



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, November 26, 2013

7:00 PM

100 East Main Street, Suite 500

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### Regular Meeting

#### 1. Call to order

Mayor Pro Tem Wayne Cooper called the regular meeting to order at 7:03 p.m. Councilmembers Brad Marshall, Omar Peña, and Victor Gonzales were in attendance. Mayor Jeff Coleman and Councilmember Starlet Sattler were 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; Emily Barron, Planning Director; James Hemenes, Parks Director; Terri Waggoner, Public Information Officer; Elizabeth Taplin, Human Resources Manager; Beth Davis, Finance Director; Amy Good, Assistant Finance Director; Karen Thompson, City Secretary; Eddie Garcia, Parks Community Service Coordinator; Dan Griffith, Police Corporal; Chuck Hooker, Police Chief. Troy Madres, Financial Advisor, and Richard Donoghue, Bond Counsel, were in attendance.

#### 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 Cooper 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 Cooper led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

#### 3. Presentation

- 3A.** [2013-2442](#) Presentation of the 2013 Central Region Conservation Award from the Texas Recreation and Parks Society.

Mr. Hemenes announced that the City of Pflugerville had won an award for its Drop by Drop program. He stated that it was given for the City's efforts to conserve water while preserving aesthetics. He introduced Mr. Eddie Garcia, Parks Community Service Coordinator. Mr. Garcia provided information on the City's successful Drop by Drop program.

- 3B.** [2013-2512](#) Police Department presentation on the City of Pflugerville Blue Santa

program.

Corporal Griffith presented under the item and answered questions of the City Council.

#### 4. Public Comment

Brent Hurta, 3104 Murrelet Way, provided an update on the skate spot project.

#### Reading of the Consent Agenda

Ms. Thompson read the items to include the captions of the ordinances under consideration.

#### 5. Approval of Minutes

- 5A. [2013-2490](#) Approval of the minutes of the November 12, 2013 Worksession and Regular City Council Meeting.

The minutes were approved on the consent agenda.

#### 6. Ordinances Second Reading

- 6A. [ORD-0182](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS GRANTING THE CONVEYANCE OF AN INGRESS AND EGRESS EASEMENT AGREEMENT ON CITY PROPERTY TO MICHAEL AND LOUISE STUBBLEFIELD AT 3508 E. PFLUGERVILLE PARKWAY, PFLUGERVILLE, TEXAS 78660, ON A 23.442 ACRE TRACT OF LAND OUT OF THE E. KIRKLAND SURVEY NO. 7 IN TRAVIS COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN A DEED TO THE CITY OF PFLUGERVILLE, OF RECORD IN DOCUMENT NO. 2006072986 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

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

- 6B. [ORD-0183](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FIRST AMENDMENT TO FISCAL YEAR 2013-2014 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

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

#### 7. Resolutions

- 7A. [RES-0175](#) Approving a resolution designating Mayor Jeff Coleman as the City of Pflugerville's representative on the Capital Area Metropolitan Planning

Organization (CAMPO) Transportation Policy Board.

**The resolution was approved on the consent agenda.**

- 7B.** [RES-0170](#) Approving a resolution appointing Mr. Ron Beyer to Position 2 and Mr. Bob Dwyer to Position 4 of the City of Pflugerville Reinvestment Zone No. One (Falcon Pointe TIRZ) Board of Directors for two year terms ending December 31, 2015.

**The resolution was approved on the consent agenda.**

- 7C.** [RES-0171](#) Approving a resolution appointing Mr. Mike Marsh, Position 1, as chairman of Reinvestment Zone No. One (Falcon Pointe TIRZ) for a one-year term beginning January 1, 2014.

**The resolution was approved on the consent agenda.**

- 7D.** [RES-0176](#) Authorizing the City Manager to accept a right-of-way easement and approving a resolution assigning the street name to Impact Way.

**The resolution was approved on the consent agenda.**

## **8. Other Actions**

- 8A.** [2013-2487](#) Authorizing the City Manager to execute a Temporary Drainage and Wastewater Easement Agreement between Terrabrooke Falcon Pointe, LLC, and the City of Pflugerville for the necessary offsite drainage and wastewater improvements proposed to serve the Falcon Pointe Section 13 Phase A project.

**The item was approved on the consent agenda.**

- 8B.** [2013-2495](#) Authorizing the City Manager to execute a Drainage Easement Agreement between The Lutheran School Association of the Greater Austin Area and the City of Pflugerville to fulfill the requirements of the Engineering Design Guidelines for floodplain located on the property associated with the Concordia High School Final Plat.

**The item was approved on the consent agenda.**

- 8C.** [2013-2502](#) Approving a professional services supplemental agreement with DCS Engineering, LLC to amend the original agreement's scope of services, timeline and fee, for an additional cost of \$7,420.

**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. Mr. Marshall asked if the TIRZ members knew they were being reappointed. Ms. Thompson stated that they all were interested in reappointment. All voted in favor. The motion carried.**

## 9. Resolutions

- 9A. [RES-0173](#) Approving a Resolution Directing the Publication of Notice of Intention to Issue City of Pflugerville, Texas, Combination Tax and Revenue Certificates of Obligation, and Other Matters Related Thereto.

Ms. Gillam introduced the item and provided information. Mr. Marshall asked regarding the City's approval of the road plans. Mr. Wade stated that staff is satisfied with the road plans. He stated that the project was bid before the plans were submitted to the City, but staff is satisfied with the plans as they stand. Mr. Marshall made a motion to approve item 9A. Mr. Peña seconded the motion. All voted in favor. The motion carried.

- 9B. [RES-0172](#) Approving a Resolution Expressing Official Intent to Reimburse Certain Expenditures.

Ms. Gillam introduced the item and provided information. She stated that this resolution allows the PCDC and the City to reimburse expenditures made prior to the issuance of the bonds. Mr. Floyd Akers, PCDC Director, estimated they would spend \$500,000 to \$1,500,000 prior to issuance of the bonds. He stated that the project has been bid out, and they think they can mobilize in December. Mr. Gonzales made a motion to approve the resolution as stated on 9B. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

## 10. Discuss and consider action

- 10A. [2013-2511](#) Discuss and consider action regarding a reimbursement and refund agreement between the City and the Pflugerville Community Development Corporation (PCDC) for principal and interest payments for debt issued to construct infrastructure related to Impact Way.

Ms. Gillam provided information, stating that this is the formal agreement to insure payments are made to the City. Mr. Marshall made a motion to approve the agreement. Mr. Peña seconded the motion. All voted in favor. The motion carried.

- 10B. [2013-2237](#) Discuss and consider action to approve the Pflugerville Community Development Corporation (PCDC) Acceptance of Bid Proposal for Phase 2 Construction in 130 Commerce Center.

Mr. Floyd Akers, PCDC Director, provided information. He stated that bids had been awarded for roadways and drainage, and utilities as a second bid. He stated it would include dry utilities as well and engineering work. Mr. Peña made a motion to approve item 10B. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

- 10C. [2013-2503](#) Approving an agreement with Cobb, Fendley & Associates, Inc. in the amount of \$403,537 for professional engineering services associated with design, bidding, and construction administration of the Sorrento Wastewater Interceptor Phase 1 Project and authorizing the City Manager to execute the agreement.

Mr. Word provided information and recommended approval of the agreement. Mr. Gonzales made a motion to approve item 10C. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

- 10D. [2013-2506](#) Discuss and consider action regarding Kenneth Bohls House relocation to a parkland location.

Mr. Hemenes stated that it is the intent of the PCDC to gift the house to the City. He explained that City staff has looked at several locations and it was discussed that it could be placed at Heritage Park. He reported that the Parks and Recreation Commission recommended acceptance of the house and placement at Heritage Park. Mr. Hemenes stated that uses of the structure have not been determined. Mr. Hemenes answered questions of the City Council. Mr. Wade provided additional information. There was continued discussion. Mr. Akers stated that they are ready to move the house in three weeks. Mr. Wade stated there is an event on December 13, 2013, but after that would be okay. Mr. Hyde recommended that the Council take action to allow the City Manager to accept the gift of the house. Mr. Gonzales provided comments. There was continued discussion. Mr. Gonzales indicated concern for its placement along Old Hutto Road detracting from the Heritage House. Council discussed placing the house at the same depth of the Heritage House. Mr. Akers stated that they will set the foundation. Mr. Hemenes stated the house was renovated in the past 18 months and is beautiful. Mr. Akers stated that the house will be moved in one piece.

Mr. Peña exited the dais during the discussion on the item.

Mr. Marshall made a motion to authorize the City Manager to accept the gift of the house from the PCDC once the sale of the property has been completed; he stated to also make a motion that they approve the proposed location of Heritage Park for the new home of the gifted house. Mr. Gonzales seconded the motion. The vote was Mr. Marshall-yes and Mr. Gonzales-no. Mayor Pro Tem Cooper voted to break the tie. He voted yes. The motion carried.

- 10E. [2013-2491](#) Discuss and consider action regarding future agenda items.

None stated.

### Executive Session

Mayor Pro Tem Cooper announced that the City Council was retiring to executive session on items 10F, 10G, 11A, and 11C. He read the items and retired to executive session. The time was 7:46 p.m.

- 10F. [2013-2515](#) 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.) Open Session Item: Discuss and consider action regarding performance evaluation of the Municipal Judge.

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

- 10G. [2013-2505](#) 1.) Executive Session Item: Discussion of personnel matters pursuant

to Chapter 551.074 of the Texas Government Code regarding advertisement for the position of in house City Attorney. 2.) Open Session Item: Discuss and consider action regarding advertisement for the position of in house City Attorney.

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

## 11. Discuss only

- 11A. [2013-2508](#) 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 on the item.**

- 11B. [2013-2507](#) 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 took place during the earlier worksession. There was no discussion on the item at the regular meeting.**

- 11C. [2013-2492](#) 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.

**Discussion on the item was to take place in executive session but was deferred until a future Council meeting.**

## Executive Session Closed

**Mayor Pro Tem Cooper reconvened in open session at 9:06 p.m.**

- 10F. [2013-2515](#) 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.) Open Session Item: Discuss and consider action regarding performance evaluation of the Municipal Judge.

**Mr. Gonzales recommended after their discussion a 3% increase in compensation for the Municipal Judge. Mr. Marshall seconded the motion. All voted in favor. The motion carried.**

- 10G. [2013-2505](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding advertisement for the position of in house City Attorney. 2.) Open Session Item: Discuss and consider action regarding advertisement for the position of in house City Attorney.

Mayor Pro Tem Cooper stated that he would like to make it clear that Mr. Hyde and his firm have provided a great service and that Council is just casting a net to see what is out there. Mr. Peña indicated agreement and provided comments. Mr. Gonzales made a motion that they move forward with the search for an in house attorney and to utilize the new human resource manager through the City Manager and a search firm, if necessary, and to initiate the search. Mr. Peña seconded the motion. The vote was: Mr. Marshall-no, Mr. Gonzales-yes, Mr. Peña-yes. The motion carried.

## 12. Adjourn

Mr. Marshall made a motion to adjourn. Mr. Gonzales seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 9:11 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as presented on December 10, 2013.