



City of Pflugerville

Minutes - Final City Council

Tuesday, May 27, 2014

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 Victor Gonzales were in attendance. Councilmember Starlet Sattler was absent. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Karen Thompson, City Secretary; Emily Barron, Planning Director; Dan Franz, City Engineer; Blake Overmyer, Building Official; Terri Waggoner, Public Information Officer; James Hemenes, Parks Director; Chuck Hooker, Police Chief; Kathy Ellis, Website Coordinator; Pam Cosel, Marketing & Special Events; Rhonda McLendon, Animal Control Director. 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.

3. Presentations

3A. 2014-2881 Presentation of the Horizon Interactive Awards.

Ms. Waggoner reported that the City of Pflugerville had received three bronze-level awards from the Horizon Interactive Awards 2013 competition for the city's website, Pfun in Pflugerville promotional video and the Pf Connect Campaign.

3B. 2014-2990 Animal Shelter presentation on Pflugerville Pfluff & Pfidio Adoptathon May 31 and June adopt a cat month.

Ms. McLendon presented under the item.

4. Public Hearing

- 4A. 2014-2739 Conduct the first of two required public hearings and receive feedback regarding the Community Development Block Grant (CDBG) program Consolidated Plan and Action Plan.

Mayor Coleman opened the public hearing item. Ms. Barron provided information and discussed with 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.

5. Public Hearing and Ordinance First Readings

- 5A. ORD-0203 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 CHAPTER 152 OF THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES REGARDING THE IMPACT FEE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman opened the public hearing and read the caption of the ordinance under consideration on first reading. Mr. Word provided information and answered questions of the Council. There was Council discussion regarding the proposed impact fees. Mr. Hyde provided input. Mr. Kevin Kluge, Planning and Zoning Commission Vice Chair, stated that he had voted to support the maximum fee to pay for the growth. Mr. Kluge suggested charging the full amount and then expanding the Drop by Drop rebate program to make it usable by new home builders so they can adopt xeriscape landscape plans, smart meters, rainharvesting, these type of things that will save money over the long run. Mr. Hyde provided information on the timing of updating impact fees. There were no additional requests to speak at the public hearing. Mr. Cooper made a motion to close the public hearing. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

Mr. Gonzales indicated support in charging the maximum impact fees, or if Council is not supportive, to match the City of Round Rock's impact fees. Mayor asked for a motion. Mr. Gonzales stated so moved. Mayor Coleman indicated that the motion is to charge the maximum impact fees of \$4241 for water and \$2725 for wastewater in Central and \$3537 for wastewater in Cottonwood. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

6. Public Comment

Mr. David Bush, Hawaiian Falls CEO, provided an update on the project and announced the water park would open next week. He stated that due to the delay in the opening, season pass holders would have access to the adventure park at no additional cost this season.

Reading of the Consent Agenda

Item 9B was removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

7. Approval of Minutes

- 7A. 2014-2980 Approval of the minutes of the May 13, 2014 City Council Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

8. Ordinances Second Reading

- 8A. ORD-0201 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 APPROVING A SPECIAL DISTRICT FOR LIGHT INDUSTRIAL USES FOR LOTS 3D AND 3E OF THE RENEWABLE ENERGY PARK SUBDIVISION, PFLUGERVILLE, TRAVIS COUNTY, TEXAS, GENERALLY LOCATED NEAR THE SOUTHWEST CORNER OF THE SH 130 AND E. PECAN STREET, TO BE KNOWN AS THE 130 COMMERCE CENTER LOTS 3D AND 3E SPECIAL DISTRICT (SD1403-01) PROVIDING FOR SITE LAYOUT, BUILDING ELEVATIONS, AND CONDITIONS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- 8B. ORD-0202 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 A 2.670-ACRE TRACT OF LAND OUT OF THE ALEXANDER WALTERS SURVEY NO. 67, ABSTRACT NO. 791 IN TRAVIS COUNTY, TX LOCATED GENERALLY NORTHEAST OF THE WELLS BRANCH PKWY AND DESSAU RD INTERSECTION, FROM GENERAL BUSINESS 1 (GB1) TO MULTI-FAMILY URBAN (MF-U); TO BE KNOWN AS THE VILLAGES AT WUTHRICH HILL REZONING (REZ1404-01) AND PROVIDING AN EFFECTIVE DATE.

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

- 8C. ORD-0199 Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, REGARDING THE COLLECTION OF HOTEL OCCUPANCY TAXES WITHIN THE CITY; PROVIDING FOR A FINE OR PENALTY OF THIS

ORDINANCE AS A MISDEMEANOR NOT TO EXCEED \$500.00 FOR EACH OFFENSE, EXCEPT HOWEVER, WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE, IN WHICH EVENT THE PENALTY SHALL BE FIXED BY STATE LAW AND IF DEEMED A VIOLATION OF ANY PROVISIONAL LAW THAT GOVERNS FIRE SAFETY, ZONING, OR PUBLIC HEALTH AND SANITATION, THE PENALTY SHALL NOT EXCEED THE SUM OF \$2,000.00 FOR EACH OFFENSE; PROVIDING A SAVINGS, REPEALER, SEVERABILITY, AND EFFECTIVE DATE CLAUSES.

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

9. Resolutions

- 9A. RES-0197 Approving a resolution adopting an annual annexation plan.

The resolution was approved on the consent agenda.

10. Other Actions

- 10A. 2014-2979 Approving an agreement with Binkley & Barfield, Inc. in the amount of \$327,569 for professional engineering services associated with design, bidding, and construction administration for North Travis County Municipal Utility District (NTCMUD) #5 service projects and authorizing the City Manager to execute the agreement.

The item was approved on the consent agenda.

- 10B. 2014-2619 Authorizing the City Manager to execute a utility conveyance and security agreement between Sorento Holdings 2012 LLC. and the City of Pflugerville for water and sanitary sewer improvements to serve Travis County Municipal Utility District No. 17 (MUD 17) and the Sorento Section 1 subdivision.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

Resolution - removed from the Consent Agenda

- 9B. RES-0208 Approving a resolution ratifying the Lake Pflugerville Pump Station Disaster Declaration and approving payment for related expenditures to repair the pump stations.

Mr. Gonzales asked why the item was needed. Mr. Hyde explained that this

declaration is to ensure that all purchasing processes are within the law. He explained that over \$50,000 was expended for temporary repairs during the emergency and that the declaration also allows for the expedited bidding process needed to make the long-term repairs quickly. Council discussion followed with Mr. Hyde. Mr. Gonzales made a motion to approve the item. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

11. Discuss and consider action

11A. 2014-2945

Discuss and consider action regarding approval of the Lake Pflugerville Master Plan.

Mr. Hemenes provided information on the Lake Pflugerville Master Plan. Mr. Cooper indicated concerns with the pedestrian bridge and amphitheater. He stated that the natural area is a nice place to canoe and thinks there should be a boardwalk extending up there. He stated that before they adopt it, there are some potential big tickets items that they should review. Mayor Coleman stated that he also likes the boardwalk area. He stated that he sees the master plan as a 30,000-foot look and that they would consider the projects as funding is available. Mr. Cooper recommended taking the pedestrian bridge out if they will never develop it; stating that they should be realistic. Mayor Coleman stated that he thinks the amphitheater is last and that the play areas, restrooms, and interpretive area would be used all the time. Mr. Cooper asked that staff bring back the item in two weeks for action.

11B. 2014-3003

Discuss and consider proposed funding and construction of public sidewalks along FM 685 and Dessau Road.

Mr. Franz provided information regarding the cost to construct sidewalks in the amount of \$694,000 on the west side of FM 685 and \$636,000 on the east side of FM 685 and discussed with Council. Mr. Hyde indicated that the City could place a lien on the properties for the increase in value of the property which requires payment prior to any land sale transaction. Council discussion followed with Mr. Hyde and Mr. Franz. Mr. Wade and Chief Hooker provided input. Mr. Wade indicated that an item would need to be budgeted and funding would come from the fund balance. Mr. Franz noted that \$231,000 remains in the sidewalk escrow account and could also be used for the project. Following discussion, it was determined to look at constructing sidewalk on the east side of FM 685 from Old Austin Hutto Road to Hawaiian Falls. Mr. Franz was to provide information, and to exclude land already being developed, so the Council could consider the true cost of areas that the City would have to pay for and possibly not receive reimbursement. The item was to be scheduled in two weeks for consideration.

11C. 2014-2986

Discuss and consider action regarding future agenda items.

No additional items were noted.

12. Discuss only

12A. 2014-2975

Discussion regarding a Youth Sports Policy and creating a hierarchy of sports organizations.

Mr. Hemenes presented on the item and discussed with Council. No action was taken.

Executive Session

Mayor Jeff Coleman announced that the City Council was retiring to executive session on items 12B, 12C, 12D, 12E, and 12F. He read the items to be discussed and retired to executive session. The time was 9:30 p.m.

- 12B. 2014-2981** 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.
- 12C. 2014-2982** 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.
- 12D. 2014-2983** 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.
- 12E. 2014-2984** 1.) Executive Session Item: Deliberations regarding real property acquisition 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 real property acquisition.
- Discussion on the item was to take place in executive session. No action was taken.
- 12F. 2014-3009** 1.) Executive Session Item: Deliberations with legal counsel regarding what steps are necessary to preserve, protect and pursue the City's legal options related to the Lake Pflugerville Pump Station failure 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.

Executive Session - Closed

Mayor Coleman reconvened in open session at 10:51 p.m. No action was taken.

13. Adjourn

Mr. Cooper made a motion to adjourn. Mr. Gonzales seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 10:51 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on June 10, 2014.