



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, February 25, 2014

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 7:07 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; George Hyde, City Attorney; Karen Thompson, City Secretary; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Dan Franz, City Engineer; Amy Good, Finance Director; James Hemenes, Parks Director; Blake Overmyer, Building Official; Terri Waggoner, Public Information Officer; Chuck Hooker, Police Chief; Tracy Hibbs, Utility Business Operations Manager; Richard Donoghue, Bond Counsel; Troy Madres, Financial Advisor.

#### 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.

#### 3. Presentations

**3A. [2014-2767](#)** Presentation of Texas Municipal League awards to Councilmember Victor Gonzales and the City of Pflugerville.

Mr. Scott Houston of TML provided comments and presented awards to Councilmember Victor Gonzales and the City of Pflugerville.

**3B. [2014-2603](#)** Presentation on Pflugerville's Curbside Recycling and education programs.

Mr. Gerry Rieger of Progressive Waste Solutions presented and discussed with the Council. Ms. Waggoner introduced the City's new educational video.

#### 4. Public Comment

Mr. Jeff Navarro, One World Soccer, stated that they would like to partner with the City of Pflugerville, that they are working to become a 501C3 and they urge the City Council to make the Youth Sports Policy a priority. Mr. Wade stated that they have to consider the small number of fields available and the demand. He stated that the City is overwhelmed when it comes to space.

#### Reading of the Consent Agenda

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

#### 5. Approval of Minutes

- 5A. [2014-2765](#) Approval of the minutes of the City Council February 11, 2014 Regular Meeting; and February 18, 2014 Special Meeting.

The minutes were approved on the consent agenda.

#### 6. Ordinances Second Reading

- 6A. [ORD-0191](#) 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 2, BLOCK A SPRINGBROOK INDUSTRIAL PARK SECTION ONE, CONSISTING OF 1.66-ACRES OF LAND LOCALLY ADDRESSED AS 1808 CENTRAL COMMERCE COURT IN PFLUGERVILLE, TX, FROM GENERAL BUSINESS 2 (GB2) TO LIGHT INDUSTRIAL (LI); TO BE KNOWN AS 1808 CENTRAL COMMERCE COURT REZONING (REZ1401-01) AND PROVIDING AN EFFECTIVE DATE.

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

- 6B. [ORD-0194](#) 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 OF THE PFLUGERVILLE INDUSTRIAL PARK SUBDIVISION, CONSISTING OF 4.576 ACRES OF LAND LOCALLY ADDRESSED AS 18617 WEISS LANE IN PFLUGERVILLE, TX, FROM LIGHT INDUSTRIAL (LI) TO GENERAL BUSINESS - 1 (GB1); TO BE KNOWN AS THE SHOPPES AT SORENTO REZONING (REZ1310-01) AND PROVIDING AN EFFECTIVE DATE.

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

## 7. Resolution

- 7A. [RES-0188](#) Approving a Resolution of the City of Pflugerville appointing Mayor Jeff Coleman to the Central Texas Clean Air Coalition of the Capital Area Council of Governments (CAPCOG).

The resolution was approved on the consent agenda.

## 8. Other Actions

- 8A. [2014-2672](#) Authorizing the City Manager to execute a warranty deed, as an executory interest holder, accepting the future conveyance of real property to the City of Pflugerville, to be dedicated as public parkland, legally described as Lot 1, Block C, Sorento Phase 1 Subdivision.

The item was approved on the consent agenda.

- 8B. [2014-2673](#) Authorizing the City Manager to execute a warranty deed, as an executory interest holder, accepting the future conveyance of real property to the City of Pflugerville, to be dedicated as public parkland, legally described as Lot 71, Block A, Sorento Phase 1 Subdivision.

The item was approved on the consent agenda.

- 8C. [2014-2771](#) Authorizing the City Manager to execute a Right-of-Way / R-O-W License Agreement between the City of Pflugerville and the Sorento Owners' Association, Inc. applicable to Aventura Avenue and Via Sorento Avenue.

The item was approved on the consent agenda.

- 8D. [2014-2770](#) Approving a reimbursement request in the amount of \$165.25 by Councilmember Victor Gonzales for business meeting mileage and expenses.

The item was approved on the consent agenda.

- 8E. [2014-2760](#) Authorizing the City Manager to enter into a Water & Wastewater Easement Agreement with Mr. Clarence Bohls, Trustee of the Kenneth Bohls Cousins 2013 Trust, necessary for the extension of utilities to serve Lot 1, Block A of the Bohls Commercial Park Subdivision, also known as the Hawaiian Falls Water Park.

The item was approved on the consent agenda.

- 8F. [2014-2761](#) Authorizing the City Manager to enter into a standard form Water Line Easement Agreement and Wastewater Easement Agreement from Mr.

Terrell Timmermann necessary for the extension of utilities to serve the Lot 1, Block A of the Bohls Commercial Park Subdivision, also known as the Hawaiian Falls Water Park.

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.

## 9. Ordinance First Reading

- 9A. [ORD-0192](#) 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 2014; 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 Pro Tem Cooper read the item along with the caption of the ordinance under consideration. Ms. Gillam provided information. Mr. Troy Madres, Financial Advisor, provided information on the sale, indicating that the interest rate was secured at 3.59%. Mr. Richard Donoghue, Bond Counsel, provided information on the ordinance documents. Mr. Wade spoke on the interest rate of 3.59% being a very positive outcome. Mr. Gonzales provided comments. Mr. Donoghue noted the closing date is March 20, 2014. Mr. Gonzales made a motion to approve the ordinance on first and final reading authorizing the issuance of City of Pflugerville, Texas Combination Tax and Limited Revenue Certificates of Obligation Series 2014. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

## 10. Discuss only

- 10A. [2014-2748](#) Discussion regarding resident feedback received on the Name that Street request for suggestions for FM 685 & SH 130.
- Ms. Waggoner presented on the item and discussed with the Council and Mr. Wade. A committee with representatives from Heritage House Museum, Parks Commission and Planning Commission, and others was suggested to consolidate the recommendation list and perhaps seek a final vote and opinion from the public. Mr. Marshall volunteered to serve on the committee.
- 10B. [2014-2755](#) Presentation and discussion regarding the Parkland Dedication Ordinance update.
- Discussion on the item took place at the earlier worksession. There was no discussion on the item at the regular meeting.

## Executive Session

Mayor Pro Tem Cooper announced that the City Council was retiring to executive session on items 10C, 10D, 10E, 11A, and 11B. He read the items to be discussed and retired to executive session. The time was 7:55 p.m.

- 10C.** [2014-2763](#) 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.
- 10D.** [2014-2764](#) 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.
- 10E.** [2014-2766](#) 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. No action was taken.
- 11. Discuss and consider action**
- 11A.** [2014-2776](#) 1.) Executive Session Item: Discussion 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 Project Vinyl. 2.) Open Session Item: Discuss and consider action regarding Project Vinyl.
- Discussion on the item was to take place in executive session. Action was taken on the item later in the meeting.
- 11B.** [2014-2777](#) 1.) Executive Session Item: Deliberations regarding real property pursuant to Chapter 551.072 and consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding possible sale of real property to the Manville Water Supply Corporation. 2.) Open Session Item: Discuss and consider action to approve sale of real property to the Manville Water Supply Corporation and to authorize the City Manager to execute all documents related to the sale.
- Discussion on the item was to take place in executive session. Action was taken on the item later in the meeting.

**Executive Session - Closed**

Mayor Pro Tem Cooper reconvened in open session at 9:12 p.m.

**11A. [2014-2776](#)**

1.) Executive Session Item: Discussion 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 Project Vinyl. 2.) Open Session Item: Discuss and consider action regarding Project Vinyl.

**Mr. Gonzales made a motion that the City Council approve Project Vinyl by the PCDC, the PCDC Performance Agreement and the City's Chapter 380 Economic Development Agreement and authorize the City Manager to execute all documents necessary to complete the project in a form approved by the City Attorney. Mr. Marshall seconded the motion. All voted in favor. The motion carried.**

**11B. [2014-2777](#)**

1.) Executive Session Item: Deliberations regarding real property pursuant to Chapter 551.072 and consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding possible sale of real property to the Manville Water Supply Corporation. 2.) Open Session Item: Discuss and consider action to approve sale of real property to the Manville Water Supply Corporation and to authorize the City Manager to execute all documents related to the sale.

**Mr. Gonzales made a motion that the City Council approve and authorize the City Manager to take all action necessary and to sell the real property shown on the Map exhibit to this agenda item, as presented, to the Manville Water Supply Corporation in accordance with Texas Law. Ms. Sattler seconded the motion. All voted in favor. The motion carried.**

**11C. [2014-2564](#)**

Discuss and consider action regarding an agreement with Manville Water Supply Corporation.

**Mr. Gonzales made a motion that the City Council authorize the City Manager to execute a contract with Manville Water Supply Corporation terminating the 1996 exclusive wholesale water supply contract with North Travis County Municipal Utility District No. 5 and entering into a 2014 Purchase and Sale of Wholesale Water agreement under the terms as presented. Mr. Marshall seconded the motion. All voted in favor. The motion carried.**

**11D. [2013-2387](#)**

Discuss and consider action to approve an agreement with Lockwood, Andrews & Newnam, Inc. (LAN) in the amount of \$311,980 for professional engineering services associated with design, bidding and construction administration of the former North Travis County Municipal Utility District (MUD) Service Projects and the 24-inch Heatherwilde Transmission Main Project and authorizing the City Manager to execute the agreement.

Mr. Gonzales made a motion that the City Council approve an agreement with Lockwood, Andrews & Newnam, Inc. (LAN) in the amount of \$311,980 for professional engineering services associated with the design, bidding and construction administration of the former North Travis County Municipal Utility District (MUD) Service Projects and the 24-inch Heatherwilde Transmission Main Project and authorizing the City Manager to execute the agreement. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

**11E.** [2014-2698](#)

Discuss and consider action to approve an agreement between the City of Pflugerville and Southwest Water Company (SWWC) Utilities, Inc., d/b/a Windermere Utility Company, Inc, concerning water and sewer rates.

Mr. Gonzales made a motion that the City Council approve a water and sewer rate stabilization agreement between the City of Pflugerville and Windermere Utility Company, Inc. (South West Water Company) and authorize the City Manager to execute the agreement. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

**11F.** [2014-2734](#)

Discuss and consider action regarding future agenda items.

Mr. Gonzales requested a future agenda item to appoint a working group to develop a strategy/concept for a new animal shelter.

**12. Adjourn**

Mr. Marshall made a motion to adjourn. Ms. Sattler seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 9:18 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as presented on March 11, 2014.