



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, September 24, 2013

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, Starlet Sattler and Victor Gonzales were in attendance. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Trey Fletcher, Assistant City Manager; Lauri Gillam, Assistant City Manager; Tom Word, Assistant City Manager; Dan Franz, City Engineer; Emily Barron, Planning Director; James Wills, Public Works Director; Beth Davis, Finance Director; Amy Good, Assistant Finance Director; Terri Waggoner, Public Information Officer; Kathy Ellis, Web and Communications Coordinator; Karen Thompson, City Secretary; Chuck Hooker, Police Chief; Dan Griffith, Police Corporal.

#### 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. 2013-2252** Proclamation declaring October 1, 2013 as National Night Out in the City of Pflugerville.

Mayor Coleman invited all National Night Out blockleaders in attendance to come forward. Officer Dan Griffith provided information on National Night Out. Mayor Coleman provided comments. Ms. Leilani Smith and Ms. Becky Marrs spoke regarding their National Night Out neighborhood events. Other blockleaders in attendance: Ms. Karen Welch, Ms. Angela Ward, Mr. Mark Wehner and Mr. Gene Leavelle. Mayor Coleman read the proclamation declaring October 1, 2013 as National Night Out.

**3B. 2013-2287** Presentation of the City-County, Communications and Marketing

Association (3CMA) Savvy Award for Pfun Happenings in Pflugerville  
Public Service Announcement

Ms. Waggoner provided information on the award received for the City's public service announcement for communications with residents. She showed the video of the public service announcement. Mayor Coleman presented the award to Ms. Waggoner, Ms. Ellis, representatives of Horizon Video, as well as residents in attendance that volunteered to participate in the video.

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

- 4A. **ORD-0173** Hold a public hearing and consider approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FISCAL YEAR 2014 BUDGET FOR THE CITY OF PFLUGERVILLE, TEXAS.

Ms. Gillam provided information. There were no requests to speak at the public hearing. Mr. Gonzales made a motion to close the public hearing. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

Mr. Marshall made a motion to approve the budget. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

#### 5. Ordinance First Reading

- 5A. **ORD-0174** Approving an ordinance on first reading with the caption reading: TAX LEVY ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS.

Ms. Gillam introduced the item. Mayor Coleman provided comments on the City lowering the property tax rate for ten years in a row with its greatest reduction of \$2.04 this year. Mr. Gonzales and Mr. Peña provided comments complimenting the efforts of city staff and management. Mr. Marshall made a motion to approve the tax levy at \$.5736. Mr. Peña seconded the motion. All voted in favor. The motion carried.

#### 6. Public Hearing and Ordinance First Readings

- 6A. **ORD-0171** 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. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF AN APPROXIMATE 1-ACRE TRACT OF LAND OUT OF THE ALEXANDER WALTERS SURVEY IN PFLUGERVILLE, TX, LOCATED GENERALLY SOUTHWEST OF THE E. PFLUGER ST. TERMINUS FROM RETAIL (R) TO SINGLE FAMILY SUBURBAN (SF-S); TO BE KNOWN AS THE LISSO TRACT AT E. PFLUGER ST. REZONING (REZ1307-02) AND PROVIDING AN EFFECTIVE DATE.

Ms. Barron provided information. There were no requests to speak at the public hearing. Paul Whitekemper, applicant, provided information and answered questions of the Council. Mr. Cooper made a motion to close the

public hearing. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

Mr. Cooper made a motion to approve the ordinance on first reading. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

**6B. ORD-0178**

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. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF LOTS 1-4 OF THE P&P SUBDIVISION AS RECORDED IN VOLUME 90 PAGES 121-122, LOCATED GENERALLY AT 445 F.M. 685, PFLUGERVILLE, TX, FROM GENERAL BUSINESS 1 (GB1) TO GENERAL BUSINESS 2(GB2); TO BE KNOWN AS THE AAA STORAGE REZONING (REZ1308-01) AND PROVIDING AN EFFECTIVE DATE.

Ms. Barron and Mr. Fletcher provided information and answered questions of the Council. Mr. Hyde also provided input. There were no requests to speak at the public hearing. Mr. Peña made a motion to close the public hearing. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

Mr. Gonzales made a motion to approve the ordinance on first reading. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

**6C. ORD-0179**

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 CHAPTER 53 OF THE CITY CODE; REGARDING THE DROUGHT CONTINGENCY PLAN; ESTABLISHING RATES FOR SURCHARGES; ESTABLISHING ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE PLAN; PROVIDING A CRIMINAL PENALTY FOR VIOLATIONS OF THE RATIONING PROVISIONS OF THE PLAN NOT TO EXCEED \$2,000 PER OFFENSE; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Wills provided information on the amendments and answered questions of Council. There were no requests to speak at the public hearing. Mr. Gonzales made a motion to close the public hearing. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

Mr. Cooper made a motion to approve the ordinance on first reading. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

**7. Public Comment**

Mr. Eduardo Zamora, 19804 Spotted Owl Lane, announced that an American Legion was to be chartered in Pflugerville. Mr. Bill West, State Adjutant for the American Legion, provided information on the American Legion and stated that they would be at the Pflugerville Public Library next week with a veterans benefit fair. He stated that he would be assisting in setting up the Pflugerville American Legion post.

### Reading of the Consent Agenda

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

#### 8. Approval of Minutes

- 8A. 2013-2302 Approval of the minutes of the September 3, 2013 Worksession, and September 10, 2013 Worksession, Supplemental Agenda, and Regular Meeting.

The minutes were approved on the consent agenda.

#### 9. Ordinances Second Reading

- 9A. ORD-0161 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 TWO SEPARATE TRACTS OUT OF THE J. CASNER SURVEY NO. 9, ABSTRACT NO. 2753, CONSISTING OF 5.013 ACRES LOCALLY ADDRESSED 20607 FM 685 FROM CORRIDOR URBAN LEVEL 4 (CL4) TO GENERAL BUSINESS 2 (GB2) DISTRICT AND 5.001 ACRES LOCALLY ADDRESSED 20511 FM 685 FROM AGRICULTURE/CONSERVATION (A) TO GENERAL BUSINESS 2 (GB2); TO BE KNOWN AS U-HAUL ADDITION REZONING (REZ1305-03), AND PROVIDING AN EFFECTIVE DATE.

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

- 9B. ORD-0176 Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, CHAPTER 154, REGARDING CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS) WITHIN THE CITY LIMITS AND THE EXTRA TERRITORIAL JURISDICTION OF THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

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

#### 10. Resolution

- 10A. RES-0158 Approving a resolution ratifying the property tax increase reflected in the City's fiscal year 2014 operating budget.

The resolution was approved on the consent agenda.

## 11. Other Actions

- 11A. 2013-2279** Awarding the construction contract for the 2013 Various Sidewalk and City Hall ADA Improvements to Austin Constructors LLC, the lowest responsive bidder of 7 bids received on August 26, 2013, in the amount of \$73,340 and authorizing the City Manager to execute the contract agreement and authorizing the City Engineer to execute the Notice of Award and Notice to Proceed.

The item was approved on the consent agenda.

- 11B. 2013-2281** Authorizing the City Manager to execute a Drainage Easement Agreement with Monica & Terry Sullivan and the City of Pflugerville for the necessary roadway and drainage construction associated with the Heatherwilde Boulevard Capital Improvement Project.

The item was approved on the consent agenda.

- 11D. 2013-2291** Authorizing the City Manager to execute a warranty deed accepting the conveyance of real property to the City of Pflugerville, to be dedicated as public parkland, legally described as Lot 40, Block A, Falcon Pointe Section 14 Subdivision.

The item was approved on the consent agenda.

- 11E. 2013-2292** Authorizing the City Manager to execute an amendment to the Public Parkland Landscaping Maintenance License Agreement for Falcon Pointe to include Lot 40, Block A, Falcon Pointe Section 14 Subdivision to be dedicated to the City as public parkland.

The item was approved on the consent agenda.

- 11F. 2013-2303** Approving an agreement with DCS Engineering, LLC in the amount of \$193,421.50 for professional engineering services associated with design, bidding, and construction administration of the Pflugerville Parkway Transmission Main Extension and Pfennig Lane Transmission Main Upgrade and Extension Project and authorizing the City Manager to execute the agreement.

The item was approved on the consent agenda.

- 11G. 2013-2311** Authorizing the City Manager to execute Wastewater, Drainage, Sidewalk, Lift Station and Access Easements between Terrabrook Falcon Pointe LLC, and the City of Pflugerville for the necessary roadway and drainage construction associated with the Falcon Pointe-South Tract Major Facilities Final Plat.

The item was approved on the consent agenda.

## Action on the Consent Agenda

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

## Other Actions-Removed from Consent

- 11C. 2013-2288** Approving an agreement with K Friese & Associates, Inc. in the amount of \$414,505 for professional engineering services associated with design, bidding, and construction administration of the Sorento/Carmel Lift Station and Force Main Project and authorizing the City Manager to execute the agreement.
- Mr. Word provided information on the wastewater capital improvement project and answered questions of the Council. Mr. Peña made a motion to approve the agreement with K Friese & Associates, Inc. in the amount of \$414,505 for professional engineering services associated with design, bidding, and construction administration of the Sorento/Carmel Lift Station and Force Main Project and to authorize the City Manager to execute the agreement. Ms. Sattler seconded the motion. All voted in favor. The motion carried.
- 12. Discuss and consider action**
- 12A. 2013-2269** Discuss and consider action to approve an agreement with Oradat and Associates for consulting services in an amount not to exceed \$165,000 and authorizing the City Manager to execute same.
- Mr. Wade provided information and modified the amount requested to \$85,000. He discussed with the Council. Mr. Gary Oradat and Ms. Gillam also provided input. Mr. Peña made a motion to approve an agreement with Oradat and Associates for consulting services in an amount not to exceed \$85,000. Mr. Cooper seconded the motion. All voted in favor. The motion carried.
- 12B. 2013-2304** Discuss and consider action regarding future agenda items.
- None stated.
- 13. Discuss only**
- 13A. 2013-2308** Discuss the Fiscal Year 2013-2014 budget for the Pflugerville Community Development Corporation (PCDC).
- Mr. Peña asked that the Council defer the item to the next meeting to allow the PCDC to review and approve the new format recommended by city staff. The item was tabled.
- 13B. 2013-2237** Discuss the Pflugerville Community Development Corporation (PCDC) Acceptance of Bid Proposal for Phase 3 Construction in 130 Commerce Center.
- Mr. Floyd Akers, PCDC Executive Director, provided information on the item.

Mr. Akers was to let city staff know when the item was ready to come back to the Council for consideration.

### Executive Session

Mayor Coleman announced that the City Council was retiring to executive session on items 13C, 13D, 13E, and 13F. He read the items to be discussed and retired to executive session. The time was 8:12 p.m.

- 13C. 2013-2305** 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.
- 13D. 2013-2306** 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.
- 13E. 2013-2307** 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.
- 13F. 2013-2309** 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code for performance evaluation of the City Manager.
- 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 10:05 p.m.

### 14. Discuss and consider action

- 14A. 2013-2321** Discuss and consider action regarding an agreement with Manville Water Supply Corporation associated with wholesale water supply for the North Travis County Municipal Utility District (MUD) No. 5 area.
- Mr. Marshall made a motion to direct the City Manager to advise the Manville Water Supply Corporation that the City is prepared to approve an agreement with Manville to transition the North Travis County MUD No. 5 agreement to a new agreement to take water from Manville at the City's water treatment plant,

for the City to pay to construct a 12-inch line along Pflugerville Parkway and construct the connection to the water plant, to release residual CCN in MUD No. 5 to the City, and to assign a contract for 500,000 gallons per day capacity to Manville, subject to details being negotiated by the City Manager. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

**15. Adjourn**

Mr. Cooper made a motion to adjourn. Ms. Sattler seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 10:07 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as \_\_\_\_\_ on October 22, 2013.