



City of Pflugerville

Minutes - Final City Council

Tuesday, October 12, 2010

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Jeff Coleman called the meeting to order at 7:10 p.m.

Councilmembers Wayne Cooper, Mike Marsh, Starlet Sattler, and Victor Gonzales were in attendance. Councilmember Darelle White was absent. City employees attending: Brandon Wade, City Manager; Floyd Akers, City Attorney; Lauri Gillam, Assistant City Manager; Karen Thompson, City Secretary; Trey Fletcher, Managing Director of Operations; April Rose, Acting Assistant Parks Director; Felix Benavides, City Engineer; Blake Overmyer, Building Official; Amy Atkins, Interim Parks Director; Terri Waggoner, Public Information Officer; Leann Resendez, Acting Assistant Director of Recreation; Tracy Hibbs, Utility Business Operations Manager; Bill Anderson, Police Lieutenant; Chuck Hooker, Police Chief; Beth Davis, Finance Director; Kathy Freiheit, Library Director.

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 of Allegiance to the Texas State Flag.

3. Presentations

[2010-0232](#) Proclamation declaring October 2010 as Community Planning Month in the City of Pflugerville.

Mayor Coleman recognized the planning professionals in attendance: Wayne Cooper, Trey Fletcher, Kevin Kluge and Rainer Ficken. He read the proclamation declaring October 2010 as Community Planning Month. Mr. Fletcher noted that a kiosk of information on planning has been set up at the Library.

[2010-0231](#) Pflugerville 2030 Your Voice Your Choice Comprehensive Plan Award Presentation.

Mayor Coleman recognized Mr. Cooper and Mr. Fletcher for their efforts in drafting the Comprehensive Plan. He stated that the Comprehensive Plan is now complete and was formally adopted on September 28, 2010. He stated that Design Workshop submitted the application and the Plan received the award from the Texas Chapter of the American Planning Association for Comprehensive Plan of 2010 last Friday, October 8, 2010. Mr. Fletcher stated that there are also awards for implementation that the City would be seeking in the future.

4. Public Comment

Brent Hurta, 3104 Murrelet Way, did not wish to speak, but asked that the Mayor enter for the record his support for a skatespot in Pflugerville.

Reading of the Consent Agenda

Items ORD-0013 and 2010-0233 were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

5. Approval of Minutes

[2010-0234](#) Approval of the minutes of the September 21, 2010, Special Meeting; and September 28, 2010, Worksession and Regular Meeting.

Approved on the consent agenda.

6. Ordinances First Reading

[ORD-0016](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AUTHORIZING THE RELEASE AND VACATION OF A PORTION OF A PUBLIC UTILITY EASEMENT ESTABLISHED IN TRAVIS COUNTY DOC. NO. 2003211530; CONSISTING OF 0.50 ACRES OF LAND OUT OF THE THOMAS G. STUART SURVEY NO. 6, ABSTRACT NO. 689 IN PFLUGERVILLE, TX (VAC1009-01); PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Approved on first reading on the consent agenda.

[ORD-0017](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AUTHORIZING THE RELEASE AND VACATION OF A BUFFER EASEMENT ASSOCIATED WITH THE DECOMMISSIONED KELLY LANE WASTEWATER TREATMENT PLANT ENCOMPASSING 6.492 ACRES OF LAND OUT OF THE JOHN BECKHAM SURVEY NO 16, ABSTRACT NO. 55 IN PFLUGERVILLE, TX (VAC1010-01); PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Approved on first reading on the consent agenda

7. Ordinances Second Reading

[ORD-0015](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING RATES, CHARGES AND FEES FOR WATER, WASTEWATER AND SOLID WASTE UTILITY SERVICE AND PROVIDING AN EFFECTIVE DATE.

Approved on second and final reading on the consent agenda.

8. Resolutions

[RES-0010](#) Accepting a petition and request for the acceptance of land into the extraterritorial jurisdiction (ETJ) of the City of Pflugerville for a 211.5-acre tract generally located west of Manda Carlson Road and south of Felder Lane.

Approved on the consent agenda.

[RES-0014](#) Amending boundaries and accepting approximately 470.5 acres of extraterritorial jurisdiction (ETJ) from the City of Manor.

Approved on the consent agenda.

[RES-0011](#) Approving a resolution for Council requesting the members of the 82nd legislative session of the State of Texas to support legislation that increases funding for the Texas Recreation and Parks account local park grant program and the Texas State Park System.

Approved on the consent agenda.

[RES-0012](#) Approving a resolution regarding the approval of reasonable expenses incurred by members of the City Council, City Commissions, City Boards and City Committees including procedures for requesting and approving any such expenditure and making such information readily available to the public.

Sponsors: Marsh

Approved on the consent agenda.

9. Other Actions

[2010-0246](#) Award construction contract for the Pflugerville Parkway Transmission Main to Cash Construction, Inc. of Pflugerville, Texas, the lowest responsive bidder of ten bids received on September 30, 2010, in the amount of \$528,368.00. The funding source is the Utility Fund Balance as shown in the fiscal year 2011 budget.

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.

[ORD-0013](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FIRST AMENDMENT TO THE FISCAL YEAR 2010 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was approved on second and final reading.

Mayor Coleman read the item to include the caption of the ordinance under consideration. Mayor Coleman stated that he removed the ordinance from the consent agenda because the additional \$750,000 needed under wastewater treatment surprised him. Ms. Davis explained that the \$750,000 was needed to close out a promissory note for the purchase of the New Sweden Wastewater permit/proposed plant. She explained that it was not budgeted but Mr. Akers advised that it needed to be paid this year. Mayor Coleman confirmed with Mr. Akers that it was due to a contractual obligation. Mr. Gonzales made a motion to approve Ordinance 0013 as outlined in the agenda. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

2010-0233

Approving a standard consulting contract.

Sponsors: Cooper

The standard consulting contract was approved.

Mr. Cooper stated that he provided the consultant contract on the dais to allow the Council to view the proposed exhibits that would be attached to the contract. He explained that the contract is a boiler plate contract and that it would be the exhibits attached to the contract that would define the expectations. Mr. Cooper made a motion to approve the standard consulting contract. Mr. Marsh asked if the contract would only be applicable to architects and engineers. Mr. Cooper and Mr. Akers indicated that it could be used for other consulting services but would mainly be used for architects and engineers. Mr. Wade indicated that he would issue a staff directive stating that the City is to use this standard contract unless otherwise approved by the City Manager. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

Ordinances First Reading

ORD-0011

Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING CHAPTER 71 OF THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES REGARDING PARKING REGULATIONS; ADDING PROVISIONS PROHIBITING THE PARKING OF CONSTRUCTION EQUIPMENT WITHIN 30 FEET OF AN OPEN LANE OF TRAFFIC; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Gonzales

The ordinance was approved on first reading.

Mayor Coleman read the item to include the caption of the ordinance under consideration. Mr. Wade stated that the ordinance provides for either moving construction equipment well off the roadway or for barricading. He stated that he is in favor of the ordinance and recommended approval. He invited Chief Hooker to speak to his concerns regarding the ordinance. Chief Hooker explained that his concerns were with the undefined terms of the ordinance: "work hours" and "parked." He stated that he does not have a problem with the passing of this ordinance. He stated that he believes it is generic and he would like direction on the terms. He explained that he has done some work with Mr. Fletcher and Mr. Wade and they have solved some of the issues. He stated that the City would barricade machinery in violation if it is unable to be towed and Planning/Engineering would be getting information upfront on construction sites, to include who is in charge so the Police Department can cite properly. Council discussion followed with input from Mr. Wade, Mr. Akers, Mr. Hooker, and Mr. Fletcher. Mr. Wade concluded that the ordinance provides the basic framework. He recommended that the ordinance be approved as presented. There was continued discussion. Mr. Gonzales made a motion to approve Ordinance 0011. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

10. Discuss only

[2010-0239](#) Library Expansion Project Update Number 3.

There was discussion and Council input on the item.

Mr. Fletcher provided information including the final schematic for the Library expansion project. Council discussion and input followed.

11. Discuss and consider action

[2010-0238](#) Discuss and consider action regarding street trees.

There was discussion and Council input on the item.

The City Council continued its discussion from the earlier worksession with Ms. Rose regarding the street tree program and provided input. Ms. Rose was to report back to Council in three months with a ranking of the potential planting locations to include the costs and additional considerations. Street tree program strategies to include implementation into the Capital Improvement Program was to be discussed at that time.

[2010-0235](#) Discuss and consider action regarding future agenda items.

Council noted future agenda items for 1.) international festival; 2.) report on transportation services; 3.) centralized purchasing function; 4.) dog ordinance

Mr. Cooper asked for an item to discuss the international festival. Mr. Gonzales requested an item to receive a report on transportation services in the City. Mr. Marsh requested a worksession to discuss a centralized purchasing function. Mayor Coleman stated that the dog ordinance requested at the last Council meeting is being reviewed by Mr. Akers from a legal standpoint and would likely be on the agenda in the next six weeks.

Executive Session

Executive session was held from 8:31 p.m. to 9:10 p.m. for discussion related to items 2010-0243, 2010-0249, and 2010-0251.

Mayor Coleman announced that the City Council was retiring to executive session on items 2010-0243 and 2010-0249. He stated that they might also discuss item 2010-251 at this time. He read the items. The City Council retired to executive session at 8:31 p.m. Mayor Coleman reconvened the meeting at 9:10 p.m.

2010-0243

1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding the creation of a Tax Increment Reinvestment Zone (TIRZ) and Chapter 380 economic development agreement with Newland Communities. 2.) Open Session Item: Discuss and consider action regarding the creation of a Tax Increment Reinvestment Zone (TIRZ) and Chapter 380 economic development agreement with Newland Communities.

Action was taken on the item to instruct staff to enter into negotiations.

The item was discussed earlier in executive session. Rainer Ficken of Newland Communities presented the proposed project and financing plan for the tax reinvestment zone. He answered questions and discussed the proposal with the Council. Mr. Benavides answered questions with regard to the City's Capital Improvement Program. Mr. Marsh made a motion that Council instruct staff to enter into negotiations with Newland Communities to draft/structure an agreement for the proposed TIRZ. Mr. Ficken stated that they are working up against a deadline. He stated that he would like to finalize the document and bring it back for approval. Mr. Cooper seconded the motion. All voted in favor. The motion carried. Mayor Coleman stated he would like to have a special meeting to make decisions regarding the City's Capital Improvement Program. The meeting was scheduled for Tuesday, November 2, 2010, at 6:00 p.m.

2010-0249

1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding a Chapter 380 economic development agreement and use of 4B funds with Pecan Street Plaza, LLC or its affiliates for the Pacana ALUR Development. 2.) Open Session Item: Discussion regarding a Chapter 380 economic development agreement and use of 4B funds with Pecan Street Plaza, LLC or its affiliates for the Pacana ALUR Development.

Action was taken on the item to instruct staff to continue negotiations.

The item was discussed earlier in executive session. Cid Galindo, developer, presented his new proposal for the Pacana development and answered questions of the Council. Council discussion followed with Mr. Galindo with input from Mr. Wade and Ms. Gillam. Mayor Coleman stated that this is contingent on the Pflugerville Community Development Corporation agreeing. He stated that he did not believe that any affirmative decisions could be made at tonight's meeting. Mr. Marsh provided comments on his support for the project, stating that it would be an attractive project in the City's gateway and would provide an economic stimulus on the west side of town. He stated it would provide a hotel and needed office space and a destination that would draw people from outside the city limits and would provide the City with some alternative single-family housing. Mr. Marsh made a motion to instruct staff to continue to negotiate at a fast pace with the developer. Ms. Sattler seconded the motion. The vote was: Mr. Cooper-no, Mr. Marsh-yes, Ms. Sattler-yes, Mr. Gonzales-yes. The motion carried.

Executive Session

Executive session was held from 8:31 p.m. to 9:10 p.m. for discussion related to item 2010-0251.

Mayor Coleman announced that the City Council was retiring to executive session on item 2010-0251. He read the item. The City Council retired to executive session at 11:15 p.m. Mayor Coleman reconvened the meeting at 11:33 p.m.

2010-0251

1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code concerning development agreements between Terrell Timmermann and the City of Pflugerville for the Greenview and Pfluger Crossing developments. 2.) Open Session Item: Discuss and consider action concerning development agreements between Terrell Timmermann and the City of Pflugerville for the Greenview and Pfluger Crossing developments.

Action was taken on the item to instruct the City Manager to execute the agreement.

Mr. Marsh made a motion to instruct the City Manager to execute the economic development agreement between Timmermann, Greenview and the City of Pflugerville. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

12. Adjourn

The meeting was adjourned at 11:33 p.m.

Mr. Marsh made a motion to adjourn. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

Respectfully submitted,

**Karen Thompson
City Secretary**

Approved as presented on October 26, 2010.