



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, October 28, 2014

7:00 PM

100 East Main Street, Suite 500

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### Regular Meeting

#### 1. Call to order

Mayor Coleman called the regular meeting to order at 7:00 p.m. Councilmembers Brad Marshall, Starlet Sattler and Victor Gonzales were in attendance. Councilmembers Wayne Cooper and Omar Peña were absent. City employees in attendance: Brandon Wade, City Manager; George Hyde, City Attorney; Karen Thompson, City Secretary; Lauri Gillam, Assistant City Manager; Tom Word, Assistant City Manager; Trey Fletcher, Assistant City Manager; Blake Overmyer, Building Official; Emily Barron, Planning Director; James Hemenes, Parks Director; Dan Franz, City Engineer; Chuck Hooker, Police Chief. Floyd Akers, Executive Director and Amy Madison, Assistant Executive Director of the Pflugerville Community Development Corporation (PCDC) 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.

#### 3. Presentations

**3A. [2014-3402](#)** Mayor's proclamation declaring November 2014 as American Diabetes Month in the City of Pflugerville.

Ms. Michelle Peacock of the American Diabetes Association provided information. Mayor Coleman read and presented the proclamation.

**3B. [2014-3413](#)** Mayor's proclamation declaring November 7, 2014 as Arbor Day in the City of Pflugerville.

Mr. Hemenes provided information. Mayor Coleman read the proclamation.

- 3C.** [2014-3357](#) Presentation regarding American Planning Association's National Community Planning Month and the 2014 Planning Excellence Award for the City of Pflugerville.

**Ms. Barron provided information.**

- 3D.** [2014-3416](#) Presentation regarding the Pflugerville Community Development Corporation (PCDC) Leadership Pflugerville Program and introduction of the 2014 Class Members.

**Ms. Madison provided information and the 2014 members in attendance stood to be recognized.**

#### **4. Public Hearing and Ordinance First Readings**

**Mayor Coleman opened the public hearings simultaneously for items 4A, 4B, 4C, and 4D and read the items to include the captions of the ordinances. There were no requests to speak at the public hearings. Mr. Gonzales made a motion to close the public hearings. Mr. Marshall seconded the motion. All voted in favor. The motion carried. Mayor Coleman stated that staff has recommended tabling the ordinances on first reading to allow for Council review of the items with staff at a worksession. Ms. Sattler made a motion to table the ordinances on first reading. Mr. Marshall seconded the motion. All voted in favor. The motion carried.**

- 4A.** [ORD-0215](#) Conduct a public hearing and consider approving an ordinance on first 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.

**Mayor Coleman opened the public hearing. There were no requests to speak at the public hearing. Action was taken to close the public hearing.**

**The ordinance was tabled on first reading.**

- 4B.** [ORD-0216](#) Conduct a public hearing and consider approving an ordinance on first 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.

**Mayor Coleman opened the public hearing. There were no requests to speak at the public hearing. Action was taken to close the public hearing.**

The ordinance was tabled on first reading.

- 4C. [ORD-0217](#) Conduct a public hearing and consider approving an ordinance on first 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.

Mayor Coleman opened the public hearing. There were no requests to speak at the public hearing. Action was taken to close the public hearing.

The ordinance was tabled on first reading.

- 4D. [ORD-0218](#) Conduct a public hearing and consider approving an ordinance on first 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.

Mayor Coleman opened the public hearing. There were no requests to speak at the public hearing. Action was taken to close the public hearing.

The ordinance was tabled on first reading.

## 5. Public Comment

Mr. Steve Jaeger, 1108 Vapor Drive, spoke regarding the history of the Pflugerville Area Youth Soccer League (PAYSL) and the need to continue forward with a long-term contract for PAYSL at Wells Point Park.

Teri Gregg, 1209 Canyon Maple Drive, spoke in favor of approving a long-term agreement with PAYSL for the Wells Point soccer fields. She stated a need for more fields, instead of additional sharing of these fields. She stated that PAYSL needs assurance that their investment won't be turned over to others. She stated that PAYSL deserves exclusive use of the Wells Point fields; that the contract has been negotiated and is in the best interest of the citizens.

The following did not wish to speak, but asked that the Mayor enter into the record their support for a long-term contract with PAYSL:

Claudio Carrasco, 1001 Ambrose Cove

Angela Tucker-Hamiyeh, 720 Botany Bay Circle

## Reading of the Consent Agenda

Ms. Thompson read the items under consideration.

## 6. Approval of Minutes

- 6A. [2014-3401](#) Approval of the minutes of the October 14, 2014 City Council Worksession and Regular Meeting.  
**The minutes were approved on the consent agenda.**
7. **Resolution**
- 7A. [RES-0221](#) Approving a resolution authorizing the City Manager and/or City Attorney to negotiate terms and conditions within the City Council approved professional services agreement for the City of Pflugerville, Texas.  
**The resolution was approved on the consent agenda.**
8. **Other Actions**
- 8A. [2014-3394](#) Approving a First Amendment to the Penley Park Development Agreement between Penley Park Development Company, Inc. and the City of Pflugerville, Texas and authorizing the City Manager to execute the same.  
**The item was approved on the consent agenda.**
- 8B. [2014-3396](#) Authorizing the City Manager to execute a Right of Way License Agreement between the City of Pflugerville and the Penley Park Homeowners Association (HOA) applicable to all City streets and public parkland within the subdivision.  
**The item was approved on the consent agenda.**
- 8C. [2014-3397](#) Authorizing the City Manager to execute a Right of Way License Agreement between the City of Pflugerville and the Spring Trails Homeowners Association (HOA) applicable to City public parkland within the subdivision identified as Lot 80 Block M of the Spring Trails Phase 1-B subdivision plat Document No. 200700171.  
**The item was approved on the consent agenda.**
- 8D. [2014-3414](#) Authorizing the City Manager to execute a Public Water Easement Agreement with St. Elizabeth Catholic Church and the City of Pflugerville for associated construction for the St. Elizabeth religious education building expansion project.  
**The item was approved on the consent agenda.**
- 8E. [2014-3395](#) Authorizing the City Manager to execute a Public Wastewater Easement Agreement with Mark and Kimberly Donnell and the City of Pflugerville for the utility construction associated with the Rowe Loop Wastewater Capital Improvement Project.

The item was approved on the consent agenda.

- 8F.** [2014-3417](#) Authorizing the City Manager to execute a Public Wastewater Easement Agreement with Lawrence M. Koch and Beverly Ann Darilek and the City of Pflugerville for the utility construction associated with the Rowe Loop Wastewater Capital Improvement Project.

The item was approved on the consent agenda.

- 8G.** [2014-3408](#) Approving a reimbursement request in the amount of \$299.94 by City Councilmember Victor Gonzales for business meeting mileage and expenses.

The item was approved on the consent agenda.

### Action on the Consent Agenda

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

### 9. Discuss only

- 9A.** [2014-3348](#) Report from Councilmember Victor Gonzales on the 2014 Austin Chamber of Commerce InterCity visit to San Francisco, California.

Mr. Gonzales provided a report on the item.

- 9B.** [2014-3415](#) Report and discussion regarding short-term and long-term solutions for the animal shelter.

Mr. Wade provided a report on the item and answered questions of the Council. Chief Hooker provided input.

The following did not wish to speak, but asked that the Mayor enter into the record their support for progress on improvements for the animal shelter:  
Devin Cook, 20425 Rita Blanca Circle  
Kim Waters, 17508 Kessler Drive

### 10. Discuss and consider action

- 10A.** [2014-3398](#) Discuss and consider action to authorize the City Manager to approve the purchase of water treatment plant membranes for the City's water treatment plant from General Electric in the amount of \$1,350,160.

Mr. Word provided information and answered questions of the Council. Mr. Gonzales made a motion to approve the item. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

- 10B.** [2014-3368](#) Discuss and consider action regarding improvements to the Windermere Park Pool.

Mr. Hemenes provided information and answered questions of the Council. Mr. Kyle Benedict, Aquatic/Athletic Coordinator, provided input. Mr. Gonzales made a motion to approve the improvements less the \$60,000 bubble. Ms. Sattler stated to second the heaters, blankets, windscreens and related infrastructure. All voted in favor. The motion carried.

**10C.** [2014-3400](#) Discuss and consider action regarding future agenda items.

No items were noted.

**10D.** [2014-3405](#) 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 regarding a Pflugerville Community Development Corporation (PCDC) Performance Agreement with Project BBQ. 2.) Open Session Item: Discuss and consider action regarding a Pflugerville Community Development Corporation (PCDC) Performance Agreement with Project BBQ.

There was no discussion on the item in executive session at the regular meeting. Mr. Akers provided information on the item and answered questions of the Council. Ms. Sattler provided information. Ms. Sattler made a motion to approve the item. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

**10E.** [2014-3406](#) 1.) Executive Session Item: Discussions regarding deliberations on economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; deliberations regarding real property 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 economic development and negotiations concerning real property regarding a Pflugerville Community Development Corporation (PCDC) Lease Agreement with Project BearKat. 2.) Open Session Item: Discuss and consider action regarding a Pflugerville Community Development Corporation (PCDC) Lease agreement with Project BearKat.

There was no discussion on the item in executive session at the regular meeting. Mr. Akers provided information on the item. Ms. Sattler made a motion to approve the item. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

## **11. Discuss only - Executive Session**

Mayor Coleman announced that the City Council was retiring to executive session for possible discussion on items 11C, 11D, 11E and 11F. He read the items and retired to executive session. The time was 8:24 p.m.

**11A.** [2014-3399](#) 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 during the regular meeting. Discussion on the item took place in executive session in the earlier worksession.**

- 11B.** [2014-3422](#) 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 during the regular meeting. Discussion on the item took place in executive session in the earlier worksession.**

- 11C.** [2014-3403](#) 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 took place in executive session. No action was taken.**

- 11D.** [2014-3404](#) 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 took place in executive session. No action was taken.**

- 11E.** [2014-3421](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding performance evaluation of the City Attorney.

**No discussion took place on the item.**

- 11F.** [2014-3420](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding performance evaluation of the City Manager.

**No discussion took place on the item.**

### **Executive Session - Closed**

**Mayor Coleman reconvened in open session at 8:46 p.m.**

### **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 8:46 p.m.**

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as presented on November 11, 2014.