



City of Pflugerville

Minutes - Final City Council

Tuesday, March 26, 2013

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

(Executive sessions held during this meeting will generally take place in Suite 300, at the discretion of the City Council.)

1. Call to order

Mayor Jeff Coleman called the regular meeting to order at 7:00 p.m. Councilmembers Wayne Cooper, Brad Marshall, Omar Peña, Starlet Sattler and Victor Gonzales were in attendance. City employees in attendance: Brandon Wade, City Manager; George Hyde, City Attorney; Lauri Gillam, Assistant City Manager, Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Jim Bowlin, Parks and Recreation Director; Terri Waggoner, Public Information Officer; Wiley Web, Utilities Superintendent; James Wills, Public Works Director; Kyle Benedit, Aquatics / Athletics Coordinator; Karen Thompson, City Secretary; Dan Franz, City Engineer; Blake Overmyer, Building Official; Sabrina Schmidt, Accounts Payable/Purchasing; Patricia Rinehart, Public Works Admin; Chuck Hooker, Police Chief; Darrell Winslett, Water Conservation Manager.

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. 2013-1787 Pflugerville encourages water conservation with discounted rain barrels for sale.

Mr. Wills provided information and answered questions of the City Council. Mr. Wade also provided information.

3B. 2013-1789 Pflugerville Parks and Recreation Program guide and registration for Spring/Summer 2013.

Mr. Bowlin provided information and answered questions of the City Council.

4. Public Hearing and Ordinance First Readings

- 4A. **ORD-0140** 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 ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF LOT 3, BLOCK A PFAIRWAY OFFICE PARK, CONSISTING OF 14.47 ACRES OUT OF THE WILLIAM BARKER SURVEY NO. 74 IN TRAVIS COUNTY, TEXAS FROM AGRICULTURE/CONSERVATION (A) TO ALTERNATIVE LAND USE REGULATION (ALUR) DISTRICT; TO BE KNOWN AS THE PFAIRWAY PARK ALUR REZONING (REZ1212-01), AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman opened the public hearing and the ordinance for consideration on first reading. He read the item to include the caption of the ordinance. Mr. Peña exited the meeting. Mr. Fletcher provided information and answered questions of the City Council. Developer/applicant representatives Jim Huffcut, Engineer, and Tom Anker, D.R. Horton, were in attendance. Mr. Huffcut provided information. Mr. J, 16911 Copperhead Drive, requested to speak at the public hearing. Mr. J asked regarding the provider of the water and wastewater. Mr. Fletcher stated that the City is the water provider and the City will be providing the wastewater through an agreement with Windermere. Mr. J indicated that he would not have an issue then since the City is providing the water and wastewater, and indicated he would have concern if Windermere was providing the water, due to increased demand on Windermere's already limited water supply. Mr. Peña re-entered the meeting. There were no additional 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.

Mr. Cooper made a motion to approve the ordinance on first reading as presented. Mr. Gonzales seconded the motion. Mr. Peña asked if he could abstain since he missed the discussion. Mr. Hyde indicated no, but that they could have additional discussion. Mr. Cooper indicated that he could just vote no. The vote was: Mr. Cooper-yes, Mr. Marshall-yes, Mr. Peña-no, Ms. Sattler-yes, Mr. Gonzales-yes. The motion carried.

- 4B. **ORD-0144** 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 ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING A SPECIAL DISTRICT FOR A WAREHOUSE/DISTRIBUTION USE IN CORRIDOR URBAN CENTER 5 (CL5) FOR APPROXIMATELY 32.77 ACRES OUT OF LOT 3C OF THE RENEWABLE ENERGY PARK SUBDIVISION, PFLUGERVILLE, TX, TO BE KNOWN AS PROJECT PANDORA SPECIAL DISTRICT. (SD1302-01); PROVIDING FOR SITE LAYOUT AND CONDITIONS; PROVIDING FOR A CUMULATIVE CLAUSE;

PROVIDING FOR A SEVERABILITY CLAUSE: AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Coleman opened the public hearing and the ordinance for consideration on first reading. He read the item to include the caption of the ordinance. Mr. Fletcher and Mr. Floyd Akers, Director of the Pflugerville Community Development Corporation, provided information on the item. There were no requests to speak at the public hearing. Mr. Marshall made a motion to close the public hearing. Mr. Peña seconded the motion. All voted in favor. The motion carried.

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

4C. ORD-0145

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 TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE AMENDING SUBCHAPTER 4 ESTABLISHMENT OF DISTRICTS AND BOUNDARIES, SECTION C(2) AND C(3) BY ADDING WRECKER/TOWING SERVICES AND AUTO SALVAGE YARD USES AND CONDITIONS; SECTION C(4) REGARDING GENERAL REGULATION SETBACKS; SUBCHAPTER 5 ESTABLISHMENT OF OVERLAYS AND SPECIAL DISTRICTS, SECTION B. SH 130 AND SH 45 CORRIDOR DISTRICTS, SUBSECTION 29, PROVISION B REGARDING SITE DEVELOPMENT STANDARDS; AMENDING SUBCHAPTER 7 GENERAL REGULATIONS, SECTIONS F AND G REGARDING OUTSIDE DISPLAY AND STORAGE IN OFFICE, RETAIL, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS; AMENDING SUBCHAPTER 10 PARKING, MOBILITY AND CIRCULATION, SUBSECTION C OFF-STREET PARKING REQUIREMENTS, TABLE 1: REQUIRED PARKING RATIO, TO INCLUDE PARKING STANDARDS FOR DAY CARE USES; AMENDING SUBCHAPTER 15 SUBDIVISION PROCESS, SECTION X, PROVISION 3 REGARDING THE NUMBER OF ACCESS POINTS REQUIRED FOR A SUBDIVISION; AMENDING SUBCHAPTER 20 DEFINITIONS SECTION C, ADDING WRECKER/TOWING SERVICES AND AUTO SALVAGE YARD AND AMENDING OUTDOOR DISPLAY AND OUTDOOR STORAGE; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; ESTABLISHING PENALTIES NOT TO EXCEED \$2,000.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman opened the public hearing and the ordinance for consideration on first reading. He read the item to include the caption of the ordinance. Mr. Fletcher provided information and answered questions of the City Council. Mr. Cooper asked to leave out the "salvage yard" use. Mr. Hyde stated that if left out, it may be considered unregulated and may be allowed. Mr. Cooper acknowledged that it does require a special use permit. Discussion followed. Mr. Cooper suggested that they define the salvage yard use, but not allow it. There were no requests to speak at the public hearing. Mr. Cooper made a

motion to close the public hearing. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

Mr. Cooper made a motion to approve the ordinance except to change it to define auto salvage yard but to define as a not allowed use. Mr. Marshall seconded the motion. The vote was: Mr. Cooper-yes, Mr. Marshall-yes, Mr. Peña-no, Ms. Sattler-yes, Mr. Gonzales-no. The motion carried.

5. Public Comment

Mr. J, 16911 Copperhead Drive, stated that the agreement with SouthWest Water (Windermere) is almost up and people are wanting to know what is going on. He indicated concern that when the agreement is up, Windermere could raise rates. Mr. Wade stated that the City is expecting a four to six-month extension of the agreement. He stated that they have what appears to be a workable solution and the extension would include a no rate increase provision. He stated that he anticipates an upcoming press release. Mr. J stated that the residents are trying to keep them from raising their rates and indicated disappointment that imminent domain was not taken. He stated that they want to know what the City Council is doing. Mr. Wade noted the issues with imminent domain and the legislative initiatives that Blue Mound is taking due to that. Mr. Wade stated that the agreement extension should be on the April 9, 2013, City Council agenda.

Reading of the Consent Agenda

Ms. Thompson read the items to be considered on the consent agenda, to include the captions of the ordinances under consideration.

6. Approval of Minutes

- 6A. 2013-1778 Approval of the minutes of the March 8, 2013 Quorum and March 12, 2013 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

7. Ordinances Second Reading

- 7A. ORD-0146 Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING CHAPTER 150, SECTION 150.20 (ENTITLED "SWIMMING POOLS") OF THE CITY OF PFLUGERVILLE'S CODE OF MUNICIPAL ORDINANCES BY PROVIDING FOR INCORPORATION BY REFERENCE OF THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES "STANDARDS FOR PUBLIC SWIMMING POOLS AND SPAS" AS PRESCRIBED IN TEXAS ADMINISTRATIVE CODE, TITLE 25; PROVIDING FOR PERMITTING AND INSPECTIONS; PROVIDING FOR ADMINISTRATIVE PROCEDURES FOR THE CITY TO CORRECT DEFECTIVE POOL ENCLOSURES; PROVIDING FOR A PENALTY NOT TO EXCEED \$2000 PER OFFENSE; PROVIDING A

CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- 7B. ORD-0148** Approving an ordinance on second reading with the caption reading: AN ORDINANCE GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF PFLUGERVILLE, TEXAS, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE, PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS PREDECESSORS AND ASSIGNS, AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC.

The ordinance was approved on second reading on the consent agenda. Approval on third reading is required for finalization.

8. Resolution

- 8A. RES-0137** Approving a resolution of the City of Pflugerville, Texas in support of The Hills of Pflugerville Affordable Senior Housing Development.

The resolution was approved on the consent agenda.

9. Other Actions

- 9A. 2013-1771** Authorize the City Manager to execute a contract for contractual mowing of specific rights-of-way with Cat's Landscaping in the amount of \$53,024.80

The item was approved on the consent agenda.

- 9B. 2013-1780** Approving a Pflugerville Community Development Corporation (PCDC) performance agreement with The Pflugerville Fund for Excellence in Education d/b/a the Pflugerville Educational Foundation, Inc. (PEF) a Texas nonprofit corporation for vocational programs including Project Lead the Way and Geometry in Construction.

The item was approved on the consent agenda.

- 9D. 2013-1792** Authorizing the City Manager to enter into contract negotiations with Brown & Gay Engineers, Inc. for a professional services contract for the City of Pflugerville Master Transportation Plan.

The item was approved on the consent agenda.

- 9C. 2013-1786** Approving and authorizing the City Manager to execute a nonconforming Public Drainage Easement between Mr. Gary F. Devito and the City of Pflugerville for the Uncle Gary's Bar project located at 19903 FM 685.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

10. Resolution

- 10A. RES-0136** Approving a resolution of the City of Pflugerville, Texas, accepting the fiscal year 2012 audit.

Mr. Wade provided congratulations to the Finance staff on a clean audit with nothing to discuss. The Finance staff in attendance came forward to be recognized: Lauri Gillam, Assistant City Manager; Beth Davis, Finance Director; Amy Good, Assistant Finance Director; Lauren Vander Laan, Accountant; and Sabrina Schmidt, Accounts Payable/Purchasing. Mr. Peña made a motion to approve the resolution accepting the audit. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

- 11A. 2013-1779** Discuss and consider action to approve a Pflugerville Community Development Corporation (PCDC) Professional Services Agreement with Pvilion, Inc. for Project Management Services for Grid Tied LED Light Poles with Solar Panels.

Mr. Akers, PCDC Director, provided information and answered questions of the City Council regarding the purchase of six antique solar lights to be installed on Pecan street. He stated that the Downtown Association had provided \$20,000, the PCDC was providing \$30,000 and the City would be installing the lights. He stated that the PCDC has also applied for a grant for \$187,000 to complete the project in the downtown business district with additional lights to be installed on Main Street. He stated if the grant is received, that the grant would pay for the installation of the lights. There was discussion on the item and members of the Downtown Association: Rob Sides, President; Jean Garlick, Britta Herzog, and David Garlick, spoke in support of the project. Discussion followed. Mr. Gonzales made a motion to approve the the PCDC Professional Services agreement. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

- 11B. 2013-1791** Discuss and consider action to approve a Pflugerville Community Development Corporation (PCDC) performance agreement, PCDC sublease agreement and PCDC land lease agreement with Tracking Point, Inc.

There was no discussion or action on the item.

11. Discuss and consider action

- 11D. RES-0132** 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code and deliberations regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding approving Third Amendment to the Development Agreement Regarding Bohls North and PCDC Tracts (also known as Sorento). 2.) Open Session Item: Discuss and consider action to approve a resolution approving Third Amendment to the Development Agreement Regarding Bohls North and PCDC Tracts (also known as Sorento) and authorizing the City Manager to execute the amendment.

Mayor Coleman announced that the City Council was retiring to executive session for discussion on item 11D. He read the item to be discussed and retired to executive session. The time was 8:34 p.m. The item was to be discussed in executive session. Mayor Coleman reconvened in open session at 9:27 p.m. Mr. Gonzales made a motion to approve the item. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

- 11C. 2013-1777** Discuss and consider action regarding future agenda items.

Mr. Cooper requested an item to discuss the consultant selection process for professional services.

12. Discuss only

- 12A. 2013-1772** Discuss Youth Sports Policy Options.

This item was addressed in the worksession.

- 12B. 2013-1731** Review and discuss Wastewater Master Plan treatment plant alternatives.

There was no discussion or action on the item.

- 12C. 2013-1781** 1.) Executive Session Item: Discussions regarding deliberations on economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code.

This item was addressed in executive session during the worksession.

Executive Session

Mayor Coleman announced that the City Council was retiring to executive session for discussion on items 12D, 12E, 12F, and 12G. He read the items to be discussed and retired to executive session. The time was 9:28 p.m.

- 12D. 2013-1783** 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 was to take place in executive session. No action was taken.

- 12F. 2013-1790** 1.)Executive Session Item: Consultation with legal counsel regarding land use regulations related to alternative financial service institutions and “head shop” type businesses 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.

- 12G. 2013-1698** 1.) Executive Session Item: Consultation with legal counsel regarding the petition for the creation of the proposed Travis County Emergency Services District (ESD) #2A following Travis County Commissioners Court's consideration of the petition and the further options for integration of Fire and First Responder 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.

- 12E. 2013-1782** 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 10:51 p.m. No action was taken.

13. 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 10:51 p.m.

Respectfully submitted,

**Karen Thompson
City Secretary**

Approved as _____ on April 9, 2013.