



City of Pflugerville

Minutes - Final City Council

Tuesday, April 14, 2015

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Coleman called the regular meeting to order at 7:06 p.m. Councilmembers Wayne Cooper, Brad Marshall, Omar Peña, Starlet Sattler and Victor Gonzales were in attendance. City employees in attendance: 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; Amy Good, Finance Director; Emily Barron, Planning Director; Terri Waggoner, Public Information Officer; Blake Overmyer, Building Official; Chuck Hooker, Police Chief; James Hemenes, Parks Director; Jacquelyn Smith, CIP Program Manager; Eddie Garcia, Community Services Coordinator. Terrell Palmer, Financial Advisor, was also in attendance. Floyd Akers, Executive Director; Amy Madison, Assistant Executive Director; George Cudd, Boardmember; Rudy Metayer, Boardmember; Doug Weiss, President of the Board of Directors, were in attendance representing the Pflugerville Community Development Corporation (PCDC).

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.

3. Presentations

- 3A. [2015-3821](#)** Presentation and proclamation recognizing Hendrickson High School for their Community Service during the Big Event.

Mr. Hemenes introduced Mr. Garcia. Mr. Garcia introduced Mr. Zack Kleypas, 11th grade assistant principal of Hendrickson High School. Mr. Kleypas provided information. Mayor Coleman provided comments and read and presented the proclamation to Mr. Kleypas and the students in attendance.

- 3B.** [2015-3799](#) Proclamation declaring April 2015 as Fair Housing Month.

Mayor Coleman read the proclamation.

- 3C.** [2015-3832](#) Presentation and discussion about the City's Capital Improvement Program.

Mr. Word presented a report on the item.

4. Public Hearing and Ordinances First Reading

- 4A.** [ORD-0236](#) 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. 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 INTERSECTIONS, 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.

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 presented on the item. 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 asked if they have plans for retail or only church use. Pastor Daron Lindemann, representing the applicant, stated only church use, not retail; to include a preschool and education use for children and adults. 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.

- 4B.** [ORD-0240](#) 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. 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 the public hearing and read the item to include the caption of the ordinance to be considered on first reading. Ms. Barron presented on the item and answered questions of the Council.

The developer's representative, Steve Hickerson of Ridge Hill Investments, stated his family owns the property. He noted their investment in the community and other projects in town and provided information on the proposed project. He stated that they want to put in attached single-family townhomes. He showed renderings which he stated are subject to change, but are close to their vision for the project. He indicated they would own the townhomes.

Urcha Dunbar-Crespo, 1230 Disraeli Circle, stated that she has no doubts that Mr. Hickerson's family will do well at maintaining the property. She stated that her bigger concern is the traffic congestion in the area. She stated that the Planning and Zoning Commission had asked that staff do a traffic study. She noted the close proximity to the elementary school and stated that the traffic is horrendous in the morning. She asked the Council to look at the traffic impact to Black Locust and Grand Avenue prior to approving. She stated she was told when she bought her home that the property was agricultural and would remain agricultural.

Ana Sanchez, 1225 Blackthorn Drive, stated that she is opposed to the rezoning for the same reasons. She stated concerns for the traffic, stating that it is very difficult to maneuver in and out. She asked the Council to look at it for themselves before approving.

Mr. Gonzales made a motion to close the public hearing. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

Council discussion followed with Ms. Barron. Mr. Gonzales asked if we have children walking up and down Grand Avenue Parkway to get to school. Ms. Barron stated that she imagines that we do. She stated that the City Engineer is taking traffic counts to see if traffic signals might be needed. Mayor Coleman stated that he thinks the project will be a good addition to the community. Mr. Gonzales asked regarding the entrance and exit of the project. Mr. Hendrickson stated that on the plan they are entering and exiting via Black Locust at this time. Ms. Barron stated this would be up to the fire department. Mr. Marshall asked if sidewalks would be required. Ms. Barron stated they would be required if they do not exist. She stated they exist on Grand Avenue Parkway.

Mr. Cooper made a motion to approve item 4B as submitted. Ms. Sattler seconded the motion. Discussion continued. It was stated that the vote was 5-1 for approval at the Planning and Zoning Commission. Mr. Marshall asked if any overriding concern was stated. Ms. Barron stated that she thinks traffic was the biggest concern. Mr. Wade stated that he would have a traffic signal warrant study done for that intersection. All voted in favor. The motion carried.

5. Public Comment

Landon Schwausch, 17504 Rannoch Drive, provided information on his program called Minor Music Masters, which gives kids the power to make their own music. He asked the Council and community to throw their support behind this endeavor.

Reading of the Consent Agenda

Items 7B and 10F were removed from the consent agenda. Ms. Thompson read

the items to include the captions of the ordinances under consideration.

6. Approval of Minutes

- 6A. [2015-3810](#) Approval of the minutes of the March 24, 2015 Worksession and Regular Meeting.
- The minutes were approved on the consent agenda.

7. Ordinances First Reading

- 7A. [ORD-0241](#) Approving an ordinance on first 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 first reading on the consent agenda.

- 7C. [ORD-0243](#) Approving an ordinance on first 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 first reading on the consent agenda.

- 7D. [ORD-0244](#) Approving an ordinance on first 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 first reading on the consent agenda.

8. Ordinances Second Reading

- 8A. [ORD-0235](#) 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 APPROVING A SPECIFIC USE PERMIT FOR LIGHT INDUSTRIAL USES ON LOT 3A AND LOT 3B, OF THE REPLAT OF LOT 3 RENEWABLE ENERGY PARK SUBDIVISION, LOCATED IN PFLUGERVILLE, TX, TO BE KNOWN AS THE CORTEC PRECISION SHEET METAL SPECIFIC USE PERMIT. (SD1502-01); PROVIDING FOR A REPEAL OF ORDINANCE NO. 1126-12-12-11; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A NON-SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

9. Resolution

- 9A. [RES-0246](#) Approving a resolution with the caption reading: RESOLUTION APPROVING PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING DISTRIBUTION OF SUCH PRELIMINARY OFFICIAL STATEMENT RELATING TO THE CITY'S COMBINATION TAX AND LIMITED REVENUE CERTIFICATES OF OBLIGATION, SERIES 2015 AND LIMITED TAX AND REFUNDING BONDS, SERIES 2015.

The resolution was approved on the consent agenda.

10. Other Actions

- 10A. [2015-3776](#) Authorizing the City Manager to execute an Easement & Right of Way Agreement between Oncor Electric Delivery Company LLC and the City of Pflugerville for the utility construction associated with the Pfennig Pump Station Capital Improvement Project.

The item was approved on the consent agenda.

- 10B. [2015-3814](#) Receive report on City Council, Commission, Board and Committee expenditures for March 2015.

The item was approved on the consent agenda.

- 10C. [2015-3817](#) Approving the selection of MWM Design Group for professional services associated with design, bidding and construction administration of the 2014 Trail Gap 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.

- 10D. [2015-3818](#) Approving the selection of Studio 16:19 LLC for professional services associated with design, bidding and construction administration of the Highland Park North Park Development 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.

- 10E.** [2015-3819](#) Approving the selection of MWM Design Group for professional services associated with design, bidding and construction administration of the Mansions at Stone Hill Park Development 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.

- 10G.** [2015-3822](#) Approving the selection of Halff Associates, Inc. for professional engineering services associated with design, bidding and construction administration of the Heatherwilde/Windermere Subdivision Street Reconstruction 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.

- 10H.** [2015-3823](#) Approving the selection of K. Friese & Associates, Inc. for professional engineering services associated with design, bidding and construction administration of the Pfennig Lane Widening 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.

Action on the Consent Agenda

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

7. Ordinances First Reading - Removed from Consent Agenda

- 7B.** [ORD-0242](#) Approving an ordinance on first 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.)

Mr. Fletcher provided information on the request from Park Crest Middle School to allow for the electronic variable message sign at their location. He explained that the corridor along Railroad Avenue where these signs are allowed currently ends to the north at Pfennig Lane. He explained that this ordinance amendment would extend the corridor to include Railroad Avenue from Pfennig Lane to Pflugerville Parkway. Council discussion followed with Mr. Fletcher. Mr. Gonzales made a motion to approve the ordinance on first

reading as presented. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

10. Other Actions - Removed from Consent Agenda

10F. [2015-3820](#)

Approving the selection of Halff Associates, Inc. for professional services associated with design, bidding and construction administration of the Pflugerville Sports Complex Project and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

Mr. Word provided information and answered questions of the Council. Mr. Word estimated a contract could be brought back for approval in one month. Mr. Peña indicated he wanted to see more detail. Mayor Coleman indicated the community's strong interest in the project. He stated that he wanted to make sure that whomever is chosen understands the priority of the project and that they have the ability to assist with the site selection and the design. Jim Carillo, Halff Associates, provided information. He stated that they are fully committed to moving forward on this next phase. He stated that they understand how important it is to the City. Mayor Coleman asked about the time frame. Mr. Carillo stated that a month on the contract is more than enough time. He stated that for the site selection, they can quickly evaluate other sites. He estimated it would be a two to three month process and that they would move forward quickly into designing the site. Mayor Coleman confirmed that immediately upon approving the contract, this project will be a priority. Mr. Gonzales asked Lenny Hughes, Halff Associates project manager, what similar projects they had worked on. Mr. Hughes provided information on the projects. Mr. Gonzales asked what the issues could be. Mr. Hughes stated that dealing with environmental issues and hydraulic issues could be issues. Mr. Gonzales confirmed that would be some of the issues they would consider with the site selection. Mayor Coleman asked how nimble and how creative they could be. He asked if this project would get a high priority. Mr. Hughes stated absolutely, it will get priority. He stated that they are very committed to the City and the project. Mr. Peña asked regarding the staffing. Mr. Hughes stated they already have staff with capacity for the project and also have the ability to move people around. Mr. Peña asked if there would be milestones within the agreement. Mr. Word stated that he would make sure there are milestones in the agreement. Mayor Coleman asked if the design could continue during the purchase of land. Mr. Word stated it could if the City has a right of entry agreement in place to allow for surveying and environmental work during the purchase. Council discussion continued.

Mr. Wade stated he would be happy to spend additional time reviewing this and to provide a report at the next meeting. Mr. Gonzales made a motion to table the item for two weeks to allow for City Manager review. Mr. Peña seconded the motion. All voted in favor. The motion carried.

11. Discuss and consider action

11A. [2015-3816](#)

Discuss and consider action to award a construction contract for the North Travis County MUD #5 (NTCMUD#5) Water Distribution project to Protia Construction of Austin, Texas, the lowest responsive bidder of 11 bids received on March 20, 2015, in the amount of \$2,024,301.

Mr. Word provided information and recommended awarding the contract to Protta Construction. Mr. Gonzales made a motion to approve. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

11B. [2015-3801](#)

Discuss and consider action to authorize the City Manager to execute a professional services agreement with Freese and Nichols, Inc. for design phase services for the Old Austin-Hutto Road capital improvement project in an amount not to exceed \$215,969.

Mr. Word provided information. Mayor Coleman questioned where they would get the money for the construction and asked if it would sit on the shelf for a while. Mr. Word stated they are hopeful they will have construction funds in the future for the project either in savings from a bond project or in a new bond. He stated that they would like to have the plans ready to go. Mr. Cooper verified that it would include the low water crossing. Council discussion continued. Mr. Wade stated that they are trying to avoid the frustration with waiting on projects to move forward once they are funded. He stated that they are trying to tee-up projects and make them ready to go. Discussion with Mr. Word continued. Mr. Marshall concluded if they could do the project fairly soon that would be great. Mr. Peña made a motion to approve. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

11C. [2015-3834](#)

Discuss and consider action to approve a supplemental agreement #1 with K. Friese & Associates, Inc. in the amount of \$299,430 for professional engineering services associated with design, bidding and construction administration of the Carmel Interceptor Phase 1 Project and authorizing the City Manager to execute the agreement.

Mr. Word provided information. He indicated a need to complete this project prior to the new high school opening in order to provide wastewater service. Mr. Gonzales made a motion to approve. Ms. Sattler seconded the motion. All voted in favor. The motion carried..

11D. [2015-3835](#)

Discuss and consider action to approve a supplemental agreement #2 with the Thornhill Group, Inc. to amend the original agreement's scope of services, and timeline.

Mr. Word provided information on the proposal to do a firm yield evaluation to see how much water might be produced by the City's Wells No. 6 and No. 7. He answered questions of the Council. Mr. Cooper made a motion to approve as presented. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

11E. [2015-3809](#)

Discuss and consider action regarding future agenda items.

Mayor Coleman requested a water update. A TxDOT update was to be provided at the first meeting in May.

Executive Session

Mayor Coleman announced that the City Council was retiring to executive session for possible discussion on items 11F, 11H, 12A, 12B, and 12C. He read the items and retired to executive session. The time was 8:57 p.m.

- 11F.** [2015-3838](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding a Development Agreement with Tack Development LTD (Tim Timmerman) for the extension of roads and water utilities. 2.) Open Session Item: Discuss and consider action to approve a Development Agreement with Tack Development LTD (Tim Timmerman) for the extension of roads and utilities.

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

- 11G.** [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 obtain warranty coverage and warranty repair 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 warranty coverage and warranty repair corrective work, including engineering services, for the high service pump stations.

Mr. Hyde stated that the item was not ready for consideration. There was no council discussion or action on the item.

- 11H.** [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. No action was taken.

12. Discuss only

- 12A.** [2015-3811](#) 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 no discussion on the item.

- 12B.** [2015-3812](#) 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 no discussion on the item.

12C. [2015-3813](#)

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.

Executive Session - Closed

Mayor Coleman reconvened in open session at 10:33 p.m.

11F. [2015-3838](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding a Development Agreement with Tack Development LTD (Tim Timmerman) for the extension of roads and water utilities. 2.) Open Session Item: Discuss and consider action to approve a Development Agreement with Tack Development LTD (Tim Timmerman) for the extension of roads and utilities.

Mr. Peña made a motion to approve the agreement. Mr. Cooper seconded the motion. All voted in favor. 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 10:33 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on April 28, 2015.