



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, November 10, 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 7:02 p.m. Councilmembers Wayne Cooper, Brad Marshall, Omar Peña, Starlet Sattler and Victor Gonzales were in attendance. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Shannon Kackley, Assistant City Attorney; Karen Thompson, City Secretary; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Jennifer Coffey, Library Director; Terri Toledo, Public Information Officer; Emily Barron, Planning Director; Amy Good, Finance Director; Amy Giannini, Development Engineering Director; Dan Franz, City Engineer; Chuck Hooker, Police Chief; James Hemenes, Parks Director. Amy Madison, Interim Executive Director; and Doug Weiss, President; of the Pflugerville Community Development Corporation (PCDC) were in attendance. Mike Heath, Councilmember Elect, was in attendance.

#### 2. Opening

Boy Scout Troop 685 presented the colors in recognition of Veterans Day.

**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.**

Boy Scout Troop 685 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.**

Boy Scout Troop 685 led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

#### 3. Presentations

**3A. [2015-4399](#)** Presentation recognizing Mr. Victor Gonzales for service as a City of Pflugerville Councilmember from May 2006 to November 2015.

Mayor Coleman extended appreciation and presented an award plaque and city flag to Mr. Gonzales. Mr. Gonzales provided comments.

**3B. [2015-4398](#)** Proclamation declaring November 13, 2015 as World Pancreatic

Cancer Awareness Day in the City of Pflugerville.

**Mayor Coleman read the proclamation and presented it to Ms. Susan Gezana. Ms. Gezana provided comments.**

- 3C.** [2015-4379](#) Presentation recognizing the Austin Texans Soccer Club 99 Girls North Team as the Southern Regional Premier League Champions.
- Mayor Coleman congratulated and recognized the Austin Texans 99 Girls North team for their achievements and for representing Pflugerville. He presented the team with certificates for distribution to the players.**
- 3D.** [2015-4408](#) Blue Santa presentation.
- Officer Dan Griffith provided information and a video on the Blue Santa program.**

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

- 4A.** [ORD-0271](#) Conduct a public hearing and consider approving the first reading of an ordinance with a 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 TWO SEPARATE TRACTS CONSISTING OF APPROXIMATELY 31.439 ACRES OF LAND LOCATED GENERALLY SOUTHWEST OF THE WEISS LN AND KELLY LN INTERSECTION, FROM AGRICULTURE/CONSERVATION (A) TO RETAIL (R); TO BE KNOWN AS THE KELLY LANE SENIOR LIVING REZONING (REZ1509-03); 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. Ms. Barron provided information and answered questions of the Council. There were no requests to speak at the public hearing. Ms. Sattler 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 item 4A as presented. Ms. Sattler seconded the motion. All voted in favor. The motion carried.**
- 4B.** [ORD-0272](#) Approving a postponement until January 26, 2016 for conducting a public hearing and considering approval of the ordinance on first reading with a 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 THE SINGLE FAMILY PORTION OF THE VERONA SUBDIVISION CONSISTING OF APPROXIMATELY 87.991 ACRES FROM AGRICULTURE/CONSERVATION (A) TO SINGLE FAMILY RESIDENTIAL (SF-R); AND THE NON-RESIDENTIAL LOT

CONSISTING OF APPROXIMATELY 2.49 ACRES FROM AGRICULTURE/CONSERVATION (A) TO RETAIL (R), TO BE KNOWN AS THE VERONA SUBDIVISION REZONING (REZ1510-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman read the item to include the caption of the ordinance. Ms. Barron provided information and answered questions. Mr. Gonzales made a motion to approve the postponement. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

## 5. Public Comment

Nicole Jones, 1025 Apple Cross Drive, did not wish to speak but requested that the Mayor enter for the record her support for significant improvements to be made to the current animal shelter. Mayor Coleman read her written comments.

Karyn Buchanan, City of Pflugerville resident, spoke regarding the need for improvements to the current animal shelter. Mayor Coleman stated that an item would be on the December 8, 2015 Council agenda to consider plans to move forward with improvements.

## Reading of the Consent Agenda

Item 8A was removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

## 6. Approval of Minutes

- 6A. [2015-4391](#) Approval of the minutes of the October 27, 2015 Worksession and Regular Meeting; and November 5, 2015 Quorum.

The minutes were approved on the consent agenda.

## 7. Ordinances Second Reading

- 7A. [ORD-0269](#) 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 CHANGING THE ZONING DESIGNATION OF APPROXIMATELY 127.203 ACRES OF LAND LOCATED GENERALLY NORTHWEST OF THE CELE RD AND MELBER LN INTERSECTION, FROM AGRICULTURE/CONSERVATION (A) TO SINGLE FAMILY RESIDENTIAL (SF-R); TO BE KNOWN AS THE 127.203 ACRES NW CORNER OF MELBER AND CELE REZONING (REZ1509-02); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

- 7B. [ORD-0270](#) 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 CHANGING THE ZONING DESIGNATION OF APPROXIMATELY 19.95 ACRES OF LAND LOCATED GENERALLY NORTHWEST OF THE CELE RD AND MELBER LN INTERSECTION, FROM AGRICULTURE/CONSERVATION (A) TO SINGLE FAMILY MIXED USE (SF-MU); TO BE KNOWN AS THE 19.95 ACRES NW CORNER OF MELBER AND CELE REZONING (REZ1509-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

- 7C. [ORD-0273](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE ELECTING FOR THE CITY TO MAKE CURRENT SERVICE AND PRIOR SERVICE CONTRIBUTIONS TO THE CITY'S ACCOUNT IN THE BENEFIT ACCUMULATION FUND OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS) AT THE ACTUARIALLY DETERMINED RATE OF TOTAL EMPLOYEE COMPENSATION.

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

## 9. Other Actions

- 9A. [2015-4378](#) Authorizing the City Manager to execute two separate dedication deeds for two platted, public parkland lots within the Spring Trails Phase 1B final plat.

The item was approved on the consent agenda.

- 9B. [2015-4388](#) Authorizing the City Manager to execute a Public Wastewater Easement Agreement with Bruce Cash and the City of Pflugerville for a wastewater line associated with the Cash Construction site development project generally located southeast of the intersection of Heatherwilde Blvd and Kingston Lacy Blvd.

The item was approved on the consent agenda.

- 9C. [2015-4400](#) Authorizing the City Manager to execute a Sidewalk Easement Agreement with Eloy A. Saenz/ Platimex Inc. and the City of Pflugerville for a sidewalk associated with the El Taquito site development project generally located along FM 685 approximately

330' north of Dalshank Street.

The item was approved on the consent agenda.

- 9D. [2015-4405](#) Approving the selection of Schrickel, Rollins and Associates to develop a Community Park Master Plan and provide professional services for the design, bidding and construction administration for the first phases of the Sports Complex Construction 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.

- 9E. [2015-4397](#) Receive report on City Council, Commission, Board and Committee expenditures for October 2015.

The item was approved on the consent agenda.

- 9F. [2015-4386](#) Approving a Second Amendment to the New Cele Development Agreement between Verona Development, Inc. and the City of Pflugerville, Texas and authorizing the City Manager to execute the same.

The item was approved on the consent agenda.

### Action on the Consent Agenda

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

### 10. Resolutions

- 8A. [RES-0274](#) Approving a resolution changing the name of Pinyon Pine Lane to Papershell Street in the Falcon Pointe Section 13, Phase C subdivision.

Ms. Barron provided information on the item and answered questions of the Council. Mr. Hyde also provided information. Mr. Christian Sasam, 18537 Pinyon Pine Lane, spoke in opposition to the name change. He stated that there are many streets with the same name and he thinks the differing street numbers would negate the concern. Mr. Ferry Neteler, 18513 Pinyon Pine Lane, spoke in opposition to the name change. He indicated concerns for the time, effort and financial issues to the homeowners. He stated that he does not feel there is a safety issue, as they have had false alarms and the police have arrived in a timely manner. Chief Hooker spoke to the safety concerns expressed by City dispatchers due to the same pronunciation of Pinyon Pine and Pinon Pine, two streets in different areas in the City, stating that with limited information in an emergency situation, it could result in police, fire department and/or emergency services being dispatched to the wrong address.

Tania and Gonzalo Alvarado, 18517 Pinyon Pine Lane, did not wish to speak but requested that the Mayor enter for the record their opposition to the name

change. Mayor Coleman read their written comments.

Luis A. Barron, 18505 Pinyon Pine Lane, did not wish to speak but requested that the Mayor enter for the record his opposition to the name change. Mayor Coleman read his written comments.

Jeffrey Nelson, 3109 Honey Peach Way, indicated that he lives on an adjacent street. He spoke in opposition to the renaming. He stated concerns for the lack of notice and asked if they could have a say in the name. He stated that he does not like "Papershell."

Ms. Barron answered Council questions. She stated that implementation would be at the beginning of the year, to alleviate any holiday delivery concerns and noted that the post office would deliver to both addresses for up to a year. She stated that it is the pronunciation as opposed to the written name that is causing issue. Mayor Coleman asked if they could give the residents time to come up with a new name. Ms. Barron stated that they are open to other new names. Mr. Sasam stated that if they have to change the name, they would like the city to provide a comprehensive list of items that they need to change so they can check them off. Mr. Sasam asked why the street couldn't be named Cotton Blossom Way. Ms. Barron explained that when a street elbows, a name change is required. Council discussion followed. Ms. Sattler asked to postpone the item. Mayor Coleman requested to table the item until the November 17, 2015 Special City Council meeting. Ms. Sattler made a motion to table. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

**10A.** [RES-0273](#)

Discuss and consider action to approve a resolution creating and making appointments to a Charter Review Commission.

The Mayor Coleman previously provided three names and each Councilmember provided two names for appointment to the Charter Review Commission as required by the City Charter. The resolution making the appointments was provided to the Council on the dais. Mr. Heath, Council Elect, asked that David Garlick and Tom Roland also be appointed to serve on the Charter Review Commission. Mr. Cooper and Mr. Marshall indicated support for adding the two additional members. Mr. Heath indicated concern for appointment of former City Officials to the Charter Review Commission. Mr. Hyde provided information and indicated that he finds no conflicts in the appointment of Victor Gonzales, Floyd Akers and Rudy Metayer. There was Council discussion. Mr. Cooper made a motion to approve the resolution with an amendment to add two additional members as requested by Mr. Heath. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

Mr. Marshall made a motion to appoint David Garlick and Tom Roland to the Charter Review Commission as the additional two members. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

**10B.** [RES-0275](#)

Discuss and consider action to approve a resolution authorizing the competitive sealed proposal (request for proposal) procurement method for the construction of the renovations to the Pflugerville Public Library.

Mr. Fletcher provided information and answered questions of the Council regarding the proposed improvements to be made to the Library to include

pedestrian improvements, wayfinding improvements, and maker-space addition. He stated that they would only build what they could afford with the remaining bond funds. There was continued discussion. Mr. Gonzales made a motion to approve the resolution. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

## 11. Discuss and consider action

- 11A. [2015-4402](#) Discuss and consider action to award a construction contract for the Weiss Lane Transmission Main Phase 1A project to JKB Construction Company, LLC, the lowest responsible bidder of thirteen (13) bids received on October 29, 2015, in the amount of \$527,932.50.
- 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.**
- 11B. [2015-4403](#) Discuss and consider action to award a construction contract for the Sorento/Carmel Lift Station project to Aaron Concrete Contractors, LP, the lowest responsible bidder of six (6) bids received on October 28, 2015, in the amount of \$2,407,994.00.
- 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.**
- 11C. [2015-4404](#) Discuss and consider action to approve a supplemental agreement #4 with Freese and Nichols, Inc. in the amount of \$715,871 for professional engineering services (phase B of the project) associated with the design, bidding and construction administration for the Heatherwilde Elevated Storage Tank project and authorizing the City Manager to execute the agreement.
- Mr. Word provided information and answered questions of the Council. There was discussion on the item. Mr. Cooper made a motion to approve as presented. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.**
- 11D. [2015-4376](#) Discuss and consider an Implementation Plan related to the Pflugerville Senior Advisory Task Force Report and Recommendations.
- Mr. Fletcher provided a report on the item and answered questions of the Council. There was discussion on the item. Mayor Coleman stated that he would like to look at other available properties for a Senior Center before committing to plans for a new Recreation Center. Mr. Wade indicated that staff would provide quarterly reports for the item.**
- 11E. [2015-4392](#) 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 11F, 11G, 11H, 12A, 12B, 12C and 12D. He read the items and retired to executive session. The time was 8:56 p.m. Mr. Gonzales exited the meeting.

- 11F. [2015-4385](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding the development agreement between the City of Pflugerville and the Pflugerville Independent School District related to High School 4 property. 2.) Open Session Item: Discuss and consider action to authorize the City Manager to execute easements related to Pflugerville Independent School District High School 4 property related to access, public utilities and infrastructure as outlined within the development agreement between the City of Pflugerville and the Pflugerville Independent School District.

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

- 11G. [2015-4410](#) 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 assignment of a 380 economic development agreement with SRH Hospitality Pflugerville Investments, LLC, f/k/a Village Pflugerville Holdings, LLC. (Project Morpheus). 2.) Open Session Item: Discuss and consider action to approve assignment of a 380 economic development agreement with SRH Hospitality Pflugerville Investments, LLC, f/k/a Village Pflugerville Holdings, LLC. (Project Morpheus).

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

- 11H. [2015-4390](#) 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. 2.) Open Session Item: Discuss and consider action regarding performance evaluation of the City Manager.

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

## 12. Discuss only

- 12A. [2015-4393](#) 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 executive session.

- 12B.** [2015-4395](#) 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.**

- 12C.** [2015-4396](#) 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.**

- 12D.** [2015-4411](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding the enforcement of the City's graffiti ordinance, Section 130.08 of the City of Pflugerville's Code of Ordinances.

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

### **Executive Session - Closed**

**Mayor Coleman reconvened in open session at 10:44 p.m.**

### **11. Discuss and consider action**

- 11F.** [2015-4385](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding the development agreement between the City of Pflugerville and the Pflugerville Independent School District related to High School 4 property. 2.) Open Session Item: Discuss and consider action to authorize the City Manager to execute easements related to Pflugerville Independent School District High School 4 property related to access, public utilities and infrastructure as outlined within the development agreement between the City of Pflugerville and the Pflugerville Independent School District.

**Mr. Hyde provided information and there was Council discussion. Mr. Cooper made a motion to approve the easements and to decline the changes to the development agreements with the school district and Carmel development as currently proposed. Mr. Peña seconded the motion. Council discussion followed. All voted in favor. The motion carried.**

- 11G.** [2015-4410](#) 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 assignment of a 380 economic development agreement with SRH Hospitality Pflugerville Investments, LLC, f/k/a Village Pflugerville Holdings, LLC. (Project Morpheus). 2.) Open Session Item: Discuss and consider action to approve assignment of a 380 economic development agreement with SRH Hospitality Pflugerville Investments, LLC, f/k/a Village Pflugerville Holdings, LLC. (Project Morpheus).

**Mr. Cooper made a motion to approve the assignment. Ms. Sattler seconded the motion. All voted in favor. The motion carried.**

**11H. [2015-4390](#)**

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. 2.) Open Session Item: Discuss and consider action regarding performance evaluation of the City Manager.

**Mr. Marshall made a motion to add one year to the City Manager's contract, extending it to December 2018. Mr. Cooper seconded the motion. All voted in favor. The motion carried.**

**13. Adjourn**

**Mr. Cooper made a motion to adjourn. Mr. Marshall seconded the motion. The vote was: Mr. Cooper-no, Mr. Marshall-yes, Mr. Peña-no, Ms. Sattler-yes. Mayor Coleman voted to break the tie. He voted yes. The motion carried. The meeting was adjourned at 10:55 p.m.**

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as \_\_\_\_\_ on November 24, 2015.