



City of Pflugerville

Minutes - Final City Council

Tuesday, October 23, 2012

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Jeff Coleman called the regular meeting to order at 7:04 p.m. Councilmembers Wayne Cooper, Brad Marshall, Darelle White and Victor Gonzales were in attendance. Councilmember Starlet Sattler was absent. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Dan Franz, City Engineer; James Wills, Public Works Director; Karen Thompson, City Secretary; Chuck Hooker, Police Chief; Blake Overmyer, Building Official; Terri Waggoner, Public Information Officer; Emily Barron, Planning 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.

Items were addressed in the order as recorded in the minutes

3. Presentation

3A. 2012-1434 Presentation of the Scenic City Certification Program Silver Level Award to the City of Pflugerville.

Mr. Fletcher introduced Mr. Girard Kinney of Scenic City Austin. Mr. Kinney provided information and presented Mr. Fletcher and Mayor Coleman with the Scenic City Certification Program Silver Level Award.

4. Public Hearings

- 4A. ORD-0119** Conduct the second required 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. (ANX1208-02)

Mayor Coleman opened the public hearing. Mr. Fletcher provided information. There were no requests to speak at the public hearing. Mr. Gonzales made a motion to close the public hearing. Mr. White seconded the motion. All voted in favor. The motion carried.

- 4B. ORD-0120** Conduct the second required 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)

Mayor Coleman opened the public hearing. Mr. Fletcher provided information. There were no requests to speak at the public hearing. Mr. Cooper made a motion to close the public hearing. Mr. White seconded the motion. All voted in favor. The motion carried.

5. Public Hearing and Ordinance First Reading

- 5A. ORD-0121** Conduct a public hearing and consider approving an ordinance on first reading 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 229.86 ACRES OUT OF THE J. DAVIS SURVEY NO. 13, ABSTRACT NO. 231 AND S. EISLIN SURVEY NO. 4, ABSTRACT NO. 265, LOCATED GENERALLY SOUTHEAST OF THE FM 685 AND E. PFLUGERVILLE PKWY INTERSECTION; FROM URBAN LEVEL 4 (CL4) TO GENERAL BUSINESS 1 (GB1) FOR 180.11 ACRES AND FROM URBAN LEVEL 4 (CL4) TO MULTI-FAMILY URBAN (MF-U) DISTRICT FOR 49.75 ACRES; TO BE KNOWN AS THE TOWN CENTER REZONING (REZ1208-02), AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman opened the public hearing and read the item along with the caption of the ordinance to be considered on first reading. Mr. Fletcher provided information and answered questions of the City Council. Paul Linehan, representing Tim Timmerman (property owner), addressed questions of the City Council. There were no additional requests to speak at the public hearing. Mr. Gonzales made a motion to close the public hearing. Mr. Cooper 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. White 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

Ms. Thompson read the items along with the captions of the ordinances under consideration on the consent agenda.

7. Approval of Minutes

7A. 2012-1468 Approval of the minutes of the October 2, 2012 Quorum; October 4, 2012 Special Meeting; and October 9, 2012 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

8. Ordinance First Reading

8A. ORD-0122 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 150, REGARDING THE ADOPTION OF THE INTERNATIONAL BUILDING CODES, 2012 EDITION; PROVIDING FOR SEVERABILITY; ESTABLISHING PENALTIES NOT TO EXCEED \$2000.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

9. Ordinance Second Reading

9A. ORD-0116 Approving an ordinance on second 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.

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

10. Other Actions

- 10A. 2012-1461** Authorizing the City Manager to execute a Public Wastewater Easement between Pflugerville Community Development Corporation and the City of Pflugerville for wastewater infrastructure and maintenance associated with a portion of Lot 2 of the Renewable Energy Park subdivision.

The item was approved on the consent agenda.

- 10B. 2012-1462** Approving a request for a variance to Section DG8.1.C of the Engineering Design Guidelines for the installation of a pole mounted transformer and above ground connections to serve a portion of Lot 4 Block B of the Town Center Lots 1-4 subdivision, a 1.02-acre parcel, for the proposed Discount Tire Company located at 1601 FM 685 in Pflugerville, Texas.

The item was approved on the consent agenda.

- 10C. 2012-1465** Approving the selection of LJA Engineering, Inc. of Austin, Texas for engineering design services in conjunction with the Pfluger Farm Lane Improvement project and authorizing the City Manager to enter into negotiations for professional engineering services.

The item was approved on the consent agenda.

- 10D. 2012-1466** Approving a reimbursement request in the amount of \$133.20 by Mayor Pro Tem Victor Gonzales for business meeting mileage and expenses.

The item was approved on the consent agenda.

- 10E. 2012-1476** Approving an agreement with Oradat and Associates for consulting services in an amount not to exceed \$150,000 and authorizing the City Manager to execute same.

The item was approved on the consent agenda.

- 10F. 2012-1478** Approving Pflugerville Community Development Corporation funding in the amount of \$30,000 to the Pflugerville Education Foundation for the purpose of buying welding equipment for the Pflugerville Independent School District.

The item was approved on the consent agenda.

Action on the Consent Agenda

Mr. Gonzales made a motion to approve the consent agenda. Mr. White

seconded the motion. All voted in favor. The motion carried.

11. Discuss and consider action

- 11A. 2012-1246 Discuss and consider action regarding report from Mayor Pro Tem Victor Gonzales regarding the City of Pflugerville's participation in the Austin Chamber of Commerce Intercity visit to San Jose/Silicon Valley from September 30 to October 2, 2012.

Mayor Pro Tem Gonzales reported on his participation in the Intercity visit. He stated that there were around 140 delegates with elected officials and staff from other cities to include the City of Austin, Leander, and Cedar Park as well as financial, engineering, planning, designers and other professionals that provide services to cities. He stated that there were interesting presentations by the technology industry and that there is a sense that the Silicon Valley is the place where young people in technology are attracted to collaborate and to develop, and to become entrepreneurs and to go on to development their own applications and companies. He stated that there is enthusiasm and excitement in that culture. He stated that there were very good presentations by the companies and insight gained into the City of San Jose and neighboring cities. He stated that the concept of government in California is that 20% of all of their property tax goes to retirement benefits and this is one of the things that binds that community. He stated regarding the State of California, they are handicapped by the taxation base. He stated that the State of California has also removed the ability of cities to do TIRZs (Tax Increment Reinvestment Zones) and they are no longer permitted. He stated when comparing Pflugerville to San Jose, we have a better ability to plan for our growth and that San Jose is just trying to figure out how to stay alive financially. He stated regarding schools that there are 33 different school districts in that area and all are independent and separate and this causes confusion. He stated that they do have charter schools as well. He reported that they visited a medical school which was interesting considering the Proposition 1 Central Health election item.

He stated that they met the chief operations officer for Free Scale who is a race car enthusiast and talked about F1. He noted that F1 was an overlay in many of the discussions. He stated that the Free Scale COO shared with the attendees that whatever the City of Austin was planning for, that they need to plan for that 10 times over.

Mayor Pro Tem Gonzales stated that overall it was an excellent tour. He stated that he did ride the light rail but still saw huge parking lots with lots of cars. He stated that one of the discussions was that these adjacent cities are making efforts to consolidate and collaborate on items like police, animal control, and waste management, in an effort to reduce costs. He stated that the cities in California are limited in revenue sources. He summarized that he found the Silicon Valley to be an exciting place for technology and people that want to get into that field. He stated that they are always changing and that they encourage people to try and even celebrate the failures; to know that they have tried and that they need to try again. He encouraged the Council to make these trips as the opportunities come up.

Mr. White requested a written report to bring the elements of what was done for future reference. Mr. Cooper suggested that the minutes be considered the

written report.

- 11B. 2012-1467** Discuss and consider action regarding future agenda items.

Mr. Cooper stated that there is a group that has a free driving simulator that they would like to somehow make available. Mr. White indicated a need for an item to consider his appointment to the Pflugerville Community Development Corporation since he will no longer be on the City Council following the November 6, 2012 election.

- 11G. 2012-1480** 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding authorizing the City of Pflugerville to seek an order from the Texas Commission on Environmental Quality (TCEQ) requiring disconnections of water service under specified conditions for nonpayment of sewer charges pursuant to Tex. Admin Code Section 291.88. 2.) Open Session Item: Discuss and consider action to authorize the City of Pflugerville to seek an order from the Texas Commission on Environmental Quality (TCEQ) requiring disconnections of water service under specified conditions for nonpayment of sewer charges pursuant to Tex. Admin Code Section 291.88.

Mr. Cooper stated they were going to authorize city staff to go ahead and take action with the TCEQ. Mr. Hyde explained that the action would be to authorize the City Attorney to take legal action to seek an order from the TCEQ requiring disconnections of water service for nonpayment of sewer charges. Mr. Cooper stated so moved. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

Executive Session

Mayor Coleman announced that the City Council was retiring to executive session on items 11C, 11D, 11E, and 11F and read the items to be considered. He retired to executive session. The time was 7:55 p.m.

- 11C. 2012-1474** 1.) Executive Session Item: Consultation with legal counsel regarding 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 a Purchase and Sale Agreement and Performance Agreement between Pflugerville Community Development Corporation (PCDC) and EIEIO, Inc. as an economic incentive for EIEIO, Inc. to locate in the 130 Commerce Center development. 2.) Open Session Item: Discuss and consider action regarding Approving a Purchase and Sale Agreement and Performance Agreement between Pflugerville Community Development Corporation (PCDC) and EIEIO, Inc. as an economic incentive for EIEIO, Inc. to locate in the 130 Commerce Center development.

The item was to be discussed in executive session.

- 11D. 2012-1406** 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. 2.) Discuss and consider action regarding performance evaluation of the Municipal Judge.
- The item was to be discussed in executive session.**
- 11E. 2012-1408** 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. 2.) Open Session Item: Discuss and consider action regarding the performance evaluation of the City Attorney.
- The item was to be discussed in executive session.**
- 11F. 2012-1410** 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. 2.) Open Session Item: Discuss and consider action regarding performance evaluation of the City Manager.
- The item was to be discussed in executive session.**

Executive Session Closed

Mayor Coleman reconvened in open session at 8:27 p.m.

- 11D. 2012-1406** 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. 2.) Discuss and consider action regarding performance evaluation of the Municipal Judge.
- Mr. Gonzales made a motion to approve a 3% pay increase for the Municipal Judge. Mr. Cooper seconded the motion. All voted in favor. The motion carried.**
- 11E. 2012-1408** 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. 2.) Open Session Item: Discuss and consider action regarding the performance evaluation of the City Attorney.
- Mayor Coleman thanked Mr. Hyde and expressed appreciation for his performance as City Attorney.**
- 11F. 2012-1410** 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. 2.) Open Session Item: Discuss and consider action regarding performance evaluation of the City Manager.
- Mayor Coleman thanked Mr. Wade and expressed appreciation for his performance as City Manager. Mr. White stated that he feels comfortable in leaving the City Council with the leadership of the Council and City Manager in**

place. Mr. White made a motion to approve the extension of the City Manager's contract to December 31, 2015; to increase the minimum number of days' notice that the City Manager must give to voluntarily resign to 120 days; to increase the City Manager's salary by 4% to \$170,371; to remove the City Manager's car allowance and for the City to issue a vehicle. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

11C. 2012-1474

1.)Executive Session Item: Consultation with legal counsel regarding 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 a Purchase and Sale Agreement and Performance Agreement between Pflugerville Community Development Corporation (PCDC) and EIEIO, Inc. as an economic incentive for EIEIO, Inc. to locate in the 130 Commerce Center development. 2.) Open Session Item: Discuss and consider action regarding Approving a Purchase and Sale Agreement and Performance Agreement between Pflugerville Community Development Corporation (PCDC) and EIEIO, Inc. as an economic incentive for EIEIO, Inc. to locate in the 130 Commerce Center development.

Mr. Fletcher provided information and introduced the owner of EIEIO, Cecil Andrews; PCDC Board President, Omar Peña; Mary Poché, PCDC business recruitment specialist; and Tim Moltz, engineer. Mr. White made a motion to approve the purchase and sale agreement and performance agreement between PCDC and EIEIO, Inc. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

12. Discuss only**12A. 2012-1472**

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 discussed in executive session in the earlier worksession. There was no discussion or action on the item during the regular meeting.

12B. 2012-1473

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 discussed in executive session in the earlier worksession. There was no discussion or action on the item during the regular meeting.

13. Adjourn

Mr. Gonzales made a motion to adjourn. Mr. Marshall seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 8:33 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on November 13, 2012.