



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, November 8, 2011

7:00 PM

100 East Main Street, Suite 500

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### Regular Meeting

#### 1. Call to order

Mayor Jeff Coleman called the meeting to order at 7:07 p.m. Councilmembers Wayne Cooper, Brad Marshall, Starlet Sattler, and Victor Gonzales were in attendance. Councilmember Darelle White was absent. City employees attending: Brandon Wade, City Manager; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; George Hyde, Interim City Attorney; Karen Thompson, City Secretary; Lisa Charbonnet, Library Director; Tracy Hibbs, Utilities Business Operations Manager; James Wills, Public Works Director; Wiley Webb, Wastewater Superintendent; Darren Strozewski, Interim City Engineer; Blake Overmeyer, Building Official; Beth Davis, Finance Director; Chuck Hooker, Police Chief; Darrell Winslett, Water Superintendent; Terri Waggoner, Public Information Officer.

#### 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.**

Members of Boy Scout Troop 685 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.**

Members of Boy Scout Troop 685 led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

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

#### 3. Presentation

3A. [2011-0883](#) Mayor's Proclamation declaring November 14, 2011 to November 21, 2011 as Operation Christmas Child Week in the City of Pflugerville.

Mayor Coleman read the proclamation and presented it to Ray Garner, Julia Ruiz and Cathy Hulin of the First Baptist Church Pflugerville.

#### 4. Public Hearing and Ordinance First Readings

- 4A. [ORD-0082](#) Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, APPROVING THE PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER ONE, CITY OF PFLUGERVILLE, TEXAS; AUTHORIZING THE CITY SECRETARY TO DISTRIBUTE SUCH PLANS; CONTAINING VARIOUS PROVISIONS RELATED TO THE FOREGOING SUBJECT.

Mayor Coleman read the item along with the caption of the ordinance under consideration. Mr. Fletcher provided information. Council discussion followed with Mr. Fletcher and Mr. Hyde. TIRZ Boardmembers Mike Marsh (Chairman), Scott Johnson (Vice Chair) and Bob Dwyer were in attendance, but did not speak at the Council meeting. Jody Richardson and Bill Meyer did not wish to speak but requested that the Mayor state for the record their support for the approval of the item. There were no requests to speak at the public hearing. Mr. Cooper made a motion to close the public hearing. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

Mr. Cooper made a motion to approve the ordinance on first reading. Mr. Marshall seconded the motion. Mayor Coleman thanked the TIRZ Board for their work and provided comments. All voted in favor. The motion carried.

#### 5. 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 spot.

Anne Ford, 4109 Lake Edge Way, stated that she attended the Animal Shelter opening and has been waiting since September to volunteer there. She stated that it appears that there are no regularly scheduled orientations and that she has been told that the volunteer training is five or six hours on a Saturday. She stated that the training is one to one and a half hours at other shelters. She stated that she is now driving to Bastrop to volunteer at their shelter. Mr. Wade stated to Ms. Ford that Chief Hooker could assist her and that he appreciates her desire to volunteer at the animal shelter.

#### Reading of the Consent Agenda

Ms. Thompson read the items along with the caption of the ordinance under consideration.

#### 6. Approval of Minutes

- [2011-0881](#) Approval of the minutes of the October 18, 2011 Special Meeting and October 25, 2011 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

**7. Ordinance Second Reading**

- 7A. [ORD-0080](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, CHAPTER 150, REGARDING THE ADOPTION OF THE NATIONAL ELECTRICAL CODE, 2011 EDITION; DELETION OF ARCHAIC AMENDMENTS; ESTABLISHING PENALTIES NOT TO EXCEED \$2000.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

**8. Resolution**

- 8A. [RES-0059](#) Approving a resolution changing the City's general election date to November and extending the terms of the current members of the City Council by six months.

The resolution was approved on the consent agenda.

**9. Other Actions**

- 9A. [2011-0884](#) Awarding the contract for the Pflugerville Parkway East Widening (from FM 685 to SH 130) project to the lowest responsive bidder, RGM Constructors of Texas, LLC from Pflugerville, Texas, in the amount of \$2,077,798.37. This project is being funded through certificates of obligation issued in 2009.
- The item was approved on the consent agenda.
- 9B. [2011-0890](#) Receive report on City Council, Commission, Board and Committee expenditures for October 2011.
- The item was approved on the consent agenda.
- 9C. [2011-0878](#) Authorizing the City Manager to execute an Oncor Easement generally located at 19417 Murchison Ridge Trail.
- 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.

**10. Discuss and consider action**

- 10F. [2011-0898](#) 1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding a Pflugerville Community Development Corporation performance agreement for Project Apollo and a City of Pflugerville Chapter 380 agreement for Project Apollo. 2.) Open Session Item: Discuss and consider action regarding a Pflugerville Community Development Corporation performance agreement for Project Apollo and a City of Pflugerville Chapter 380 agreement for Project Apollo.

Mayor Coleman indicated that the item could be addressed in open session. Floyd Akers, Director of the Pflugerville Community Development Corporation (PCDC) provided information on the performance agreement and Chapter 380 agreement for Baryonyx Corporation, out of Great Britain. He indicated that this would be the first renewable energy data center. He stated that Chief Operating Officer, Roy Phillips, as well as David Clay, President of the PCDC, were in attendance. Mr. Hyde provided a review of a financial impacts information sheet with the Council. Mr. Akers and Mr. Hyde answered questions of the Council. Mr. Cooper made a motion to approve the performance agreement and 380 agreement with Baryonyx Corporation. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

- 10A. [2011-0880](#) Discuss and consider action regarding future agenda items.

No future agenda items were noted under the item.

**Executive Session**

Mayor Coleman announced that the City Council was retiring to executive session on items 10B, 10C, 10D, 10E, 10G and 10H and read the items to be discussed. The time was 7:48 p.m.

- 10B. [2011-0891](#) 1.) Executive Session Item: Consultation with legal counsel regarding agreements for Sorento, Second Amendment to the development Agreement Bohls and PCDC Tracts and a proposed Phasing Agreement pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding agreements for Sorento, Second Amendment to the development Agreement Bohls and PCDC Tracts and a proposed Phasing Agreement.

Discussion on the item was to take place in executive session. No action was taken on the item.

- 10C. [2011-0900](#) 1.) Executive Session Item: Consultation with legal counsel regarding the application of the competitive sealed proposal process for the Pflugerville Community Library Renovation and Expansion project pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding the application of the competitive sealed proposal process for the Pflugerville Community Library Renovation and Expansion project.
- Discussion on the item was to take place in executive session. No action was taken on the item.**
- 10D. [2011-0893](#) 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. 2.) Open Session Item: Discuss and consider action regarding agreements with Manville Water Supply Corporation.
- Discussion on the item was to take place in executive session. No action was taken on the item.**
- 10E. [2011-0889](#) A1.) Executive Session Item: Consultation with legal counsel regarding approving Consent to Assumption of New Sweden Development agreement to Graham Mortgage Corporation pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding approving Consent to Assumption of New Sweden Development agreement to Graham Mortgage Corporation.
- Discussion on the item was to take place in executive session. No action was taken on the item.**
- 10G. [2011-0903](#) 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. 2.) Open Session Item: Discuss and consider action 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 on the item.**

- 10H. [2011-0807](#) 1.) Executive Session Item: To deliberate upon the appointment/employment of the City Attorney and to consider a letter of engagement and appointment of Denton, Navarro, Rocha and Bernal P.C. as City Attorney effective November 9, 2011 pursuant to Chapter 551.074 of the Texas Government Code . 2.) Open Session Item: Discuss and consider action to approve a letter of engagement and appointment of Denton, Navarro, Rocha and Bernal P.C. as City Attorney effective November 9, 2011 and authorizing the City Manager to execute same.

**Discussion on the item was to take place in executive session. Action was taken in open session.**

### **Executive Session Closed**

**Mayor Coleman reconvened in open session at 9:08 p.m.**

- 10H. [2011-0807](#) 1.) Executive Session Item: To deliberate upon the appointment/employment of the City Attorney and to consider a letter of engagement and appointment of Denton, Navarro, Rocha and Bernal P.C. as City Attorney effective November 9, 2011 pursuant to Chapter 551.074 of the Texas Government Code . 2.) Open Session Item: Discuss and consider action to approve a letter of engagement and appointment of Denton, Navarro, Rocha and Bernal P.C. as City Attorney effective November 9, 2011 and authorizing the City Manager to execute same.

**Mr. Marshall made a motion to authorize the City Manager to negotiate a letter of engagement for City Attorney services with Denton, Navarro, Rocha and Bernal and naming George Hyde as the member that would represent the City. Ms. Sattler seconded the motion. All voted in favor. The motion carried.**

### **11. Adjourn**

**Mr. Cooper made a motion to adjourn. Mr. Marshall seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 9:09 p.m.**

**Respectfully submitted,**

**Karen Thompson  
City Secretary**

**Approved as presented on November 22, 2011.**