



City of Pflugerville

Minutes - Final City Council

Tuesday, April 28, 2015

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 7:05 p.m. Councilmembers Wayne Cooper, Brad Marshall, Omar Peña and Startlet Sattler were in attendance. Councilmember Victor Gonzales was absent. City employees attending: Trey Fletcher, Assistant City Manager; George Hyde, City Attorney; Lauri Gillam, Assistant City Manager; Karen Thompson, City Secretary; Emily Barron, Planning Director; Dan Franz, City Engineer; Amy Giannini, Interim Development Engineering Director; Amy Good, Finance Director; Chuck Hooker, Police Chief; James Hemenes, Parks Director; Richard Donoghue, Bond Counsel; Terrell Palmer, Financial Advisor. Floyd Akers, Executive Director of the Pflugerville Community Development Corporation (PCDC), was also 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 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.

Items were addressed in the order as recorded in the minutes.

3. Public Hearing and Ordinances First Reading

- 3C. [ORD-0238](#) Conduct a public hearing and consider approving an ordinance on first reading regarding modifications to the 2030 Comprehensive Plan by amending the Master Transportation Plan as an element of the overall comprehensive plan with the caption reading: AN ORDINANCE AMENDING CHAPTER 153 OF THE CODE OF ORDINANCES FOR THE CITY OF PFLUGERVILLE, TEXAS, BY AMENDING THE THIRD POLICY CHAPTER OF THE 2030 COMPREHENSIVE PLAN TO

UPDATE THE ELEMENTS OF THE OVERALL PLAN TO INCLUDE THE UPDATED MASTER TRANSPORTATION PLAN DATED APRIL 2015 PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman opened the public hearing and read the item to include the caption of the ordinance to be considered on first reading. Ms. Barron provided information. 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 on first reading as presented. Mr. Peña seconded the motion. All voted in favor. The motion carried.

9. Ordinance Second Reading

9A. [ORD-0240](#)

Discuss and consider action to approve an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF APPROXIMATELY 5.44 ACRES OF LAND LOCATED GENERALLY NORTHEAST OF THE BLACK LOCUST DR. AND GRAND AVE. PKWY INTERSECTION FROM AGRICULTURE/CONSERVATION (A) TO MULTI-FAMILY 10 (MF-10); TO BE KNOWN AS THE GARDENS AT BLACK LOCUST REZONING (REZ1406-01), AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman opened and read the item to include the caption of the ordinance to be considered on second and final reading. Mayor Coleman stated that he had attended the Windermere homeowners association meeting last week and they had a lively discussion regarding this rezoning. As a followup to that meeting, Mayor Coleman stated that the City did provide notice of the rezoning properly. He stated that state law requires a notification area of 200 feet and the City actually notifies an area of 500 feet. He stated that Mr. Word has reported to him that the City has completed a traffic study and a traffic signal is warranted at the intersection of Black Locust and Grand Avenue Parkway. He indicated that it would now need to be funded. Ms. Barron provided information and discussion followed.

Steve Hickerson, applicant, stated that the deed restrictions restrict the development of the property to gardenhomes or townhomes with a low to medium density. He stated regarding the concern for trash, that this development would not have dumpsters but would use the same individual garbage carts as other residents. He stated that yard maintenance would be done on a contract basis and would be taken care of all at the same time.

Steve Gangey, 1030 Disraeli Circle, stated that he does not have a problem with the development as long as it does not affect the FEMA floodplain. He stated that he wants to make sure the floodplain is not expanded down to his home. Mayor Coleman asked Mr. Franz regarding the concern. Mr. Franz stated that the developer must demonstrate that the floodplain is not impacted on

adjacent properties.

Urcha Dunbar-Crespo, 1230 Disraeli Circle, thanked the Council for hearing them and looking at the traffic and seeing the impact. She stated concerns regarding the drainage ditch, potential impact for flooding into her yard and what she will see from her back yard. She stated concerns for interested persons outside of the 500 ft., including homeowner association boardmembers that were not notified of the rezoning. She stated that another lady asked that she ask Council to delay voting on this due to what came out at the homeowners association meeting regarding other property owned by Mr. Hickerson that is not being kept up.

Ann Mitchell, 1004 Thackeray Lane, stated that she lives outside the notification area and is still impacted. She stated that Doyle Hickerson and Steve Hickerson are partners of each other and have many different trusts. She stated that they are all family members and own multiple properties in the neighborhood. She stated concerns for the many businesses, raising of pit bulls and criminal activity in these homes. She stated if you drive through Stoneham Circle you will see duplexes in various states of repair. She stated concern if Council were to rezone and it becomes more rental properties. She asked that the Council please make sure it is built well, that drainage is addressed and that the property is maintained. She stated that she does not see investment in their other properties.

Mr. Hyde provided information, stating that the City does not have authority to regular CCR's (Conditions, Covenants and Restrictions) and that it is different than zoning. He stated regarding site development and building construction, that the Council cannot consider these at the time of zoning. He stated that it is not time yet for those issues.

Mr. Marshall stated that the concern regarding maintenance and upkeep of property does not have a place in this decision. He stated that even if we speculated that it may be the case, we do not know if that fell into an area that the City annexed and did not fall under the City's current building codes and guidelines. He stated that the City's building codes give him more confidence. He stated that after it is built, the City has code enforcement for those types of issues. Mayor Coleman stated that some of the instances reported to him were from before the area was annexed. Mayor Coleman stated that he made it clear at the homeowner association meeting that code enforcement should be called when there is a concern. Mr. Cooper made a motion to approve 9A as presented. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

3. Public Hearing and Ordinances First Reading

3A. [ORD-0245](#)

Conduct a public hearing and consider approving an ordinance on first and final reading with caption reading: ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF PFLUGERVILLE, TEXAS COMBINATION TAX AND LIMITED REVENUE CERTIFICATES OF OBLIGATION, SERIES 2015; AUTHORIZING THE LEVY OF AN AD VALOREM TAX AND THE PLEDGE OF CERTAIN NET REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, A PURCHASE AGREEMENT AND A PAYING

AGENT/REGISTRAR AGREEMENT; AND AUTHORIZING OTHER MATTERS RELATED TO THE CERTIFICATES.

Mayor Coleman opened the public hearing and read the item to include the caption of the ordinance to be considered on first and final reading. Ms. Gillam provided information. Mr. Donoghue and Mr Palmer were in attendance. 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 as presented. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

3B. [ORD-0246](#)

Conduct a public hearing and consider approving an ordinance on first and final reading with the caption reading: ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF PFLUGERVILLE, TEXAS, LIMITED TAX AND REFUNDING BONDS, SERIES 2015; AUTHORIZING THE LEVY OF AN AD VALOREM TAX IN SUPPORT OF THE BONDS; APPROVING AN OFFICIAL STATEMENT, A PURCHASE AGREEMENT, AN ESCROW AGREEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; CALLING CERTAIN OBLIGATIONS FOR REDEMPTION AND AUTHORIZING OTHER MATTERS RELATED TO THE BONDS.

Mayor Coleman opened the public hearing and read the item to include the caption of the ordinance to be considered on first and final reading. Ms. Gillam provided information. Mr. Donoghue and Mr. Palmer answered questions of the Council. There were no requests to speak at the public hearing. Mr. Peña made a motion to close the public hearing. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

Mr. Marshall made a motion to approve the ordinance as recommended by staff. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

3D. [ORD-0239](#)

Conduct a public hearing and consider approving an ordinance on first reading with the caption: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION FROM AGRICULTURE / CONSERVATION (A) TO GENERAL BUSINESS-1 (GB1) ON 1.81-ACRE PORTION OF THE TRACT AND GENERAL BUSINESS-2 (GB2) ON 3.189 ACRES, LAND SITUATED IN THE HENRY BLESSING SURVEY NO. 3, ABSTRACT NO. 99 AND THE SEFRIN EISELIN SURVEY NO. 1, ABSTRACT 265, PFLUGERVILLE, TRAVIS COUNTY, TX, GENERALLY LOCATED ALONG F.M. 685 AND SOUTH OF PFENNIG LANE; TO BE KNOWN AS THE CROSS DEVELOPMENT REZONING (REZ1503-01), AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman opened the public hearing and read the item to include the caption of the ordinance to be considered on first reading. Ms. Barron provided information and answered questions from Council.

Scott Foster was in attendance representing the applicant Matt Moore who was unable to attend. Mr. Foster stated that the proposed purchaser was also in attendance. Mr. Foster stated that a nationally-owned auto body repair shop was planned for the back of site and retail fronting 685.

There were no 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 as presented. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

4. Public Comment

There were no requests to speak under the public comment item.

Reading of the Consent Agenda

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

5. Approval of Minutes

- 5A. [2015-3866](#) Approval of the minutes of the April 7, 2015 Quorum and April 14, 2015 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

6. Ordinances Second Reading

- 6A. [ORD-0236](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF APPROXIMATELY 19.76 ACRES OF LAND LOCATED GENERALLY SOUTHWEST OF THE KELLY LN AND WEISS LN INTERSECTION, LOCALLY ADDRESSED AS 4109 KELLY LANE, FROM AGRICULTURE/CONSERVATION (A) TO RETAIL (R); TO BE KNOWN AS THE HOLY WORD CHURCH REZONING (REZ1501-01), AND PROVIDING AN EFFECTIVE DATE.

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

- 6B. [ORD-0241](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, CHAPTER 72 REGARDING SPEED LIMITS ON CITY STREETS, ESTABLISH PRIMA FACIE MAXIMUM SPEEDS, AND PROVIDING AN EFFECTIVE DATE. (Temporary Construction Speed

Zone for the East Pflugerville Parkway Construction Project.)

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

6C. [ORD-0242](#)

Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, CHAPTER 154, REGARDING CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS) WITHIN THE CITY LIMITS AND THE EXTRA TERRITORIAL JURISDICTION OF THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE. (Park Crest Middle School request for Changeable Electronic Variable Message Sign.)

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

6D. [ORD-0243](#)

Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE THIRD AMENDMENT TO THE FISCAL YEAR 2015 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

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

6E. [ORD-0244](#)

Approving an ordinance on second reading with the caption reading: AN ORDINANCE GRANTING TO SIENERGY, L.P. A FRANCHISE TO FURNISH AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE CITY OF PFLUGERVILLE, TRAVIS COUNTY AND WILLIAMSON COUNTY, TEXAS, FOR THE TRANSPORTING, DELIVERY, SALES AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID MUNICIPALITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE STREETS, ALLEYS, AND PUBLIC WAYS; REQUIRING COMPLIANCE WITH ALL REGULATORY ORDINANCES OF THE CITY; AND PROVIDING FOR OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

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

7. Resolutions

7A. [RES-0247](#)

Approving a resolution with the caption reading: A RESOLUTION DIRECTING THE PFLUGERVILLE COMMUNITY DEVELOPMENT CORPORATION TO CONDUCT ITS ANNUAL AUDIT USING THE SAME FIRM SELECTED BY THE CITY OF PFLUGERVILLE, TEXAS TO CONDUCT THE CITY'S ANNUAL AUDIT TO PROVIDE FOR EFFICIENCY.

The resolution was approved on the consent agenda.

8. Other Actions

- 8A. [2015-3852](#) Approving the selection of Cobb Fendley & Assoc., Inc. for professional engineering services associated with design, bidding, and construction administration of the E. Pflugerville Parkway and SH130 Interchange 2014 General Obligation Bond Project and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

The item was approved on the consent agenda.

- 8B. [2015-3856](#) Authorize the City Manager to execute an agreement with Fugro Roadware, Inc. for professional engineering services associated with the City of Pflugerville Pavement Evaluation and Assessment project in an amount not to exceed \$94,765.

The item was approved on the consent agenda.

- 8C. [2015-3855](#) Authorizing the City Manager to execute an agreement with Half Associates Inc. for Design & Construction Phase Services for the Helios Way West and Sun Light Near Way roadway projects in an amount not to exceed \$397,310.

The item was approved on the consent agenda.

- 8D. [2015-3875](#) Approving a variance to the City's Engineering Design Guidelines to permit the construction of new overhead utilities across a public right of way, Pfluger Farm Ln.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

10. Discuss and consider action

- 10A. [2015-3871](#) Discuss and consider action to direct the City Manager to move forward with the sports complex and sports fields projects, including design professional services.

Mr. Fletcher reported that the City Manager and staff had interviewed the Half Associates team and found the process to be satisfactory and thorough, but they saw that the process may need adjustment. Discussion followed. Mr. Cooper stated that the City does not have the property yet for the development of the sports complex and in looking at the available properties, they need to start from ground zero and identify the property. Mr. Cooper made a motion to direct the City Manager to identify properties suitable for the development of

athletic facilities, to address the feasibility of using the property at the water plant for practice facilities and to reject all bids as we look for new property. Ms. Sattler seconded the motion. Mr. Marshall confirmed regarding the time it would take, that they are talking months, not years. He noted the need to move forward and find property as soon as possible. Mayor Coleman provided comments on the priority of the project. He summarized the intent of the motion is to bring forward an item to reject all bids in two weeks at the next Council meeting. All voted in favor. The motion carried.

10B. [2015-3865](#) Discuss and consider action regarding future agenda items.

No new items were requested.

10C. [2015-3836](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding an agreement with HDR Engineering to provide for corrective work, including engineering services, for the high service pump stations. 2.) Open Session Item: Discuss and consider action to authorize the City Manager to execute an agreement with HDR Engineering in a form approved by the City Attorney to obtain corrective work, including engineering services, for the high service pump stations.

Mr. Hyde stated that the agreement had been approved as to form by the City Attorney's office. Discussion with Council followed. Mr. Cooper indicated that he appreciates how HDR has responded. Mr. Marshall made a motion to approve the item. Mr. Cooper 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 10D, 12A, 12B, and 12E. He read the items. He then noted that they needed to first address item 11A.

11. Ordinance First Reading

11A. [ORD-0247](#) Discuss and consider action to approve an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FOURTH AMENDMENT TO THE FISCAL YEAR 2015 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman opened and read the item to include the caption of the ordinance to be considered on first reading. Ms. Gillam provided introductory information. Mr. Peña made a motion to table the item. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

Executive Session

Mayor Coleman announced that the City Council was now retiring to executive session. The time was 8:19 p.m.

- 10D.** [2015-3845](#) 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 a Pflugerville Community Development Corporation (PCDC) Performance Agreement with Project Bullseye. 2.) Open Session Item: Discuss and consider action regarding a Pflugerville Community Development Corporation (PCDC) Performance Agreement with Project Bullseye.

Discussion on the item took place in executive session. Action on the item took place later in the meeting.

12. Discuss only

- 12A.** [2015-3867](#) 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 took place in executive session.

- 12B.** [2015-3868](#) 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 in executive session.

- 12C.** [2015-3869](#) 1.) Executive Session Item: Consultation with legal counsel regarding provision of emergency services within the City pursuant to Chapter 551.071 of the Texas Government Code.

There was no discussion on the item.

- 12D.** [2015-3872](#) 1.) Executive Session Item: Discussions regarding deliberations regarding the sale and/or purchase of real property pursuant to Chapter 551.072 of the Texas Government Code and consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning the sale and/or purchase of real property.

There was no discussion on the item.

- 12E.** [2015-3873](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning a development agreement with the Pflugerville Independent School District.

Discussion on the item took place in executive session.

Executive Session - Closed

Mayor Coleman reconvened in open session at 11:09 p.m.

10D. [2015-3845](#)

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 a Pflugerville Community Development Corporation (PCDC) Performance Agreement with Project Bullseye. 2.) Open Session Item: Discuss and consider action regarding a Pflugerville Community Development Corporation (PCDC) Performance Agreement with Project Bullseye.

Mr. Marshall made a motion to approve. Ms. Sattler seconded the motion. The vote was: Mr. Cooper-no, Mr. Marshall-yes, Mr. Peña-yes, Ms. Sattler-yes. The motion carried.

13. Adjourn

Mr. Cooper made a motion to adjourn. Ms. Sattler seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on May 12, 2015.