



City of Pflugerville

Minutes - Final City Council

Tuesday, February 10, 2015

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Pro Tem Wayne Cooper called the regular meeting to order at 7:02 p.m. Councilmembers Brad Marshall, Starlet Sattler, and Victor Gonzales were in attendance. Mayor Jeff Coleman and Councilmember Omar Peña were absent. City employees attending: Brandon Wade, City Manager; Raika Rowe, Assistant City Attorney; Karen Thompson, City Secretary; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Terri Waggoner, Public Information Officer; Emily Barron, Planning Director; Dan Franz, City Engineer; William Edwards, PISD Police Chief; Chuck Hooker, Police Chief; Amy Good, Finance Director; Amy Giannini, Interim Development Engineering Director; James Hemenes, Parks 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 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 Texas State Flag.

3. Public Hearing and Ordinance First Reading

- 3A.** [ORD-0232](#) Conduct a public hearing and consider approving an ordinance on first 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 A 1.399-ACRE TRACT OF LAND OUT OF THE SEFRIN EISELIN SURVEY NO. 1, GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF E. PECAN STREET AND OLD AUSTIN-HUTTO ROAD, FROM AGRICULTURE / CONSERVATION (A) TO GENERAL BUSINESS-1 (GB1) ZONING

DISTRICT; TO BE KNOWN AS THE REMAINDER OF H.E.B. TRACT/PECAN STREET REZONING (REZ1412-01) AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Cooper opened the public hearing and the consideration of the ordinance on first reading. He read the item to include the caption of the ordinance. Ms. Barron provided information and answered questions of the Council. Kim Waters, 17508 Kessler Drive, did not wish to speak, but requested her opposition be entered into the record. Dawn Janacek, 1505 Campanula Court, requested that her support for the repair of Old Austin Hutto Road be entered into the record. Dawn Janacek, 1505 Campanula Court, spoke in opposition to the rezoning. She stated that she is President of the Bohls Neighborhood Association. Ms. Janacek spoke to concerns for traffic, pedestrian safety, and loss of old grove trees in that area. Ms. Barron spoke to the concerns and answered Council questions.

Mr. Wade reported that Council has approved the consultant selection for the reconstruction of Old Austin Hutto road and staff is currently negotiating a contract for the engineering.

Council discussion continued. Mr. Gonzales spoke regarding the concerns. Mr. Marshall asked regarding the rezoning notification. Ms. Barron provided information on those notified per state law requirements and showed a map exhibit of the notification area. Ms. Janacek stated that they were not able to organize opposition due to just finding out about the rezoning.

Derek Villemmez, representative for HEB in attendance, was asked if there was urgency in the rezoning of the property. He stated that no time line had been given to him other than as quickly as possible through the city's process.

Council discussion continued. There were no additional requests to speak at the public hearing. Mr. Gonzales made a motion to close the public hearing. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

Mayor Pro Tem Cooper stated that it looks to him to be an ideal commercial corridor. He stated that trees removed would be mitigated and there is a park across the street. Ms. Barron addressed additional Council questions. Council discussion continued. Mr. Marshall made a motion to approve item 3A as read. Ms. Sattler seconded the motion. The vote was: Mr. Gonzales-no, Mr. Marshall-yes, Ms. Sattler-yes. The motion carried.

4. Public Comment

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

Reading of the Consent Agenda

Items 8A and 8F were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

5. Approval of Minutes

- 5A. [2015-3662](#) Approval of the minutes of the January 20, 2015 Special Meeting and January 27, 2015 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

6. Ordinances First Reading

- 6A. [ORD-0231](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, CHAPTER 72 ADDING SCHEDULE III REGARDING STOP SIGNS ON CITY STREETS; AND PROVIDING A REPEALER CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

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

- 6B. [ORD-0233](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FIRST AMENDMENT TO THE FISCAL YEAR 2015 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

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

7. Ordinances Second Reading

- 7A. [ORD-0230](#) Approving an ordinance on second reading to amend the 2030 Comprehensive Plan by adding the proposed Reclaimed Water Master 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 FOURTH POLICY CHAPTER OF THE 2030 COMPREHENSIVE PLAN TO UPDATE THE ELEMENTS OF THE OVERALL PLAN TO INCLUDE THE RECLAIMED WATER MASTER PLAN DATED JANUARY 2015; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

- 7B. [ORD-0221](#) 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 40B, BLOCK P, REVISED FINAL PLAT OF LOT 40, BLOCK P, CAMBRIDGE HEIGHTS COMMERCIAL SUBDIVISION, CONSISTING OF APPROXIMATELY 4.061 ACRES, FROM AGRICULTURE / CONSERVATION (A) TO RETAIL (R) ZONING DISTRICT; TO BE KNOWN AS CAMBRIDGE HEIGHTS RETAIL, LOT 40B (REZ1409-01) AND PROVIDING AN EFFECTIVE DATE.

The ordinance was approved on second reading on the consent agenda. Third

reading and final adoption was anticipated for February 24, 2015.

8. Other Actions

- 8B.** [2015-3667](#) Authorizing the City Manager to execute Change Order #7 with Cash Construction Co, Inc. for SH130/Kelly Lane turn lane additions as part of the Kelly Lane widening roadway Capital Improvement Project in the amount of \$135,881.40.

The item was approved on the consent agenda.

- 8C.** [2015-3669](#) Authorizing the City Manager to execute a Conditional Purchase Agreement and Special Warranty Deed with RGT Charleston Partners, Ltd. and the City of Pflugerville for the utility and roadway construction associated with the Heatherwilde Widening and MUD5 water main Capital Improvement Projects.

The item was approved on the consent agenda.

- 8D.** [2015-3677](#) Authorizing the City Manager to execute a Sidewalk Easement Agreement with Lockard Pflugerville Holdings, LLC and the City of Pflugerville for a sidewalk associated with the Gattis Crossing Subdivision generally located along the south side of CR 138 east of FM 685.

The item was approved on the consent agenda.

- 8E.** [2015-3678](#) Authorizing the City Manager to execute a Wastewater Easement Agreement with Gattis 130 Partners, L.P. and the City of Pflugerville for the wastewater line extension associated with the Gattis Crossing Retail Center project.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

8. Other Actions - removed from the Consent Agenda

- 8A.** [2015-3660](#) Receive report on City Council, Commission, Board and Committee expenditures for January 2015.

Mr. Marshall indicated that he had removed the item from the consent agenda by mistake. He made a motion to approve the item. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

- 8F.** [2015-3631](#) Submission of the 2014 Racial Profiling Data Report to the City Council as required by Texas Statute Code of Criminal Procedure, Chapter 2 General Duties of Officers, Art. 2.132 Law Enforcement on

Racial Profiling.

Chief Hooker provided information and discussed the report with the Council. Ms. Sattler made a motion to approve the item. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

9. Resolution

9A. [RES-0240](#)

Approving a resolution establishing a 2015 bond committee and appointing its members.

The resolution was tabled until the next Council meeting.

10. Ordinances Second Reading

Mayor Pro Tem Cooper opened items 10A, 10B, 10C, and 10D for consideration. He read the items to include the captions of the ordinances under consideration. Ms. Barron provided information on the ordinances.

Rainer Ficken, Newland Communities, thanked city staff and stated that he appreciated the opportunity to be included in the review process.

Gerry Poe, KB Home, Home Builders Association of Greater Austin, thanked Ms. Barron for the cooperation from her staff. He expressed support for the ordinances as written.

Mayor Pro Tem Cooper stated that he met with staff last week regarding the ordinances. He stated that Council had concerns with the ordinances in November, but that there is a lot of innovation that comes from our planning staff. He stated that he thinks the ordinance provisions are fair and that they make us shine as a development-friendly city.

Ms. Sattler made a motion to approve 10A, 10B, 10C and 10D. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

10A. [ORD-0218](#)

Approval of an ordinance on second reading with the caption reading: AN ORDINANCE AMENDING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, BY REPEALING THE EXISTING CHAPTER 157 (UNIFIED DEVELOPMENT CODE); CREATING A NEW CHAPTER 157; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000 AND DECLARING AN EFFECTIVE DATE.

The ordinance was approved on second reading. Third reading and final approval of the ordinance was anticipated on February 24, 2015.

10B. [ORD-0215](#)

Approval of an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE ADOPTING THE PARKS DEVELOPMENT MANUAL, A SUPPLEMENT TO SUBCHAPTER 14 PUBLIC PARKLAND STANDARDS OF THE UNIFIED DEVELOPMENT CODE, BY PROVIDING TECHNICAL STANDARDS AND PARKLAND SECTORS; CONTAINING A

SAVINGS CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

The ordinance was approved on second reading. Third reading and final approval of the ordinance was anticipated on February 24, 2015.

10C. [ORD-0216](#)

Approval of an ordinance on second reading with the caption reading: AN ORDINANCE AMENDING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, BY AMENDING THE EXISTING CHAPTER 154 SIGNS; REMOVING REFERENCE TO CHAPTER 157.542 WITHIN SECTION 154.002; REPLACING SECTION 154.904 IN ITS ENTIRETY TO INCLUDE NEW AND MODIFIED ZONING DISTRICT NAMES; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000; AND DECLARING AN EFFECTIVE DATE.

The ordinance was approved on second reading. Third reading and final approval of the ordinance was anticipated on February 24, 2015.

10D. [ORD-0217](#)

Approval of an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE ADOPTING THE 2014 ENGINEERING DESIGN MANUAL AND CONSTRUCTION STANDARDS, REPLACING ALL ENGINEERING AND CONSTRUCTION STANDARDS IN CONFLICT; CONTAINING A SAVINGS CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

The ordinance was approved on second reading. Third reading and final approval of the ordinance was anticipated on February 24, 2015.

11. Discuss and consider action

11A. [2015-3661](#)

Discuss and consider action regarding future agenda items.

Mr. Wade stated that the traffic calming item would take place in two weeks. He asked regarding the cell phone use/texting while driving item, if they would like to wait until the Legislature has completed their work this year. The Council was in agreement to wait on that item.

12. Discuss only

Mayor Pro Tem Cooper announced that the City Council was retiring to executive session for possible discussion on items 12A, 12B, 12C, and 12D. He read the items and retired to executive session. The time was 8:02 p.m.

12A. [2015-3665](#)

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.

12B. [2015-3663](#)

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.

Discussion on the item was to take place in executive session.

12C. [2015-3664](#)

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.

12D. [2015-3680](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding the City of Pflugerville's legislative agenda.

Discussion on the item was to take place in executive session.

Executive Session - Closed

Mayor Pro Tem Cooper reconvened in open session at 9:17 p.m.

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 9:17 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on February 24, 2015.