligation and bond ordinances would be approved on one reading for their finalization. Melody Ryan, 1012 Ripley Cove, spoke in opposition to issuing certificates of obligation under item 5A since voter approval is not required and it circumvents the voters. She asked the Council to vote no to issuing certificates of obligation and yes to putting all debt on the ballot.**

- 5A. ORD-0133** Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF PFLUGERVILLE, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2013; AUTHORIZING THE LEVY OF AN AD VALOREM TAX AND THE PLEDGE OF CERTAIN NET REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, A PURCHASE AGREEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; AND AUTHORIZING OTHER MATTERS RELATED TO THE ISSUANCE OF THE CERTIFICATES.

**Mr. Cooper made a motion to approve the ordinance authorizing the issuance of certificates of obligation as presented. Mr. Marshall seconded the motion. All voted in favor. The motion carried.**

- 5B. ORD-0134** Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF PFLUGERVILLE, TEXAS, LIMITED TAX BONDS, SERIES 2013; AUTHORIZING THE LEVY OF AN AD VALOREM TAX IN SUPPORT OF THE BONDS; APPROVING AN OFFICIAL STATEMENT, A PURCHASE AGREEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; AND AUTHORIZING OTHER MATTERS RELATED TO THE BONDS.

Mr. Gonzales made a motion to approve the ordinance authorizing the issuance of the bonds as presented. Mr. Peña seconded the motion. All voted in favor. The motion carried.

## 6. Public Comment

Brad Henderson, 1907 West Pflugerville Parkway, provided complaint regarding Windermere Utility Company / SouthWest Water / JP Morgan and called for condemnation of the Windermere Utility Company by the City of Pflugerville. He stated that he would circulate a petition for an ordinance calling for the condemnation through eminent domain if necessary.

## Reading of the Consent Agenda

Item 9D was removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

## 7. Approval of Minutes

- 7A. **2013-1589** Approval of the minutes of the December 6, 2012 Quorum; December 11, 2012 Worksession and Regular Meeting; and December 18, 2012 Special Meeting.

The minutes were approved on the consent agenda.

## 8. Ordinances First Reading

- 8A. **ORD-0136** Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE THIRD AND FINAL AMENDMENT TO THE FISCAL YEAR 2011-2012 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

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

## 9. Ordinances Second Reading

- 9A. **ORD-0127** Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS; AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING A SPECIFIC USE PERMIT FOR A BODY ART STUDIO IN THE CENTRAL BUSINESS DISTRICT ON LOT 18 BLOCK 1 OF THE PFLUGERVILLE SUBDIVISION, LOCALLY ADDRESSED AS 117 E. MAIN ST; TO BE KNOWN AS THE FREEDOM MACHINE TATTOO SPECIFIC USE PERMIT (SUP1210-01), AND PROVIDING AN EFFECTIVE DATE.

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

- 9B. ORD-0130** Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS; AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY RESCINDING AN EXISTING SPECIFIC USE PERMIT APPROVED THROUGH ORDINANCE NO. 1068-11-02-08 FOR A BODY ART STUDIO ON LOTS 10-12, BLOCK A PFLUGERVILLE SUBDIVISION, LOCALLY ADDRESSED AS 101 E. PECAN ST; AS RELATED TO A CONDITION OF APPROVAL FOR THE FREEDOM MACHINE TATTOO SPECIFIC USE PERMIT APPLICATION FOR 117 E. MAIN ST (SUP1210-01), AND PROVIDING AN EFFECTIVE DATE.
- The ordinance was approved on second and final reading on the consent agenda.**
- 9C. ORD-0131** Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING AN AMENDMENT TO THE SPECIAL DISTRICT ORDINANCE NO. 1091-11-10-25 FOR A LIGHT INDUSTRIAL USE IN CORRIDOR URBAN CENTER LEVEL 5 (CL5) FOR LOT 4 OF THE RENEWABLE ENERGY PARK SUBDIVISION, APPROXIMATELY 15 ACRES OUT OF THE W. CALDWELL SURVEY NO. 66, ABSTRACT 162, PFLUGERVILLE, TX, GENERALLY LOCATED NEAR THE SOUTHWEST CORNER OF SH 130 AND E. PECAN STREET, TO BE KNOWN AS THE PROJECT JERSEY SPECIAL DISTRICT. (SD1211-01), AND PROVIDING AN EFFECTIVE DATE.
- The ordinance was approved on second and final reading on the consent agenda.**
- 10. Resolution**
- 10A. RES-0126** Approving a Resolution supporting the City of Pflugerville's participation in the Lower Colorado River Authority (LCRA) Firm Water Users Coalition Group.
- The resolution was approved on the consent agenda.**
- 11. Other Actions**
- 11A. 2013-1577** Authorizing the City Manager to enter into an agreement with Texas Longhorn Aquatics (TXLA) for competitive swim team management and associated rental of the Gilleland Creek Pool, and to allow for the transition of the City of Pflugerville's Pflugerville Area Swim Team (PFAST) to TXLA.
- The item was approved on the consent agenda.**

- 11B. 2013-1592** Receive report on City Council, Commission, Board and Committee expenditures for December 2012.  
**The item was approved on the consent agenda.**
- 11C. 2013-1604** Approving registration fees for Mayor Pro Tem Victor Gonzales in the amount of \$325.00 to attend the 2013 Elected Officials' Conference and Legislative Briefing in Austin, Texas, from February 1-4, 2013.  
**The item was approved on the consent agenda.**

### **Action on the Consent Agenda**

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

### **Ordinances Second Reading-Removed from the Consent Agenda**

- 9D. ORD-0132** Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING A SPECIAL DISTRICT FOR A LIGHT INDUSTRIAL USE IN CORRIDOR URBAN LEVEL 4 (CL4) ON APPROXIMATELY 40.36 ACRES OUT OF THE T.G. STEWART SURVEY NO. 6 AND THE H. BLESSING SURVEY NO. 3, IN TRAVIS COUNTY, TX, GENERALLY LOCATED NEAR THE INTERSECTION OF W. PFLUGERVILLE PARKWAY AND F.M. 685, TO BE KNOWN AS THE DATA CENTER PARK SPECIAL DISTRICT. (SD1210-02), AND PROVIDING AN EFFECTIVE DATE.  
**The item was removed from the consent agenda. There was no discussion or action on the item.**

### **12. Discuss and consider action**

- 12A. 2013-1590** Discuss and consider action regarding future agenda items.  
**No future agenda items were noted.**
- 12B. 2013-1595** 1.) Executive Session Item: Consultation with legal counsel regarding Texas law and procedure related to Council action on a petition for the creation of the proposed Travis County Emergency Services District No. 2A pursuant to Chapter 551.071 of the Texas Government Code.  
2.) Open Session Item: Discuss and consider action regarding petition for the creation of the proposed Travis County Emergency Services District No. 2A.  
**Mayor Coleman indicated that they would first discuss the item in open session and then would retire to executive session. He read the item. Mr. Wade provided information. John Carlton, attorney for the petitioners,**

provided information and answered questions of the City Council. He stated that increasing call volumes exceed the funds available for the Travis County ESD No. 2 with the funding cap at 10 cents for property tax rate and the 1/2 cent sales tax rate. He stated that the Travis County ESD No. 2 has been using reserve funds to make their balance budget and there would not be enough reserves to continue this on into the future. He stated a need for additional funding to increase personnel and equipment in order to improve their response times for fire and emergency medical services. Council discussion with Mr. Carlton followed. Mr. Marshall indicated that he thinks it should go to the voters, but that they need to understand the spending; to be sure that they are spending smartly before we look at the need to increase revenues. Mayor Coleman discussed his concern with approving another 10 cents if they only need a portion of that. Discussion continued. Mr. Carlton indicated that the Travis County Commissioners Court would hold their hearing on February 12, 2013, so the City Council could postpone their decision.

The following people did not wish to speak but asked that the Mayor announce their support for the ESD No. 2A for the record:

Teddy Ryan, PO Box 1222, Pflugerville  
David Kilventon, PO Box 1222, Pflugerville  
Ram Beck, 10428 Beard Avenue  
John Travis, 207 West Custers Creek Bend  
Joshua Beyer, PO Box 75, Schwertner  
Jeremiah Harlow, 927 CR 279  
Trevor Stokes, PO Box 1222, Pflugerville  
David Randazzo, 2724 Pedernales Falls Drive  
Kristin Dunn, 540 Brown Juniper Way, Round Rock  
John Dunn, 540 Brown Juniper Way, Round Rock

Melody Ryan, 1012 Ripley Castle, stated that she does not see how an overlay district can be created to provide the same services, since state law provides that it cannot. Mayor Coleman explained that the ESD No. 2 would say they are no longer doing medical services, and the ESD No. 2A would provide the medical services. Ms. Ryan stated that as a taxpayer she is concerned about doubling the property tax rate. She stated that it is redundant to have two districts with the same boundaries. She stated that everyone is satisfied and she is not sure there is a need. She stated that it does appear that they can set a lower tax rate and go to the voters again if they want to raise it. Ms. Ryan stated that she thinks that two overlapping districts is wrong and that they do not need any more tax increases. She stated that it limits other agencies from getting funding. She stated that the Travis County ESD No. 2 funding would go up when valuations go up.

There were no additional requests to speak on the item. Mayor Coleman retired to executive session on the item. The time was 8:56 p.m.

Mayor Coleman reconvened in open session at 9:17 p.m. He stated to Mr. Carlton that the City Council would like to table the action for two weeks and to hold a joint meeting with the Travis County ESD No. 2 Board next Tuesday, January 15. Mayor Coleman stated that they would also like to find out when they would publish the statement of services of what they would be taking out of ESD No. 2 and what they would be providing with ESD No. 2A. Mr. Carlton stated he would recommend they publish it as soon as the election is called. Mr. Peña indicated that they would also like the detail suggested by Mr.

Marshall on their spending and the scenario of what would happen if the ESD No. 2A were to not be approved. Mayor Coleman closed the item.

- 12C. 2013-1572** 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 a Pflugerville Community Development Corporation (PCDC) Performance Agreement with Lil Mama's Delicious Desserts and More L.L.C. 2.) Open Session Item: Discuss and consider action to approve a Pflugerville Community Development Corporation Performance Agreement with Lil Mama's Delicious Desserts and More L.L.C.

Mayor Coleman announced that the City Council was retiring to executive session on item 12C. He read the item and retired to executive session. The time was 9:20 p.m. Mayor Coleman reconvened in open session at 9:39 p.m. for consideration of the item. Mr. Gonzales made a motion to approve the performance agreement. Mr. Peña seconded the motion. Mr. Cooper requested that the PCDC establish policy and guidelines regarding small business grants before the next one comes forward for Council consideration. The vote was: Mr. Cooper-yes, Mr. Marshall-no, Mr. Peña-yes, Ms. Sattler-yes, Mr. Gonzales-yes. The motion carried.

### Executive Session

Mayor Coleman announced that the City Council was retiring to executive session on items 12D, 13A, 13B, and 13C. He read the items to be discussed in executive session and retired to executive session. The time was 10:42 p.m.

- 12D. 2013-1594** 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding need to clarify a compensation term in the City Manager's employment agreement. 2.) Open Session Item: Discuss and consider action regarding need to clarify a compensation term in the City Manager's employment agreement.

Discussion on the item was to take place in executive session. Action was taken on the item later in the meeting.

- 13. Discuss only**

- 13A. 2013-1588** 1.) Executive Session Item: Consultation with legal counsel regarding the City's land use and building regulatory authority 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.

- 13B. 2013-1591** 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.

- 13C. 2013-1593** 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.

- 13D. 2013-1608** 1.)Executive Session Item: Consultation with legal counsel regarding regulation of smoking paraphernalia shops pursuant to Chapter 551.071 of the Texas Government Code.

There was no discussion on the item at the regular meeting. The item was discussed at the earlier worksession.

**Executive Session Closed**

- 12D. 2013-1594** 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding need to clarify a compensation term in the City Manager's employment agreement. 2.) Open Session Item: Discuss and consider action regarding need to clarify a compensation term in the City Manager's employment agreement.

Mr. Peña made a motion to amend the employment agreement under Section 7 to limit the use of Mr. Wade's city-provided vehicle to business use and for commuting to and from work. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

**14. Adjourn**

Ms. Sattler made a motion to adjourn. Mr. Cooper seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 11:21 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as \_\_\_\_\_ on January 22, 2013.