



City of Pflugerville

Minutes - Final

City Council

Tuesday, January 12, 2016

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 7:00 p.m. Councilmembers Wayne Cooper, Brad Marshall, Omar Peña, Starlet Sattler and Mike Heath were in attendance. 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; Emily Barron, Planning Director; Amy Giannini, Development Engineering Director; Blake Overmyer, Building Inspector; Amy Good, Finance Director; James Hemenes, Parks Director; Dan Griffith, Police Corporal; Jennifer Coffey, Library Director. Doug Weiss, Board President, and Amy Madison, 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.

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. [2016-4546](#)** Proclamation declaring January 2016 as School Board Recognition Month in the City of Pflugerville.

Mayor Coleman and Ms. Vernagene Mott, Pflugerville ISD School Board President, provided comments. Mayor Coleman read and presented the proclamation to Ms. Mott.

- 3B. [2016-4547](#)** Recognition presentations for incoming and outgoing members of the Finance and Budget Committee, Parks and Recreation Commission,

Planning and Zoning Commission, Library Board, Board of Adjustment, Pflugerville Community Development Corporation (PCDC) Board, Personnel Appeal Board, Charter Review Commission, and Pflugerville Reinvestment Zone No. One (Falcon Pointe TIRZ).

Mayor Coleman recognized all incoming and outgoing boardmembers. He presented certificates of appreciation and a small gift to the outgoing boardmembers in attendance: Melody Ryan, Ronda Gindin, Rodney Blackburn, Starlet Sattler and Omar Peña. He presented certificates of appointment to the newly appointed boardmembers in attendance: Anthony B. Ross Sr., Renae Mitchell and Tammie Williamson, Kevin Williams, Wayne Cooper, Doug Weiss, Ken Dalfonso and Linda Atkins.

3C. [2016-4535](#)

Recognition of three awards from the Central Texas Crime Prevention Association to the City of Pflugerville.

Mayor Coleman announced that the City of Pflugerville was recognized with the following awards from the Central Texas Crime Prevention Association (CTCPA): Outstanding Crime Prevention Media Award to Wade Maness, Outstanding Crime Prevention Manager to Lt. Daryl Wilkes, and Outstanding Crime Prevention Program to the Pflugerville Police Department. Cpl Dan Griffith, CTCPA President, presented the awards to Mr. Manes and Chief Hooker.

3D. [2016-4536](#)

Presentation on details of the New Open Carry Law.

Chief Hooker provided information and a Public Service Announcement (PSA) video. Mr. Hyde provided information on the restrictions on government buildings and asked to table the resolution item 11C on the consent agenda until Saturday, January 16, 2016, in order to provide an additional exhibit.

4. Public Hearings

4A. [ORD-0279](#)

Hold a public hearing on a voluntary request for annexation by CE Development Inc. for the full purpose annexation of approximately 443.692 acres of land located just east of Weiss Lane, immediately east of the PfISD High School 4 tract of land with limited frontage on Jesse Bohls Road as well as East Pecan Street/Cameron Road. (ANX1511-01)

Ms. Barron and Mr. Hyde provided information and answered questions. Mr. Marshall made a motion to close the public hearing. Mr. Peña seconded the motion. All voted in favor. The motion carried.

4B. [ORD-0282](#)

Hold a public hearing on annexation of city owned property for the full purpose annexation of approximately 177 acres of land located along East Pecan/Cameron Road known as the Pflugerville Athletic Complex Annexation (ANX1511-002).

Ms. Barron provided information and answered questions. 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 Ordinance First Readings

- 5A. [ORD-0278](#) Conduct a public hearing and consider approving an ordinance on first reading with the caption: 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 BASE ZONING DESIGNATION OF A 27.066 ACRE TRACT OF LAND SITUATED IN THE THOMAS G. STEWART SURVEY NO. 6, PFLUGERVILLE, TRAVIS COUNTY, TEXAS, GENERALLY LOCATED ALONG THE SOUTHEAST CORNER OF THE INTERSECTION OF SH 45 AND NORTH HEATHERWILDE BOULEVARD FROM CORRIDOR URBAN LEVEL 4 (CL4) TO CAMPUS INDUSTRIAL (CI), AND REPEALING THE HIGHLAND PARK INDUSTRIAL SPECIAL DISTRICT APPROVED BY CITY ORDINANCE NO. 957-08-07-22; TO BE KNOWN AS THE HEATHERWILDE BUSINESS PARK REZONING (REZ1511-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman opened the public hearing and read the item to include the caption of the ordinance under consideration. Ms. Barron provided information and answered questions. Shelly Mitchell of Pape-Dawson Engineers, provided information, stating that the it is the same landowner, but a different developer and the developer will purchase the property after the zoning is complete. Mr. Cooper made a motion to close the public hearing. Mr. Peña seconded the motion. All voted in favor. The motion carried.

Ms. Barron answered additional questions. Mr. Cooper made a motion to approve the ordinance on first reading as presented. Mr. Peña seconded the motion. All voted in favor. The motion carried.

6. Public Comment

Doris Williams, 18603 Mammoth Cave Blvd, provided a handout to Council, and voiced her complaint against DR Horton, stating that it uses defective parts that only last the duration of the warranty.

Reading of the Consent Agenda

Item 11C was removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

7. Approval of Minutes

- 7A. [2016-4551](#) Approval of the minutes of the December 8, 2015 Worksession and Regular Meeting.
- The minutes were approved on the consent agenda.

8. Ordinances First Reading

- 8A. [ORD-0283](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES, CHAPTER 151(A) AND (B)(6) OF CHAPTER 151 FLOOD DAMAGE PREVENTION TO REDESIGNATE THE DEVELOPMENT ENGINEERING DIRECTOR AS THE FLOODPLAIN ADMINISTRATOR AND REDESIGNATING THE PROPER STATE AGENCY FOR NOTIFICATION; REPEALING AND REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.

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

9. Ordinances Second Reading

- 9A. [ORD-0280](#) Approving an ordinance on second 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.

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

10. Ordinances Third Reading

- 10A. [ORD-0275](#) Approving an ordinance on third 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 third and final reading on the consent agenda.

11. Resolutions

- 11A. [RES-0287](#) Approving a resolution directing staff to initiate non-annexation

development agreement offers to eligible owners of land appraised for ad valorem tax purposes as land for agricultural use under Chapter 23, Tax Code.

The resolution was approved on the consent agenda.

11B. [RES-0288](#)

Approving a resolution authorizing the City Manager to execute a Release and Vacation Instrument to vacate a portion of an existing wastewater easement within the Highland Park residential subdivision.

The resolution was approved on the consent agenda.

12. Other Actions

12A. [2016-4525](#)

Authorizing the City Manager to Execute a Public Wastewater Easement Agreement with Terrabrook Falcon Pointe, LLC and the City of Pflugerville for a wastewater line to serve the Falcon Pointe commercial development.

The item was approved on the consent agenda.

12B. [2016-4526](#)

Authorizing the City Manager to execute a Public Drainage Easement Agreement with Terrabrook Falcon Pointe, LLC and the City of Pflugerville for a stormwater line to serve the Falcon Pointe commercial development.

The item was approved on the consent agenda.

12C. [2016-4584](#)

Authorizing the City Manager to execute a Public Drainage Easement Agreement with The Property Owners of Spring Trails (Pflugerville) Association, Inc. and the City of Pflugerville for a stormwater line to serve the Emerson Apartment project.

The item was approved on the consent agenda.

12D. [2016-4542](#)

Accepting and authorizing the City Manager to enter into a 0.0458-acre Public Access Easement Agreement with Infinity Paws, LLC for Lot 2, Block A, Wilke Ridge Subdivision Final Plat associated with the development of the Doggy Day Out Site Plan, the site generally located along Wilke Ridge Lane, north of W. Pflugerville Parkway.

The item was approved on the consent agenda.

12E. [2016-4537](#)

Approving the application of Councilmember Mike Heath to serve on a Capital Area Metropolitan Planning Organization (CAMPO) Interdisciplinary team for the development of policy supporting walking and walkability.

The item was approved on the consent agenda.

12F. [2016-4549](#)

Receive report on City Council, Commission, Board and Committee

expenditures for December 2015.

The item was approved on the consent agenda.

- 12G. [2016-4558](#) Approving the selection of Ichor Construction, Inc. for the construction of the Pflugerville Public Library Renovations.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

Resolution - Removed from the Consent Agenda

- 11C. [RES-0289](#) Approving a resolution with the caption reading: A RESOLUTION AUTHORIZING THE CITY TO POST NOTICES AT THE ENTRANCES TO BUILDINGS OWNED OR LEASED BY THE CITY OF PFLUGERVILLE PROHIBITING CONCEALED OR OPENLY CARRIED HANDGUNS AS PROVIDED BY STATE LAW AND TO POST NOTICES ADVISING THE PUBLIC OF THE PROHIBITION OF CARRYING A HANDGUN IN CITY FACILITIES THAT HOUSE THE MUNICIPAL COURT AND COURT OFFICES.

The item was removed from the consent agenda due to a missing exhibit. The item was to be considered on Saturday, January 16, 2016.

13. Discuss and consider action

- 13A. [2016-4539](#) Conduct introductions and take action to appoint an alternate member to the Parks and Recreation Commission for a term ending December 31, 2016.

Ms. Gindin and Mr. Mitchell provided introductions. Ms. Sattler made a motion to appoint Mr. Mitchell as the alternate member. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

- 13B. [2016-4459](#) Discuss and consider action to authorize the City Manager to execute the First Amendment to Retail Sales Agreement, an interlocal agreement for electric service, between the City of Pflugerville and the General Land Office.

Ms. Gillam provided information. Mr. Cooper made a motion to approve item 13B as presented. Mr. Peña seconded the motion. All voted in favor. The motion carried.

- 13C. [2016-4469](#) Discuss and consider action to approve an agreement with Schrickel, Rollins and Associates (SRA) to develop a Community Park Master Plan including professional services for the design, bidding and construction administration for the early completion of a practice facility and authorizing the City Manager to execute the agreement.

Mr. Wade provided information and answered questions. Mr. Cooper stated that he would like the contract to include more of a public process. He stated that he is comfortable with the price provided (\$592,275) for the work to be done. Discussion followed. Mr. Wade recommended tabling the item until January 16, 2016 and staff would return with an amended contract. Mr. Heath asked why they would be constructing fields prior to the master plan. Mr. Word provided information on putting some fields in place. Mr. Marshall asked questions regarding the civil engineering in the project. Victor Baxtor, President/CEO of Schrickel Rollins & Associates, explained that their company would provide onsite civil engineering, which would be included. Mr. Cooper made a motion to table the item until Saturday, January 16, 2016, to allow the consultant to come back with the amended agreement. Mr. Heath seconded the motion. Mayor Coleman provided comments that he would like the City to use its in-house public information resources to get information out on the project. All voted in favor. The motion carried.

- 13D. [2016-4543](#) Discuss and consider action to award a construction contract for the Sorento/Carmel Force Main project to Aaron Concrete Contractors, LP, the lowest responsible bidder of nine (9) bids received on December 17, 2015, in the amount of \$1,521,887.40.
- Mr. Franz provided information. Mr. Cooper made a motion to approve as presented. Ms. Sattler seconded the motion. All voted in favor. The motion carried.
- 13E. [2016-4544](#) Discuss and consider action to award a construction contract for the North Travis County Municipal Utility District #5 (NTCMUD#5) Water Distribution Service Project Phase 2 to Protta, Inc. - Austin, Texas, the lowest responsible bidder of seven (7) bids received on December 17, 2015, in the amount of \$1,268,803.00.
- Mr. Franz provided information. Mr. Cooper made a motion to approve as presented. Mr. Heath seconded the motion. Mr. Marshall asked regarding the timing of the project. Mr. Franz provided information. All voted in favor. The motion carried.
- 13F. [2016-4545](#) Discuss and consider action to approve a supplemental agreement #1 with LJA Engineering, Inc. in the amount of \$641,296.00 for professional engineering services associated with the Weiss Lane Roadway Reconstruction project and authorizing the City Manager to execute the agreement.
- Mr. Franz provided information. Mr. Cooper made a motion to approve as presented. Mr. Marshall seconded the motion. All voted in favor. The motion carried.
- 13G. [2016-4550](#) Discuss and consider action regarding future agenda items.
- Mr. Heath asked for a status update regarding the Williamson County Shelter.
- 13H. [ORD-0284](#) 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 for discussion regarding the acquisition of real property for the Weiss Lane Project and necessary condemnation proceedings. 2.) Open Session Item: Discuss and consider action to approve an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ALL DOCUMENTS TO INSTITUTE EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF THREE TRACTS OF LAND TOTALING 15,021 SQUARE FEET; BEING A 6,676 SQUARE FOOT TRACT; A 3,338 SQUARE FOOT TRACT; AND A 5,007 SQUARE FOOT TRACT; ALL THREE TRACTS OF LAND SITUATED IN THE JOSEPH WEIHL SURVEY NO. 8, ABSTRACT 802, TRAVIS COUNTY, TEXAS BEING A PORTION OF THAT CERTAIN 2.0 ACRE TRACT DESCRIBED AS TRACT 2 IN A SPECIAL WARRANTY DEED CONVEYED TO IRBY MAX FORD, OF RECORD IN VOLUME 11526, PAGE 796, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; REAL PROPERTY OWNED AND CLAIMED BY IRBY MAX FORD; AND DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS.

Mayor Coleman read the item to include the caption of the ordinance under consideration. Mr. Cooper made a motion to direct the City Manager to execute all documents and initiate eminent domain proceedings. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

Executive Session

Mayor Coleman announced that the City Council was retiring to executive session for possible discussion on items 14A, 14C, 14D and 14F. He read the items and retired to executive session. The time was 8:51 p.m.

14. Discuss only

14A. [2016-4553](#)

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 in executive session during the regular meeting. Discussion on the item took place in executive session during the earlier worksession.

14B. [2016-4552](#)

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. [2016-4554](#)

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.

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

14D. [2016-4560](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding provisions of the Sorento development agreement.

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

14E. [2016-4561](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding land use regulations governing the Pflugerville Independent School District (PflISD) stadium project/Timmerman Elementary School project.

There was no discussion on the item in executive session during the regular meeting. Discussion on the item took place in executive session during the earlier worksession.

14F. [2016-4562](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice related to the status of, possible amendment of and any supplemental agreements needed regarding Pflugerville Community Development Corporation (PCDC) corporate documentation, operation and governance.

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

Executive Session - Closed

Mayor Coleman reconvened in open session at 10:06 p.m. No action was taken.

15. Adjourn

Ms. Sattler made a motion to adjourn. Mr. Cooper seconded the motion. The vote was: Mr. Cooper- no, Mr. Marshall- yes, Mr. Peña- no, Ms. Sattler- yes, Mr. Heath- yes. The motion carried. The meeting was adjourned at 10:06 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on January 26, 2016.