



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, April 9, 2013

7:00 PM

100 East Main Street, Suite 500

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### Regular Meeting

#### 1. Call to order

Mayor Pro Tem Victor Gonzales called the regular meeting to order at 7:02 p.m. Councilmembers Wayne Cooper, Brad Marshall and Omar Peña were in attendance. Mayor Jeff Coleman and Councilmember Starlet Sattler were absent. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Karen Thompson, City Secretary; Emily Barron, Planning Director; Erin Sellers, Planner; Sabrina Schmidt, Accounts Payable/Purchasing; Terri Waggoner, Public Information Officer; Chuck Hooker, Police Chief; Jim Bowlin, Parks and Recreation 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 Pro Tem Victor Gonzales 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 Pro Tem Victor Gonzales led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

#### 3. Presentation

**3A. 2013-1809** Proclamation declaring the week of April 14 to April 20, 2013 as National Public Safety Telecommunicators Week.

Mayor Pro Tem Gonzales read the proclamation and presented it to the Police Communications staff in attendance: Sarah Bennett, Kevin Byers, Jill Haehnel, Kim Meredith, Stacy Pyle, and Keisha Ramos. Mr. Wade recognized the difficulty involved in their positions and complimented the staff on their professionalism. Mr. Marshall recounted an experience he had with Dispatch which demonstrated their professionalism in handling and coordinating calls with the Travis County Sherriff's Department.

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

- 4A. ORD-0150** Conduct a public hearing and approve an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 874-07-04-10 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING AN AMENDMENT TO A SPECIAL DISTRICT FOR LIGHT INDUSTRIAL USES FOR APPROXIMATELY 4.797 ACRES, LOT 3A OF THE RENEWABLE ENERGY PARK SUBDIVISION, PFLUGERVILLE, TEXAS, LOCALLY ADDRESSED AS 3709 HELIOS WAY, TO BE KNOWN AS THE EIEIO SPECIAL DISTRICT ARCHITECTURAL AMENDMENT (SD13013-01), AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Victor Gonzales opened the public hearing and item. Ms. Barron provided information and answered questions of the Council. Dan Campos, representing the architectural firm on the project, provided information and samples of the metal product for Council's review. He stated that they believe this system will enhance the energy efficiency and the look of the facility. He answered questions of the Council. Ms. Barron and Mr. Fletcher answered additional questions of the Council. Mr. Marshall indicated concern for providing a variance for a product that is only warranted for 10 years. Discussion continued. Mr. Wade indicated that the ordinance requires two readings and that they can ask the applicant to bring back a more substantial presentation. Mr. Cooper indicated that he is not opposed, but would like to see a building that is using it. Mr. Marshall stated that he likes the design and thinks it will look good but is concerned for what the building will look like in 10 years. Mr. Campos stated they can look into the longevity of the product. Ms. Thompson read the item to include the ordinance caption under consideration. 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. Cooper made a motion to approve the ordinance on first reading. Mr. Marshall seconded the motion. 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 Pro Tem enter for the record his support for skate spots/parks in Pflugerville.

Tony Hanson, 3213 Evening Breeze Way, introduced himself as a candidate for Place 3 of the Pflugerville Independent School District Board of Trustees.

Bel Smith and Perri Travillion, representing the Pflugerville Education Foundation, announced that the local Whataburger has chosen the Pflugerville Education Foundation as the recipient to receive \$5000 in the Whatagames Community Challenge if they are the winner. Ms. Smith and Ms. Travillion encouraged everyone to go to the Whataburger facebook page and vote for our local Whataburger.

## **Reading of the Consent Agenda**

Item 10D was removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

**6. Approval of Minutes**

- 6A. 2013-1804** Approval of the minutes of the March 26, 2013 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

**7. Ordinances Second Reading**

- 7A. ORD-0140** 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 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.

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

- 7B. ORD-0144** 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 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.

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

- 7C. ORD-0145** Approving an ordinance on second 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 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 ACTIVITIES; 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.

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

## 8. Ordinances Third Reading

- 8A. **ORD-0148** Approving an ordinance on third 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 third and final reading on the consent agenda.

## 9. Resolution

- 9A. **RES-0138** Approving a resolution authorizing payment in the amount of \$250,000 for decertification of the Certificate of Convenience and Necessity (CCN) of the Manville Water Supply Corporation for the Sorento

Property and acknowledging this decertification as a gesture of cooperation, conciliation and goodwill by the Manville Water Supply Corporation.

The resolution was approved on the consent agenda.

## 10. Other Actions

- 10A. 2013-1667** Approving a Second Amendment to the Comprehensive Development Agreement between KM Kelly Lane, LTD. and the City of Pflugerville, Texas including consent to inclusion of land in a water district and the development of a 540-acre tract in Travis County, Texas and authorizing the City Manager to execute the same.

The item was approved on the consent agenda.

- 10B. 2013-1715** Authorizing the City Manager to execute a Warranty Deed for property granted by Mr. Terrell Timmermann and conveyed to the City of Pflugerville for the construction of Pfluger Farm Lane.

The item was approved on the consent agenda.

- 10C. 2013-1801** Receive report on City Council, Commission, Board and Committee expenditures for March 2013.

The item was approved on the consent agenda.

- 10E. 2013-1814** Approving the fourth amendment to the agreement for wholesale water service between the City of Pflugerville and Southwest Water Company (SWWC) Utilities, Inc. extending the agreement to September 30, 2014 and authorizing the City Manager to execute same.

The item was approved on the consent agenda.

## Action on the Consent Agenda

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

## Other Actions - Off Consent

- 10D. 2013-1811** Approving a one-year extension to the April 2012 agreement with SWWC Utilities, Inc., Monarch Utilities I, L.P d/b/a Windermere Utility Company, Inc. which dismissed all administrative proceedings, maintained existing water and wastewater rates and provided for negotiations to establish regionalized long term water solutions for the Pflugerville area and authorizing the City Manager to execute same.

Mr. Marshall indicated that he had removed the item from the consent agenda in case there were people in attendance that would like to speak. Mr. Wade

stated that this amendment would provide a one-year extension to allow for more time to work through the terms of a long-term agreement. He stated that the extension provides assurance to the residents of no rate increase during this one-year period and does not cost the city any additional money. He stated that he has been encouraged by discussions of late. Mr. Hyde explained that six of the last 12 months had been spent investigating each other's operations so each could have an understanding of the other. Mr. Hyde indicated that he had approved the agreement as to form and recommended approval.

Mr. J, 16911 Copperhead Drive, stated that they still want them gone, but that they do appreciate this. He stated that they still have the issue of the due date of the water bills having been changed four times and late fees being incurred on people who cannot pay by the new due date. Mr. J stated that he had mentioned this to the Vice President and he had said that it was an oversight and that he would take care of it, but that it has not been.

Mr. Wade stated with fairness to Southwest, that the City also has fixed due dates and cannot extend past the first of the month either. Mr. Wade asked the Southwest representatives in attendance to look into the issue.

Mr. Peña asked that they have communication after the monthly meetings so that they have active communications taking place. Mayor Pro Tem Gonzales asked for patience from the residents. He stated that he is encouraged to be given this time and thinks they will see positive results.

Mr. Marshall made a motion to approve the one-year extension. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

## 11. Discuss and consider action

- 11A. 2013-1794** Conduct introductions and take action to appoint an alternate member of the Parks and Recreation Commission for an unexpired term ending December 31, 2013.

Ms. Thompson provided brief introductory information. The Council conducted introductions with applicants Ms. Janine Butler, Ms. Ronda Gindin and Mr. Danny Vinzant. Mayor Pro Tem Gonzales extended appreciation to all of the applicants that volunteered for the position. Mr. Cooper asked an additional question of Ms. Gindin and Ms. Butler. Mayor Pro Tem conducted a written poll for a recommendation for appointment from each Councilmember. Mr. Cooper recommended Mr. Vinzant. Mr. Marshall recommended Ms. Gindin. Mr. Peña recommended Ms. Gindin. Mr. Peña made a motion to appoint Ms. Gindin to the alternate position. Mr. Marshall seconded the motion. The vote was: Mr. Cooper-no, Mr. Marshall-yes, Mr. Peña-yes. The motion carried.

- 11B. 2013-1805** Discuss and consider action regarding future agenda items.

None were stated.

## 12. Discuss only

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

alternatives.

The item was discussed in worksession. There was no discussion on the item during the regular meeting.

### **Executive Session**

Mayor Pro Tem Victor Gonzales announced that the Council was retiring to executive session on items 12B, 12C, and 12D and read the items to be discussed. He retired to executive session. The time was 8:11 p.m.

**12B. 2013-1806**

1.) Executive Session Item: Discussions regarding deliberations on economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code.

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

**12C. 2013-1807**

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.

**12D. 2013-1808**

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 Pro Tem Victor Gonzales reconvened in open session at 9:16 p.m. No action was taken.

**13. 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 9:16 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as \_\_\_\_\_ on April 23, 2013.