



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, October 9, 2012

7:00 PM

100 East Main Street, Suite 500

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### Regular Meeting

#### 1. Call to order

Mayor Coleman called the regular meeting to order at 7:03 p.m. Councilmembers Wayne Cooper, Brad Marshall, Starlet Sattler and Victor Gonzales were in attendance. Councilmember Darelle White was absent. City employees in attendance: Brandon Wade, City Manager; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Karen Thompson, City Secretary; Dan Franz, City Engineer; Bill Anderson, Police Lieutenant; Chuck Hooker, Police Chief; Sabrina Schmidt, Accounts Payable/Purchasing.

#### 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. 2012-1428** Proclamation recognizing National 4H week October 7-13, 2012.

Mayor Coleman read and presented the proclamation to Stephen Young.

**3B. 2012-1446** Proclamation celebrating the 50th anniversary of the National Football Schoolboy Champions.

Mayor Coleman read the proclamation and presented it to the members of the National Football Schoolboy Champions.

**3C. 2012-1452** Recognition presentation to the Pflugerville Community Development Corporation (PCDC) for receiving two Silver Excellence in Economic Development Awards for their Pflugerville Infographic Advertising

Campaign and Pflugerville Business Recruitment Campaign.

**Mayor Coleman recognized the PCDC for their receiving the awards. PCDC Boardmembers Starlet Sattler, Omar Peña, and Doug Weiss were in attendance as well as PCDC Director Floyd Akers and Business Recruitment Specialist Mary Poché.**

**3D. 2012-1455** Presentation of ICMA video feature on Pflugerville

**Ms. Gillam provided information and presented the video which is available at icmatv.com.**

#### **4. Public Hearings**

**4A. ORD-0119** Conduct a public hearing to annex two separate tracts of land owned by the City of Pflugerville consisting of 8.9 acres within the Villages of Hidden Lakes subdivision, out of the Gene M. Martin Survey No. 9, Abstract 529 in Travis County, Texas. Tract 1 consists of 8.54 acres adjacent to Lake Pflugerville while Tract 2 consists of 0.37 acres utilized for wastewater infrastructure.

**Mr. Fletcher provided information and answered questions of Council. 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.**

**4B. ORD-0120** Conduct a public hearing on the annexation, for full purposes, of a tract of land consisting of approximately 20.2 acres within the E. Pecan St. right of way, out of the S. Eiselin Survey No. 4, Abstract 265 and T. S. Barnes Survey No. 46, Abstract 67 in Travis County, Texas, to be known as the 2012 E. Pecan Street Annexation. (ANX1208-01)

**Mr. Fletcher provided information and answered questions of Council. 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.**

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

**5A. ORD-0116** Conduct a public hearing and approve an ordinance on first 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 CHANGING THE ZONING DESIGNATION OF 3.10 ACRES OUT OF THE E. BEBEE SURVEY, ABSTRACT NO. 5, LOCATED GENERALLY NORTHWEST OF THE BLACK LOCUST AND PFENNIG LANE INTERSECTION, FROM SINGLE-FAMILY SUBURBAN (SF-S) TO SINGLE-FAMILY URBAN (SF-U) DISTRICT; TO BE KNOWN AS KUEMPEL 3.1-ACRE REZONING (REZ1208-01), AND PROVIDING AN

**EFFECTIVE DATE.**

Mr. Fletcher provided information and answered Council questions. Mayor Coleman announced that they had received one email and one public comment form. The email was from Lisa Wright of the Brookhollow neighborhood. In the email, Ms. Wright stated that she had spoken with Jeremy Frazzell and that he had put many of her concerns to rest. She stated that she was not entirely happy with the rezoning but was happier with the situation. She asked that the association that is created to support the townhome community establish a restrictive covenant that would only allow a certain percentage of the townhomes to be rental/lease properties at a time. She stated that she had done some research and most communities of this sort allow a 10% lease/rental property allotment. The public comment form was from Beverly Canales, 1220 Swenson Farms Blvd. She did not wish to speak but requested that the Mayor enter for the record her opposition. She wrote on the form that she is concerned regarding her property value declining, traffic increasing, more crime, and crowding schools if apartments are built. She asked that the Council not allow this, that it would hurt Pflugerville, that we have too many problems with the other apartments. She wrote that she is concerned about the Swenson Farms neighborhood.

Mike Marsh, 2524 Dunes Drive, stated that he was interested in being the builder of the project. Mr. Marsh spoke on the intent for the product to be one to two bedroom units of 1400 to 1800 square feet, single family attached, upper end, not inexpensive homes. He stated that the traffic impact would be minimal and he would challenge the idea that it would lower property values in the area. He stated that the zoning ordinance is extremely strict.

There were no additional requests to speak at the public hearing.

Mr. Marshall made a motion to close the public hearing. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

Mayor Coleman provided comments on the need for this type of product in Pflugerville. Mr. Gonzales stated that he believes that it fits in the scheme of things. Ms. Sattler stated to agree that Pflugerville has needed this product for some time. Mr. Cooper stated agreement. Mr. Marshall made a motion to approve the ordinance as read. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

**6. Public Comment**

Brent Hurta, 3104 Murrelet Way, did not wish to speak but asked that the Mayor announce for the record his support for a skate park/skate spot in Pflugerville.

**Reading of the Consent Agenda**

Mr. Fletcher introduced Emily Barron for consideration of appointment as Planning Director. Ms. Thompson read the items for consideration on the consent agenda.

**7. Approval of Minutes**

**7A. 2012-1447** Approval of the minutes of the September 25, 2012 Worksession and

Regular Meeting.

The minutes were approved on the consent agenda.

## 8. Other Actions

- 8A. 2012-1448** Receive report on City Council, Commission, Board and Committee expenditures for September 2012.  
The item was approved on the consent agenda.
- 8B. 2012-1445** Approving the appointment of Ms. Emily M. Barron as Planning Director.  
The item was approved on the consent agenda.
- 8C. 2012-1429** Approving the award of the contract for the Gilleland Creek Pool Slab project to the lowest responsive bidder, BPI Environmental Services, in the amount of \$107,362.30 and authorizing the City Manager to execute same.  
The item was approved on the consent agenda.
- 8D. 2012-1460** Awarding the contract for the Pflugerville Community Library telephone system to the lowest responsive bidder, IT Works, in the amount of \$54,641.00 and authorizing the City Manager to execute same.  
The item was approved on the consent agenda.

## Action on the Consent Agenda

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

## 9. Discuss and consider action

- 9A. 2012-1443** Discuss and consider action regarding a lease agreement between the Pflugerville Community Development Corporation (PCDC) and 130 Commerce Center L.L.C. for a portion of a proposed light industrial building located in the Renewable Energy Park Subdivision, Lot 4 locally known as 3813 Helios Way.  
Mr. Fletcher provided an introduction to the item. Floyd Akers, PCDC Director, provided information. Mr. Cooper made a motion to approve the item as read. Ms. Sattler seconded the motion. All voted in favor. The motion carried.
- 9B. 2012-1432** Discuss and consider action authorizing two City representatives to attend the Circuit of the Americas (CoTA), 2012 Formula 1 United States Grand Prix in Austin, Texas on November 16-18, 2012 to survey the event for economic development impact to the City of Pflugerville at an expense to the City not to exceed \$1,800.

Mr. Hyde stated that they would have the opportunity to view the impacts as a consumer during the race and then follow up with an indepth review of the facilities following the event. He explained the invitation from Eric Love of Circuit of Americas and interest in encouraging hotel proposals in Pflugerville. Council discussion followed. Mr. Gonzales made a motion to send Terri Waggoner, Public Information Officer and Councilmember Wayne Cooper. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

**9C. 2012-1449** Discuss and consider action regarding future agenda items.

Mayor Coleman requested a report from Mr. Gonzales on the Austin Intercity Visit to San Jose in the next month.

**9D. 2012-1458** 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding an agreement with Avalon known as the First Amendment to Roadway Development Agreement. 2.) Open Session Item: Discuss and consider action regarding an agreement with Avalon known as the First Amendment to Roadway Development Agreement.

The item was addressed later in the meeting.

**9E. 2012-1453** 1.)Executive Session Item: Deliberate about the purchase, lease and value of real property and to consult with legal counsel for legal advice regarding authorizing the City Manager to negotiate a contract for the purchase of a water line and all associated facilities and easements from Cross County Water Supply Corporation and/or any other affiliated or related organization pursuant to Texas Government Code Chapter 551.071 and Texas Government Code Chapter 551.072. Open Session Item: Discuss and consider action to authorize the City Manager to negotiate a contract to acquire a water line and all associated facilities and easements from Cross County Water Supply Corporation and/or any other affiliated or related organization.

Mr. Cooper made a motion to authorize the City Manager to negotiate a contract to aquire a water line and all associated facilities and easements from Cross County Water Supply Corporation and/or any other affiliated or related organization. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

**10. Discuss only**

**10A. 2012-1450** 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.

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

**10B. 2012-1451** 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.

**The item was addressed in the earlier worksession. There was no discussion on the item at the regular meeting.**

- 10C. 2012-1407** 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code for performance evaluation of the Municipal Judge.

**The item was addressed in the earlier worksession. There was no discussion on the item at the regular meeting.**

- 10D. 2012-1409** 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code for performance evaluation of the City Attorney.

**The item was addressed in the earlier worksession. There was no discussion on the item at the regular meeting.**

- 10E. 2012-1411** 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code for performance evaluation of the City Manager.

**The item was addressed in the earlier worksession. There was no discussion on the item at the regular meeting.**

- 9D. 2012-1458** 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding an agreement with Avalon known as the First Amendment to Roadway Development Agreement. 2.) Open Session Item: Discuss and consider action regarding an agreement with Avalon known as the First Amendment to Roadway Development Agreement.

**Mayor Coleman announced that the City Council was retiring to executive session on item 9D and read the item. He retired to executive session. The time was 8:28 p.m. Discussion on the item was to take place in executive session. Mayor Coleman reconvened in open session at 8:42 p.m. No action was taken.**

## **11. Adjourn**

**Mr. Marshall made a motion to adjourn. Mr. Cooper seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 8:42 p.m.**

**Respectfully submitted,**

**Karen Thompson  
City Secretary**

**Approved as \_\_\_\_\_ on October 23, 2012.**