



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, September 10, 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 7:06 p.m. Councilmembers Wayne Cooper, Brad Marshall, Starlet Satter, and Victor Gonzales were in attendance. Councilmember Omar Peña 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; Beth Davis, Finance Director; Amy Good, Assistant Finance Director; Dan Franz, City Engineer; Emily Barron, Planning Director; Blake Overmyer, Building Official; James Wills, Public Works Director; Chuck Hooker, Police Chief; Karen Thompson, City Secretary.

#### 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. Presentation

- 3A. [2013-2275](#) Neighborhood Watch program presentation by the Pflugerville Police Department.

Corporal Dan Griffith presented and answered questions of the Council.

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

- 4A. [ORD-0173](#) Hold a public hearing and consider approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FISCAL YEAR 2014 BUDGET FOR THE CITY OF PFLUGERVILLE, TEXAS.

Mayor Coleman explained that items 4A and 5A would be tabled until September 24, 2014 due to a need for additional detail in the public hearing notice. There was no discussion or action on the item.

## 5. Ordinance First Reading

- 5A. [ORD-0174](#) Approving an ordinance on first reading with the caption reading: TAX LEVY ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS.

Mayor Coleman explained that items 4A and 5A would be tabled until September 24, 2014 due to a need for additional detail in the public hearing notice. There was no discussion or action on the item.

## 6. Public Hearing and Ordinance First Reading

- 6A. [ORD-0161](#) Conduct a public hearing and consider approving the first reading of an ordinance with a 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 TWO SEPARATE TRACTS OUT OF THE J. CASNER SURVEY NO. 9, ABSTRACT NO. 2753, CONSISTING OF 5.013 ACRES LOCALLY ADDRESSED 20607 FM 685 FROM CORRIDOR URBAN LEVEL 4 (CL4) TO GENERAL BUSINESS 2 (GB2) DISTRICT AND 5.001 ACRES LOCALLY ADDRESSED 20511 FM 685 FROM AGRICULTURE/CONSERVATION (A) TO GENERAL BUSINESS 2 (GB2); TO BE KNOWN AS U-HAUL ADDITION REZONING (REZ1305-03), AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman opened the public hearing and consideration of the ordinance on first reading. He read the item to include the caption of the ordinance. Ms. Barron provided information and answered questions of the Council.

U-Haul Representatives Carlos Vizcarra and Todd West provided additional information and answered questions of the Council.

Janet Reyna, 1822 Rowe Loop, stated that she lives adjacent to the property, so when they sit out in their gazebo they will be looking directly at their facility. She stated that she is here to give a face of the neighbors to U-Haul. She stated hopes there would be a good buffer. She stated that she appreciates all that the city does, and knows that there has to be room for commercial and residences.

There were no additional requests to speak at the public hearing. Mr. Cooper made a motion to close the public hearing. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

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

## 7. 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.

Mr. Mike Marler, 517 Dusty Leather Court, provided information on the Mystic Lemon Racers fundraising group.

Mr. Danny Vinzant, 508 Greenway Drive, stated that he wants Council and staff to concentrate on frugality and to think twice before hiring consultants and contractors and to instead use employees to their full potential. Mr. Vinzant expressed opposition to Hawaiian Falls, stating that he does not think that it will work. He stated concern that Hawaiian Falls does not have any skin in the game and that the City is funding the whole thing. He stated that if it does not work out that Hawaiian Falls will pack up their bags and get out.

## Reading of the Consent Agenda

Items 11A and 11B were removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

### 8. Approval of Minutes

- 8A. [2013-2245](#) Approval of the minutes of the August 27, 2013 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

### 9. Ordinance First Reading

- 9A. [ORD-0176](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, CHAPTER 154, REGARDING CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS) WITHIN THE CITY LIMITS AND THE EXTRA TERRITORIAL JURISDICTION OF THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

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

### 10. Ordinances Second Reading

- 10A. [ORD-0169](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, APPROVING THE FIRST AMENDMENT TO 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 FORGOING SUBJECT.

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

- 10B. [ORD-0170](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, APPROVING THE FIRST AMENDMENT TO THE FINANCING AGREEMENT FOR REINVESTMENT ZONE NUMBER ONE, CITY OF PFLUGERVILLE, TEXAS; AUTHORIZING THE MAYOR TO EXECUTE SAID AMENDMENT; CONTAINING VARIOUS PROVISIONS RELATED TO THE FORGOING SUBJECT.

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

## 12. Other Actions

- 12A. [2013-2242](#) Authorize the City Manager to enter into and execute the Purchasing Cooperative Interlocal Agreement with Williamson County.

The item was approved on the consent agenda.

- 12B. [2013-2250](#) Receive report on City Council, Commission, Board and Committee expenditures for August 2013.

The item was approved on the consent agenda.

- 12C. [2013-2268](#) Authorize the City Manager to execute a contract for the purchase of Type D Hot Mix Asphalt, Hot Laid, with APAC-Texas, Inc. in the amount of \$62,700.

The item was approved on the consent agenda.

- 12D. [2013-2280](#) Approving hotel expenses for Mayor Pro Tem Victor Gonzales' attendance of the 2013 Texas Municipal League Annual Conference in Austin, Texas on October 8-11, 2013.

The item was approved on the consent agenda.

## Action on the Consent Agenda

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

## 11. Resolution

- 11A. [RES-0154](#) Approving a resolution of the City of Pflugerville, Texas to support participation as a Metropolitan Entitlement City.

Mr. Cooper stated that he wanted to bring to light that this is a way to get Community Development Block Grant (CDBG) funding. Mr. Fletcher provided information stating that the City had reached an estimated population of 51,894 in July 2012 and with that approximately \$230,000 would be available for Fiscal

Year 2014. Mr. Cooper stated that he would like the City to spend the money on road improvements and not consultants. Mr. Wade agreed, stating that he estimated that the City would spend no more than \$5,000 to \$10,000 in consultant fees. Mr. Cooper made a motion to approve the resolution supporting participation as a Metropolitan Entitlement City. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

### 13. Discuss and consider action

13A. [2013-2246](#) Discuss and consider action regarding future agenda items.

No future items were noted.

13B. [2013-2273](#) Discuss and consider action regarding the significant activities report.

There was no discussion or action on the item.

### Executive Session

Mayor Coleman announced that the City Council was retiring to executive session on items 13C, 14A, 14B, and 14C. He read the items to be discussed and retired to executive session. The time was 7:46 p.m.

13C. [2013-2251](#) 1.) Executive Session Item: Consultation with legal counsel regarding proposed Water Utility Service Area Agreements between the City of Pflugerville and Lakeside Water Control and Improvement Districts (WCIDs) 1, 2A, 2B, 2C and 2D pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding Water Utility Service Area Agreements between the City of Pflugerville and Lakeside WCIDs 1, 2A, 2B, 2C and 2D.

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

### 14. Discuss only

14A. [2013-2247](#) 1.) Executive Session Item: Discussions regarding deliberations on 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 for legal advice concerning economic development negotiations.

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

14B. [2013-2248](#) 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 was to take place in executive session. No action was taken.

- 14C. [2013-2249](#) 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 9:43 p.m.

### Resolution

- 11B. [RES-0157](#) Approving a resolution declaring the City of Pflugerville's intent to adopt agreement with Manville Water Supply Corporation.
- Mr. Cooper made a motion to approve the resolution except to strike item number 3 in the conditions, "Assigns to Manville Water Supply Corporation certain capacity rights in a pipeline," with the caveat that as negotiations move forward, the City could opt in the future to do other things, that they are not locked in, that this is just a resolution that they are moving forward in good faith. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

### Discuss and consider action

- 13C. [2013-2251](#) 1.) Executive Session Item: Consultation with legal counsel regarding proposed Water Utility Service Area Agreements between the City of Pflugerville and Lakeside Water Control and Improvement Districts (WCIDs) 1, 2A, 2B, 2C and 2D pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding Water Utility Service Area Agreements between the City of Pflugerville and Lakeside WCIDs 1, 2A, 2B, 2C and 2D.
- Mr. Hyde explained that these are the agreements with the WCIDs to clean up the Certificates of Convenience and Necessity (CCNs) in those areas. Mr. Cooper made a motion to approve the agreements. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

### 15. 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 9:46 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as presented on September 24, 2013.