



City of Pflugerville

Minutes - Final City Council

Tuesday, June 11, 2013

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Councilmembers Wayne Cooper, Brad Marshall and Starlet Sattler were in attendance. Mayor Jeff Coleman, Mayor Pro Tem Victor Gonzales and Councilmember Omar Peña were absent. Mr. Cooper was selected by the Councilmembers in attendance to preside. Mr. Cooper called the regular meeting to order at 7:05 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; Karen Thompson, City Secretary; Terri Waggoner, Public Information Officer; Patricia Rinehart, Public Works Admin Tech; Darrell Winslett, Water Conservation Manager; Chuck Hooker, Police Chief; Bill Anderson, Police Lieutenant.

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

3. Presentations

3A. [2013-2012](#)

Presentation of Texas Association of Municipal Information Officers Awards.

Mr. Cooper announced that the City received two awards at the Texas Association of Municipal Information Officers (TAMIO) conference on June 7, 2013. The city received second place in the category of special publication for the Public Works Department's Save our Pfuture water conservation activity book and third place in the marketing campaign category for the city's Come Home to Shop! (R) initiative in conjunction with the Chamber of Commerce, Pflugerville Downtown Association, Stone Hill Town Center, and Emergency Services District #2. Ms. Waggoner provided information. Mr. Cooper

presented the special publication award to Mr. Winslett and Ms. Rinehart. Mr. Cooper presented the marketing campaign award to Jean Garlick and Britta Herzog of the Pflugerville Downtown Association and Patricia Gervan-Brown of the Pflugerville Chamber of Commerce. Ms. Gervan-Brown provided comments.

3B. [2013-2028](#)

Introduction and presentation of the newly formed community enrichment organization: Pflugerville Council of the Arts.

Mr. Darelle White and Mr. Steve Gore provided information on the newly established Pflugerville Council of the Arts. Mr. White explained that they are establishing themselves as an organization to encourage the arts in the community. He encouraged others to provide support to this organization.

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.

The item was postponed. There was no discussion on the item.

4B. [ORD-0159](#)

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 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.

Mr. Cooper read the item to include the caption of the ordinance to be considered. Ms. Barron provided information and answered questions. Mr. Cooper opened the public hearing. Mr. James Dedrick, 905 Parkview Drive, asked for the definition of sexually oriented business. Mr. Hyde provided information. There were no additional requests to speak at the public hearing. Ms. Sattler made a motion to close the public hearing. Mr. Marshall 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.

Reading of the Consent Agenda

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

6. Approval of Minutes

- 6A. [2013-2007](#) Approval of the minutes of the May 28, 2013 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

7. Ordinances Second Reading

- 7A. [ORD-0137](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE READOPTING CODE OF ORDINANCES TITLE IX GENERAL REGULATIONS, CHAPTER 95 PARKS AND RECREATION SUBCHAPTER 95.50 YOUTH PROGRAMS STANDARDS OF CARE; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.

- 7B. [ORD-0153](#) 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 RESEARCH AND DEVELOPMENT CENTER ON A 21.83 ACRE PORTION OF LOT 3 OF THE RENEWABLE ENERGY PARK, TO BE FURTHER SUBDIVIDED AS LOT 3D, GENERALLY LOCATED IN PFLUGERVILLE, TX, TO BE KNOWN AS THE PROJECT ORION SPECIAL DISTRICT (SD1304-01), PROVIDING FOR SITE LAYOUT AND CONDITIONS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A NON-SEVERABILITY CLAUSE: AND PROVIDING FOR AN EFFECTIVE DATE.

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

8. Resolutions

- 8A. [RES-0142](#) Approving a resolution adopting a Multiple Use Agreement with the Texas Department of Transportation (TxDOT) affiliated with the FM685 and FM 1825 sidewalk improvements.

The resolution was approved on the consent agenda.

- 8B. [RES-0143](#) Approving a resolution adopting rate schedule, "RRM - Rate Review Mechanism" for Atmos Energy Corporation, Mid-Tex Division, to be in force in the City of Pflugerville for a period of time as specified in the rate schedule.

The resolution was approved on the consent agenda.

9. Other Actions

- 9A. [2013-1970](#) Authorize the City Manager to execute an agreement with Binkley & Barfield Inc. for Design & Construction Phase Services for the Rowe Loop wastewater CIP project in an amount not to exceed \$149,483.

The item was approved on the consent agenda.

- 9B. [2013-1977](#) Approving a Lease Agreement for the Pflugerville Community Development Corporation (PCDC) with MRS Holdings, Inc. for the lease of office space.

The item was approved on the consent agenda.

- 9C. [2013-2006](#) Receive report on City Council, Commission, Board and Committee expenditures for May 2013.

The item was approved on the consent agenda.

- 9D. [2013-2030](#) Approving a Professional Services Agreement with DCS Engineering, LLC in the amount of \$118,841.00 for the preparation of a Reclaimed Water Master Plan and authorizing the City Manager to execute the agreement.

The item was approved on the consent agenda.

- 9E. [2013-2031](#) Appointing Ms. Sarah Young as student member of the Parks and Recreation Commission for a term ending May 31, 2014.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

10. Discuss and consider action

- 10A.** [2013-1996](#) Discuss and consider action to approve a Pflugerville Community Development Corporation (PCDC) Performance Agreement with MTech.
- Mr. Floyd Akers, Director of the Pflugerville Community Development Corporation, provided information and introduced Mr. Bob Fabrizio, President of MTech. Mr. Fabrizio thanked the City for expediting their needs. Mr. Marshall made a motion to approve the agreement. Ms. Sattler seconded the motion. All voted in favor. The motion carried.**
- 10B.** [2013-2011](#) Discuss and consider action regarding future agenda items and City Manager significant activities report.
- No future agenda items were noted. There was no discussion on the item.**
- 11. Discuss only**
- 11A.** [2013-2008](#) 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 took place during the earlier worksession. There was no discussion on the item during the regular meeting.**
- 11B.** [2013-2009](#) 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 took place during the earlier worksession. There was no discussion on the item during the regular meeting.**
- 11C.** [2013-2010](#) 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 took place during the earlier worksession. There was no discussion on the item during the regular meeting.**
- 1. Discuss only - Supplemental Item**
- 1A.** [2013-2042](#) 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 took place during the earlier worksession. There was no discussion on the item during the regular meeting.**
- 12. Adjourn**
- Ms. Sattler made a motion to adjourn. Mr. Marshall seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 7:29 p.m.**

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on June 25, 2013.