



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, June 23, 2015

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 7:08 p.m. Councilmembers Brad Marshall, Omar Peña and Starlet Sattler were in attendance. Mayor Jeff Coleman and Councilmember Victor Gonzales were absent. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Christa Deamer, Deputy City Secretary; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Terri Waggoner, Public Information Officer; Pam Cosel, Marketing & Special Events Coordinator; Wade Maness, Videography Multi-media Specialist; Dan Franz, City Engineer; Emily Barron, Planning Director; Amy Giannini, Interim Development Engineering Director; James Hemenes, Parks Director; Jennifer Coffey, Interim Library Director; Amy Good, Finance Director; Tracy Hibbs, Utility Business Operations Manager; Jill Haehnel, Administrative Technician; Dulci George, Utility Billing Specialist; Deb Jones, Utility Billing Specialist; Chuck Hooker, Police Chief.

#### 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 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 Pro Tem Cooper 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. Presentations

3A. [2015-4035](#) Presentation on Pflugerville Pfirecracker Pfestival 2015.

Ms. Cosel presented on the item.

- 3B.**    [2015-4022](#)            Presentation of the Texas Association of Municipal Information Officers awards.
- Ms. Waggoner gave information on the item and the City Council presented the awards.**

- 3C.**    [2015-3961](#)            Presentation of Pflugerville 2015 Resident Survey Results.
- Ms. Waggoner gave an introduction and Ron Vine presented on the item.**

**Councilmember Omar Peña exited the meeting at 7:20 p.m.**

#### **4.     Public Hearings**

- 4A.**    [2015-3914](#)            Conduct the first of two required public hearings and receive feedback regarding the Community Development Block Grant (CDBG) program Action Plan for 2015.
- Mayor Pro Tem Cooper opened the public hearing and read the item under consideration. Ms. Barron provided information. Mr. Peña re-entered the meeting at 7:25 p.m. There were no requests to speak at the public hearing. Ms. Sattler made a motion to close the public hearing. Mr. Peña seconded the motion. All voted in favor. The motion carried.**

#### **5.     Public Comment**

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

#### **Reading of the Consent Agenda**

**Mayor Pro Tem Cooper asked the item 9B. be pulled from the consent agenda. Ms. Deamer read the items along with the captions of the ordinances under consideration.**

#### **6.     Approval of Minutes**

- 6A.**    [2015-4007](#)            Approval of the minutes of the June 9, 2015 Worksession and Regular Meeting.
- The minutes were approved on the consent agenda.**

#### **7.     Ordinance Second Reading**

- 7A.**    [ORD-0255](#)            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 TWO SEPARATE TRACTS

CONSISTING OF APPROXIMATELY 38.465 ACRES OF LAND OUT OF THE JOHN VAN WINKLE SURVEY NO. 14, AND APPROXIMATELY 6.279 ACRES OF LAND OUT OF THE ALEXANDER WALTERS SURVEY NO. 67, ABSTRACT 791, FROM GENERAL BUSINESS 1 (GB1) AND AGRICULTURE/CONSERVATION (A) DISTRICTS TO PLANNED UNIT DEVELOPMENT (PUD); TO BE KNOWN AS THE COMMONS AT HEATHERWILDE AND PECAN PLANNED UNIT DEVELOPMENT (REZ1503-03); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was approved on second and final reading.

## **8. Resolutions**

- 8A.**     [RES-0255](#)     Approving a resolution with the caption reading: RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG).

The resolution was approved on the consent agenda.

- 8B.**     [RES-0256](#)     Approving a resolution with the caption reading, RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS SELECTING WEAVER TO PERFORM THE INDEPENDENT AUDIT OF THE CITY OF PFLUGERVILLE FOR FISCAL YEAR 2015.

The resolution was approved on the consent agenda.

- 8C.**     [RES-0244](#)     Approving a resolution for an update to the Development Services Handbook, also referred to as the Unified Development Code Supplemental Schedule, incorporating all development review schedules, fees and structure of the development process.

The resolution was approved on the consent agenda.

## **9. Other Actions**

- 9A.**     [2015-4029](#)     Approving the Fifth Supplement and Amendment to Economic Development Agreement, Stone Hill Town Center regarding permitted signage.

The item was approved on the consent agenda.

- 9C.**     [2015-4018](#)     Authorizing the City Manager to execute a Public Wastewater Easement Agreement with Geraldine Timmermann and the City of Pflugerville for the wastewater infrastructure associated with the Shops at 685 project located west of FM 685 between East Pflugerville

Parkway and Town Center Drive.

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

- 9D.**    [2015-4026](#)        Authorizing the City Manager to execute a Conditional Purchase Agreement and Special Warranty Deed agreement between Continental Homes of Texas, L.P. and the City of Pflugerville for the utility and roadway construction associated with the Heatherwilde Widening and MUD#5 Phase 1 Water Main projects.

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

- 9E.**    [2015-4036](#)        Approving a commercial buyer/tenant representation agreement with Don Quick & Associates (Charles Harvey) 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. Ms. Sattler seconded the motion. All voted in favor. The motion carried.**

- 9B.**    [2015-4012](#)        Approving the appointment of Ms. Jennifer Coffey as Library Director.

**Mr. Wade gave information. Ms. Sattler motioned to approve the appointment of Ms. Jennifer Coffey as Library Director. Mr. Peña seconded the motion. All voted in favor. The motion carried.**

### **10.    Discuss and consider action**

- 10A.**    [2015-4013](#)        Discuss and consider action to award a construction contract for the Pfluger Farm Lane Phase B project to Chasco Constructors, LTD, the lowest responsive bidder of four bids received on June 12, 2015, in the amount of \$2,894,996.25.

**Mr. Franz gave information on the item. Mr. Marshall made a motion to award a construction contract for the Pfluger Farm Lane Phase B project to Chasco Constructors, LTD. Ms. Sattler seconded the motion. All voted in favor. The motion carried.**

- 10B.**    [2015-4014](#)        Discuss and consider action to approve an agreement with Klotz Associates Inc.in the amount of \$278,448.13 for professional engineering services associated with design, bidding and construction administration for the Travis County-City of Pflugerville inter local Rowe Lane roadway project and authorizing the City Manager to execute the agreement.

**Mr. Franz gave information on the item. Mr. Peña made a motion to approve an agreement with Klotz Associates Inc.in the amount of \$278,448.13 for professional engineering services associated with design, bidding and construction administration for the Travis County-City of Pflugerville inter local Rowe Lane roadway project and authorizing the City Manager to execute the**

agreement . Ms. Sattler seconded the motion. All voted in favor. The motion carried.

**10C. [2015-4016](#)**

Discuss and consider action to approve an agreement with Studio 16:19 LLC in the amount of \$115,447.00 for professional services associated with the preliminary design and environmental analysis for the Highland Park North Park Development project and authorizing the City Manager to execute the agreement.

Mr. Franz gave information on the item. Ms. Sattler made a motion to approve an agreement with Studio 16:19 LLC in the amount of \$115,447.00 for professional services associated with the preliminary design and environmental analysis for the Highland Park North Park Development project and authorizing the City Manager to execute the agreement. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

**10D. [2015-4025](#)**

Discuss and consider action to award a construction contract for the Pfennig Lane and Pflugerville Parkway Water Extension project to M.A. Smith Contracting Company, Inc., the lowest responsive bidder of eight bids received on June 15, 2015, in the amount of \$1,075,274.40.

Mr. Franz gave information on the item. Mr. Peña made a motion to award a construction contract for the Pfennig Lane and Pflugerville Parkway Water Extension project to M.A. Smith Contracting Company, Inc. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

## **Executive Session**

Mayor Pro Tem Cooper announced that the City Council was retiring to executive session for possible discussion on items 10E, 10F, 10G, 10H, 11A, 12A, 12B, 12C and 12D. Ms. Deamer read the items to be discussed in executive session and the City Council retired to executive session. The time was at 7:58 p.m.

**10E. [2015-4005](#)**

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. 2.) Open Session Item: Discuss and consider action to approve a development agreement with the Pflugerville Independent School District.

There was discussion on the item in executive session. No action was taken.

**10F. [2015-4031](#)**

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code and deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code regarding property acquisition for the Sports Complex 2014 General Obligation Bond Project. 2.) Open Session Item: Discuss and consider action regarding property acquisition for the Sports Complex 2014 General Obligation Bond Project.

There was discussion on the item in executive session. No action was taken.

**10G. [2015-4033](#)**

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 regarding a proposed revised Economic Development Agreement between JG Media, Inc., MRS Holdings, Inc. and City of Pflugerville dated December 18th, 2012. 2.) Open Session Item: Discuss and consider action to approve a substitute agreement replacing a current Economic Development Agreement between JG Media, Inc., MRS Holdings, Inc., and City of Pflugerville dated December 18th, 2012, adding a party (JJ Garrett Holdings, LLC) and modifying the Facility to include an expansion project.

There was discussion on the item in executive session. Action on the item was taken in open session later in the meeting.

**10H. [2015-4027](#)**

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code and deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code regarding property acquisition for the Heatherwilde Widening Capital Improvement Project related to third party legal fees, appraisal property damages and negotiations. 2.) Open Session Item: Discuss and consider action regarding property acquisition for the Heatherwilde Widening Capital Improvement Project related to third party legal fees, appraisal property damages and negotiations.

There was discussion on the item in executive session. No action was taken.

**11. Ordinance First Reading**

**11A. [ORD-0257](#)**

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code and deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code regarding property acquisition for the Heatherwilde Widening Capital Improvement project. 2.) Open Session Item: Discuss and consider action to approve an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO SIGN AND EXECUTE ALL NECESSARY DOCUMENTS TO INSTITUTE EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF A 0.910 ACRE TRACT SITUATED IN THE PETER CONRAD SURVEY NO.71, ABSTRACT

NO.200, TRAVIS COUNTY, TEXAS AND BEING A PORTION OF TWO TRACTS, A CALLED 1.99 ACRE TRACT DESCRIBED AS TRACT 1 AND A CALLED 9.26 ACRE TRACT DESCRIBED AS TRACT 2, BOTH PARCEL 5, EXHIBIT A-2 IN A SPECIAL WARRANTY DEED TO THE RADY FAMILY TRUST, AND RECORDED IN VOLUME 12328, PAGE 182 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, REAL PROPERTY OWNED AND CLAIMED BY RADY FAMILY TRUST TOGETHER WITH REALTRON INC.; AND DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS.

**There was discussion on the item in executive session. Action on the item was taken in open session later in the meeting.**

## **12. Discuss only**

- 12A.** [2015-4008](#) 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.

**There was discussion on the item in executive session. No action was taken.**

- 12B.** [2015-4009](#) 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.

**There was discussion on the item in executive session. No action was taken.**

- 12C.** [2015-4010](#) 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.** [2015-4030](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning the status of the Wildflower / Carmel Development Agreement.

**There was discussion on the item in executive session. No action was taken.**

## **Executive Session - Closed**

**Mayor Pro Tem Cooper reconvened in open session at 9:55 p.m.**

- 10G.** [2015-4033](#) 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 regarding a proposed revised Economic Development Agreement between JG Media, Inc., MRS Holdings, Inc. and City of Pflugerville dated December 18th, 2012. 2.) Open Session Item: Discuss and consider action to approve a substitute agreement replacing a current Economic Development Agreement between JG Media, Inc., MRS Holdings, Inc., and City of Pflugerville dated December 18th, 2012, adding a party (JJ Garrett Holdings, LLC) and modifying the Facility to include an expansion project.

**Mr. Peña moved to approve a substitute agreement replacing a current Economic Development Agreement between JG Media, Inc., MRS Holdings, Inc., and City of Pflugerville dated December 18th, 2012, adding a party (JJ Garrett Holdings, LLC) and modifying the Facility to include an expansion project. Ms. Sattler seconded the motion. All voted in favor. The motion carried.**

**11A. [ORD-0257](#)**

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code and deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code regarding property acquisition for the Heatherwilde Widening Capital Improvement project. 2.) Open Session Item: Discuss and consider action to approve an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO SIGN AND EXECUTE ALL NECESSARY DOCUMENTS TO INSTITUTE EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF A 0.910 ACRE TRACT SITUATED IN THE PETER CONRAD SURVEY NO.71, ABSTRACT NO.200, TRAVIS COUNTY, TEXAS AND BEING A PORTION OF TWO TRACTS, A CALLED 1.99 ACRE TRACT DESCRIBED AS TRACT 1 AND A CALLED 9.26 ACRE TRACT DESCRIBED AS TRACT 2, BOTH PARCEL 5, EXHIBIT A-2 IN A SPECIAL WARRANTY DEED TO THE RADY FAMILY TRUST, AND RECORDED IN VOLUME 12328, PAGE 182 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, REAL PROPERTY OWNED AND CLAIMED BY RADY FAMILY TRUST TOGETHER WITH REALTRON INC.; AND DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS.

**Ms. Sattler made a motion that the City of Pflugerville authorize the use of the power of eminent domain to acquire a 0.91-acre tract situated in the Peter Conrad Survey No. 71, Abstract No. 200, Travis County, Texas and being a portion of two tracts, A called 1.99-acre tract described as Tract 1 and A called 9.26-acre tract described as Tract 2, both Parcel 5, Exhibit A-2 in a special warranty deed to the Rady Family Trust, and recorded in Volume 12328, Page 182 of the Real Property Records of Travis County, Texas, Real Property owned and claimed by the Rady Family Trust together with Realtron Inc. for the**



public purpose of a drainage easement necessary for the Heatherwilde Boulevard Roadway Widening Capital Improvement Project. Mr. Peña seconded the motion. All voted in favor. The motion carried.

### **13. Adjourn**

Mr. Peña made a motion to adjourn. Mr. Marshall seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 9:58 p.m.

Respectfully submitted,

Christa Deamer

Deputy City Secretary

Approved as \_\_\_\_\_ on July 14, 2015.