



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, December 8, 2015

7:00 PM

100 East Main Street, Suite 500

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#### Regular Meeting

#### 1. Call to order

Mayor Jeff Coleman called the regular meeting to order at 7:04 p.m. Councilmembers Wayne Cooper, Brad Marshall, Omar Peña and Mike Heath were in attendance. Councilmember Starlet Sattler was 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; Dan Franz, City Engineer; James Hemenes, Parks Director; Chuck Hooker, Police Chief; Amy Giannini, Development Engineering Director; Amy Good, Finance Director; Jennifer Coffey, Library Director; Daniel Berra, Assistant Library Director; Emily Barron, Planning Director; Blake Overmyer, Building Official. Amy Madison, Interim Director of the Pflugerville Community Development Corporation (PCDC) and Doug Weiss, President of the Pflugerville Community Development Corporation (PCDC) Board of Directors were 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.

Items were addressed in the order as recorded in the minutes.

#### 3. Presentation

**3A. [2015-4449](#)** Presentations and discussion regarding the Mansions at Stone Hill Park Project and the Highland Park/Highland Park North Park Project.

Mr. Hemenes provided information. David Cazares of MWM Design Group presented a preliminary design of the Mansions at Stone Hill Park Project and answered questions from Council. Brent Baker of Studio 16:19 presented a

preliminary design of the Highland Park/Highland Park North Park Project and answered questions from Council. Mr. Hemenes and Mr. Wade also answered questions from Council.

#### 4. Public Hearing

- 4A. [2015-4452](#) Conduct a Public Hearing to receive public input on the Preliminary Design Reports (PDR) for the Mansions at Stone Hill Park Project and the Highland Park/Highland Park North Park Project.

Mayor Coleman opened the public hearing and read the item under consideration. There were no requests to speak at the public hearing. Mr. Cooper made a motion to close the public hearing. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

#### 5. Public Hearing and Resolution

- 5A. [RES-0278](#) Conduct a public hearing and consider a resolution approving the Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2014.

Mayor Coleman opened the public hearing and read the item under consideration. Ms. Barron provided information. Danny Vinzant, 508 Greenway Drive, complimented staff on the CDBG outreach program. There were no additional 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.

Mr Cooper made a motion to approve the resolution as presented. Mr. Peña seconded the motion. All voted in favor. The motion carried.

#### 6. Public Comment

Danny Vinzant, 508 Greenway Driver, spoke in support of the relocation and construction of a new animal shelter.

Steph Ford, Maiden Grass Drive, did not wish to speak but asked how the Animal Advisory Council, behaviorists, veterinarians and animal advocates could be involved in the animal shelter planning process.

Kim Waters, Kessler Drive, did not wish to speak but asked if experts at the Austin Animal Center, Austin Pets Alive, Austin Humane Society, Williamson County etc., could be consulted regarding best policies and practices in regard to the animal shelter.

#### Reading of the Consent Agenda

Mayor Coleman asked the item 8A. be pulled from the consent agenda. Councilmember Cooper asked the item 10E. be pulled from the consent agenda. Ms. Deamer read the items along with the captions of the ordinances under consideration.

#### 7. Approval of Minutes

- 7A. [2015-4479](#) Approval of the minutes of the November 24, 2015 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

## 8. Ordinances First Reading

- 8B. [ORD-0281](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING THE CONVEYANCE AND EXCHANGE OF A PORTION OF LOT 4 FOR A PORTION OF LOT 3 WITHIN THE SUBDIVISION PLAT RECORDED IN DOCUMENT NO. 200800320 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS TITLED PFLUGERVILLE INDUSTRIAL PARK PERMITTING THE RECONFIGURATION OF LOT 3 AND LOT 4 OF THE FINAL PLAT OF PFLUGERVILLE INDUSTRIAL PARK INTO LOTS 3A AND 4A; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

## 9. Ordinances Second Reading

- 9A. [ORD-0274](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FIFTH AMENDMENT TO THE FISCAL YEAR 2015 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

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

- 9B. [ORD-0275](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO CENTRAL WASTE & RECYCLING, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was approved on second reading on the consent agenda.  
Approval on third reading will be required for final approval of the ordinance.

## 10. Resolutions

- 10A. [RES-0282](#) Approving a resolution of the city of Pflugerville amending food and health inspection fees to incorporate late payment penalties.

The resolution was approved on the consent agenda.

- 10B. [RES-0280](#) Approving a resolution appointing Mr. Ron Beyer to Position 2 and Mr. Bob Dwyer to Position 4 of the City of Pflugerville Reinvestment Zone No. One (Falcon Pointe TIRZ) Board of Directors for two year terms ending December 31, 2017.

The resolution was approved on the consent agenda.

- 10C. [RES-0281](#) Approving a resolution appointing Mr. Mike Marsh, Position 1, as chairman of Reinvestment Zone No. One (Falcon Pointe TIRZ) for a one-year term beginning January 1, 2016.

The resolution was approved on the consent agenda.

- 10D. [RES-0284](#) Approving a resolution to adopt a schedule for annexation for tracts of land consisting of 443.692 acres known as Carmel West Annexation, located in the J. Leisse Survey, Abstract No. 496, J. Wiehl Survey, Abstract No. 802 and the W. Caldwell Survey, Abstract No. 162 in Travis County, Texas. (ANX1511-01)

The resolution was approved on the consent agenda.

## 11. Other Actions

- 11A. [2015-4454](#) Approving a supplemental agreement #1 with MWM Design Group in the amount of \$204,081.35 for professional engineering services associated with the design and construction administration for the Mansions at Stone Hill Park Development project and authorizing the City Manager to execute the agreement.

The item was approved on the consent agenda.

- 11B. [2015-4464](#) Authorizing the City Manager to execute a Public Wastewater Easement Agreement with Geraldine Timmermann and the City of Pflugerville for a wastewater line associated with the Walden Square site development project generally located on Pfennig Lane east of Rocky Creek Drive.

The item was approved on the consent agenda.

- 11C. [2015-4477](#) Authorizing the City Manager to execute Utility Conveyance and Security Agreements 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) for Phases 2 and 3 of the Sorento subdivision.

The item was approved on the consent agenda.

- 11D. [2015-4468](#) Authorizing the City Manager to execute Change Order #2 for the

North Travis County MUD#5 Phase 1 Water Improvement Project with Prota Construction Inc. & Prota Inc, JV in the amount of \$84,420.

The item was approved on the consent agenda.

- 11E. [2015-4478](#) Receive report on City Council, Commission, Board and Committee expenditures for November 2015.

The item was approved on the consent agenda.

- 11F. [2015-4485](#) Approving the Mayor's appointment of Ms. Linda Atkins to the Personnel Appeal Board for a three-year term beginning January 1, 2016.

The item was approved on the consent agenda.

### Action on the Consent Agenda

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

### Ordinances First Reading - Removed from the Consent Agenda

- 8A. [ORD-0280](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE TEXAS AMENDING PROVISIONS OF CHAPTER 130 ENTITLED OFFENSES AGAINST CITY REGULATIONS; SECTION 130.08 ENTITLED GRAFFITI; REVISING NOTICE REQUIREMENTS; PROVIDING FOR EXCEPTIONS FROM ENFORCEMENT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

Mr. Wade and Mr. Hyde gave information and answered questions from Council. Mr. Peña motioned to approve the ordinance on first reading. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

### Resolution - Removed from the Consent Agenda

- 10E. [RES-0285](#) Approving a resolution to adopt a schedule for annexation of land consisting of approximately 177.004 acres known as Pflugerville Athletic Complex, located on Cameron Road as described as the first and second tracts in Volume 10761, Page 199 of the Real Property Records in Travis County, Texas. (ANX1511-02)

Mr. Cooper stated that he felt that the item was significant enough to address off of the consent agenda. There was discussion. Mr. Cooper motioned to approve the resolution. Mr. Peña seconded the motion. All voted in favor. The motion carried.

**12. Resolution**

- 12A.** [RES-0286](#) Discuss and consider action to approve a resolution approving a real estate sales contract entered into by the Pflugerville Community Development Corporation (PCDC) and CI Way L.L.C. to sell Lots 2E.1 and 2E.2 of the Renewable Energy Park, totaling approximately 4.42 Acres of land from the One-Thirty Commerce Center Project.

**Amy Madison presented information and answered questions from Council. Mr. Cooper made a motion to approve the resolution. Mr. Heath seconded the motion. All voted in favor. The motion carried.**

**13. Discuss and consider action**

- 13A.** [2015-4470](#) Discuss and consider action to award a construction contract for the Well No.7 Rehabilitation project to Advanced Water Well Technologies, LLC, the lowest responsible bidder of three (3) bids received on November 30, 2015, in the amount of \$331,245.84.

**Mr. Franz and Mr. Wade presented information. Mr. Marshall made a motion to award a construction contract for the Well No.7 Rehabilitation project to Advanced Water Well Technologies, LLC. Mr. Peña seconded the motion. All voted in favor. The motion carried.**

- 13B.** [2015-4471](#) Discuss and consider action to award a construction contract for Water Supply Interconnect and Improvements at the Water Treatment Plant to JKB Construction Company, LLC, the lowest responsible bidder of five (5) bids received on November 19, 2015, in the amount of \$478,917.25.

**Mr. Franz presented information. Mr. Marshall made a motion to award a construction contract for Water Supply Interconnect and Improvements at the Water Treatment Plant to JKB Construction Company, LLC. Mr. Cooper seconded the motion. All voted in favor. The motion carried.**

- 13C.** [2015-4473](#) Discuss and consider action to award a construction contract for the Heatherwilde Boulevard Widening project to Cash Construction Company, the lowest responsible bidder of three (3) bids received on November 24, 2015, in the amount of \$6,729,591.80.

**Mr. Franz presented information. Mr. Cooper made a motion to award a construction contract for the Heatherwilde Boulevard Widening project to Cash Construction Company. Mr. Marshall seconded the motion. All voted in favor. The motion carried.**

- 13D.** [2015-4480](#) Discuss and consider action regarding future agenda items.

**No items were noted.**

**Executive Session**

Mayor Coleman announced that the City Council was retiring to executive session for possible discussion on items 13E, 13F, 14C, 14D and 14E. He read the items and retired to executive session. The time was 8:54 p.m.

- 13E.** [2015-4517](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding a possible development agreement with the Pflugerville Independent School District (PflISD) for the the PflISD stadium project/Timmerman Elementary School project. 2.) Open Session Item: Discuss and consider action to authorize the City Manager to execute a development agreement with the Pflugerville Independent School District (PflISD) for the the PflISD stadium project/Timmerman Elementary School project.

**Discussion on the item took place in executive session. No action was taken.**

- 13F.** [2015-4498](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code for performance evaluation of the Municipal Judge. 2.) Open Session Item: Discuss and consider action regarding performance evaluation of the Municipal Judge.

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

**14. Discuss only**

- 14A.** [2015-4423](#) Discussion regarding plans for improvements to the current animal shelter.

**Discussion on the item took place at the earlier worksession. There was no discussion on the item during the regular meeting.**

- 14B.** [2015-4481](#) 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.**

- 14C.** [2015-4482](#) 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 took place in executive session. No action was taken.**

- 14D.** [2015-4483](#) 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 the purchase, exchange, lease, transfer

and/or sale of real property.

**There was no discussion on the item.**

- 14E.** [2015-4484](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice related to the city's regulatory powers and enforcement authority of land use regulations involving assisted living/group homes located within areas zoned only for single family use.

**Discussion on the item took place in executive session. No action was taken.**

### **Executive Session - Closed**

**Mayor Coleman reconvened in open session at 9:45 p.m.**

- 13F.** [2015-4498](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code for performance evaluation of the Municipal Judge. 2.) Open Session Item: Discuss and consider action regarding performance evaluation of the Municipal Judge.

**Discussion on the item took place in executive session. Mr. Peña made a motion to grant the municipal judge a 3% pay raise. Mr. Cooper seconded the motion. All voted in favor. The motion carried.**

### **15. Adjourn**

**Mr. Cooper made a motion to adjourn. Mr. Marshall seconded the motion. The vote was: Mr. Cooper-yes, Mr. Marshall-yes, Mr. Peña-no, Mr. Heath-no, Mayor Coleman voted to break the tie. He voted yes. The motion carried. The meeting was adjourned at 9:51 p.m.**

**Respectfully submitted,**

**Christa Deamer  
Deputy City Secretary  
Approved as presented on January 12, 2016.**