



City of Pflugerville

Minutes - Final City Council

Tuesday, August 12, 2014

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Coleman called the regular meeting to order at 7:00 p.m. Councilmembers Wayne Cooper, Brad Marshall, Starlet Sattler and Victor Gonzales were in attendance. Councilmember Omar Peña was absent. 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; Chuck Hooker, Police Chief; Lisa Charbonnet, Library Director; James Hemenes, Parks Director; Blake Overmyer, Building Official; Jim McLean, Assistant Police Chief; James Wills, Public Works Director; Terri Waggoner, Public Information Officer; Amy Good, Finance Director; Dan Griffith, Police Corporal; Shawn Brown, Police Lieutenant; Emily Barron, Planning Director; Rhonda McLendon, Animal Control Director; Laura Wilkes, Police Lieutenant. Amy Madison, Assistant Director, Pflugerville Community Development Corporation (PCDC), was 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.

Supp RES-0214 1A.

Resolution ordering a General Election for November 4, 2014 for the election of Councilmembers for Place 2 and Place 4.

Ms. Thompson provided information. Mr. Cooper made a motion to approve the resolution. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

Supp RES-0216 1B.

Resolution calling a Special Bond Election for November 4, 2014 for:

PROPOSITION NO. 1: THE ISSUANCE OF \$28,000,000 TAX

BONDS FOR CITY STREET IMPROVEMENTS**PROPOSITION NO. 2: THE ISSUANCE OF \$25,000,000 TAX BONDS FOR CITY PARK AND RECREATIONAL PURPOSES****PROPOSITION NO. 3: THE ISSUANCE OF \$8,160,000 TAX BONDS FOR A CITY ANIMAL SHELTER**

Mayor Coleman stated that the Council would first consider each proposition separately. Mayor Coleman provided information on Proposition 1. Mr. Cooper provided comments indicating that the Council has talked for a year regarding the projects and that they have detailed cost estimates. Mr. Gonzales stated that many of the projects have been on the CIP list again and again, including Heatherwilde Boulevard to SH 45.

Mr. Cooper made a motion to approve Proposition 1 in the amount of \$28,000,000 in street improvements for placement on the November 4, 2014 ballot. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

Mayor Coleman provided information on Proposition 2 and stated that much planning and studies had been done for this bond proposal., Mr. Cooper added that the last park bond was done in 1999. Ms. Sattler noted that a citizen survey had been done as well.

Kevin Kluge, 17905 Ice Age Trail, requested that the Council split Proposition 2 in two; creating one proposition for sports fields and another proposition for the other three items.

Mr. Gonzales stated that Melody Ryan, Parks Commissioner, had recommended having the parks and lake projects as separate propositions. Discussion followed. Mayor Coleman recommended continuing with one proposition for parks and one for roads. Council asked Mr. Hemenes regarding the Parks and Recreation Commission's recommendation. Mr. Hemenes stated that the Parks and Recreation Commission had recommended the four projects in the amount of \$25,000,000, but not how it was to be brought forward to the voters.

Mr. Marshall made a motion to approve Proposition 2 in the amount of \$25,000,000 for park and recreational purposes for placement on the November 4, 2014 ballot. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

Mayor Coleman provided information on Proposition 3. He stated that he hears from the people that 1.) we have great staff; 2.) we have a group of committed volunteers; 3.) we have a 97% save rate and the shelter is moving in the right direction; 4.) the shelter is functional, but not "cool". He stated that he hears six themes: 1.) 30 large dog kennels are not enough; 2.) the perception is that the shelter has poor visibility/location; 3.) the animal shelter is pieced together; 4.) the shelter does not have enough staff; 5.) the shelter has inadequate office space; 6.) the state has changed their standards and some of the kennels are no longer in compliance. Mayor Coleman explained that there are two options, one being the \$4-8 million bond proposal. He explained that the Council did not have discussion until three weeks ago, so they do not really have a plan. He stated that he thinks \$4-5 million is a more

accurate amount if they were to do an election. He stated that they would get a beautiful new building and a new location at a cool place at the lake which would be exciting and highly visible, but that there is good and bad with it. He stated that option two would be to continue with the strategic plan of the City Manager and Police Chief, with the expansion of the current shelter and investment of \$1 million. Mayor Coleman stated that he would ask for immediate plans for an office building. He spoke on the ability for the city to provide better signage and additional staff and to fix functional issues. He stated that they have no plans for a new shelter and are not even close to having a plan to take to the voters. Council discussion followed.

Mr. Cooper stated that they do not have a plan for a new shelter and he does not feel like they are being good stewards if they move forward with a bond election for \$8 million. He stated that if they bond \$8 million, they will spend \$8 million. He stated that he thinks it would be better if they had a series of meetings and planning. He stated that he would support the \$1 million in functional improvements.

Mr. Gonzales stated that he brought the animal shelter forward because it has been on the back burner for some time. He stated that the animal shelter has always taken a back seat. He stated that we have very good programs and staff and that there has been commitment by volunteers and staff. He stated that we have to take responsibility for the pets and need to take it to the next level. He stated concern for continually needing to invest more in the old shelter. He stated that \$8 million is a ball park figure. He stated that they want it to be scalable and able to be added to. He stated that he thinks the Council needs to give citizens the opportunity to make the decision.

Mr. Marshall indicated to agree with Mayor Coleman and Mr. Cooper. He stated that they can fix a lot of the functional issues with \$1 million. He stated that it is not going to be pretty, but solves 90% of the issues stated by citizens. He stated that he thinks that they should leave it up to the citizens for an election, but that they owe it to the citizens to put the plan together first. He stated that they are conservative and they do a lot of due diligence before they ask for taxpayer money. He stated that at this point they have nothing; no plan. He stated that they need to address it and put it on a ballot, but that he is asking that they allow them to put a plan together. He stated that they do not have information for the voters. He stated that he suggests only doing certain amounts of improvements, what they have to, and letting Councilman Gonzales and the citizens put a plan together. He stated that he is in favor of a bond election for the animal shelter, just not this election.

Ms. Sattler stated that she does not think that they have to spend \$8 million. She stated that she is afraid it will be put back on the back burner. She stated that even though it is not ready to go, she thinks that they need to let the voters decide.

Mayor Coleman read the names of those who did not wish to speak but requested that their support for placing the animal shelter on the bond election be read for the record:

M. Ryan Acuff, 21107 Secretariat Ridge Lane
Efran Aguilar, 1804 Chinati Mountain Trail
Krysta Aguilar, 1804 Chinati Mountain Trail

Barbara Beard, 804 Harvard Drive
Harold Biesemeier, 2405 Amen Corner
Mary Biesemeier, 2405 Amen Corner
Kerri Bonacci, 1005 Duke Cove
Tony Bonacci, 1005 Duke Cove
Mike Buchanan, 1014 Vanderbilt Circle
Landra Celestial, 15516 Sarahs Creek Drive
Christle Crawford, 1037 Lanark Loop
Pegg Dudzinski, 15300 Craigs Crest Path
Sherri Dunlap, 9301 Spectrum Drive #1228
Deb Garner, 3320 Hawks Swoop Trail
Luke Garner, 3320 Hawks Swoop Trail
Cassandra Harrison, 21107 Secretariat Ridge
Michael Hopkins, 1005 Teakwood Trail
Laura Josselson, 409 Parkview
Kyle Kilgore, 1005 Apple Cross Drive
Isabel Mata, 611 E. Pfluger Street
Nancy Mewhort, 1105 Teakwood Trail
Sarah Nolte, 1211 Vincent Place
Amber Overton, 1107 Willowwick Circle
Brian Overton, 1107 Willowwick Circle
Emily Overton, 1107 Willowwick Circle
Debbie Parker, 17508 Kessler
Cathy Partin, 801 Betterman
Lauren Partin,
Lissa Slovaak, 406 Suzzane Road
Diane Starkey, 2103 Hayfield Square
Bianca Torres, 17208 Bridgefarmer
Martin Torres, 17208 Bridgefarmer
Katrena Tucker, 809 Windsor Castle Drive
Kiera Tucker, 809 Windsor Castle Drive
Shane Tucker, 809 Windsor Castle Drive
Patsy Van Geem, 1704 Lynn Cove
Lynn Vaughan, 17205 Village Glen Road
Mandy Wagner, 5740 Burnet Road
Denny Wagoner, 102 Applewood Drive
Barb Woodworth, 809 Windsor Castle Drive
Don Woodworth, 809 Windsor Castle Drive

Mayor Coleman called forward those requesting to speak on the item.

Anne Ford, 4109 Lake Edge Way, stated that the population cares about pets. She asked why build a \$1 million bandaid. She stated that the current location does not attract adopters and they need to have a way for adopters to find the shelter.

David Woodrich, 3300 Heron Call Trail, stated that you have to kill them. He asked how long you are going to let them sit in a pen. He stated that you kill the one that has been there when the space is needed. He stated that the house values went up and stated a concern for an increase in taxes. He stated that he doesn't think they need more dog kennels.

Karyn Buchanan, 1014 Vanderbilt Circle, stated that she is an advocate for

animals. She stated that the percentage of people affected by the shelter is large. She stated that people come from out of town looking to adopt. She stated that she is ashamed that we haven't done anything about this. She stated that the employees and volunteers are great, but the shelter is a dump. She stated that the \$1 million is a bandaid. She stated that they will have to move the shelter, because with the expanding population, there is an expanding number of animals. She asked the Council to let them decide and to bring it to the voters.

Devin Cook, 20425 Rita Blanca Circle, stated that she doesn't think this will affect senior property taxes. She stated whether it is \$4 or 8 million, she doesn't think that it will hurt taxpayers. She stated that we are not going to get smaller, and eventually they will have no room for pods and they will have to move. She stated that they should invest now as it will cost more in 5 to 8 years. She stated that she thinks our city is intelligent enough to get a plan in place by November 4 and that they will be able to get it under \$8 million. She stated that the Council needs to allow them to vote.

Nicole Jones, 1025 Apple Cross Drive, stated that she supports building the shelter. She stated that she sees her family being here for a long time. She stated that she has volunteered at the shelter. She stated that the Austin Humane Society takes dogs in from Pflugerville due to the overcrowding. She stated that we spent \$7 million on the Library and we should have an amazing shelter, too. She stated that it should be showy and we should see it.

Kim Waters, 17508 Kessler Drive, stated it is "Where Quality Meets Life" except the animal shelter. She stated that spending \$250,000 over 10 years is embarrassing. She stated that we are equally responsible for what we don't do. She asked Council to put it to an election and let the people decide.

Chastity Parrot, 20425 Rita Blanca Circle, stated that she is a veteran and that many veterans turn to pets for comfort and peace. She stated that she is also a cancer survivor. She stated that pets give us a sense of hope. She stated that she is a leader of an organization in Round Rock and that she understands the need to prepare, but that they also need to invest in their customers. She stated that she thinks the purpose of the agenda is to let the citizens vote on it.

Donald Haley, 2108 Whispering Drive, requested to speak on the item, but was not in attendance when called to speak.

Paige Marsala, 15009 Sassafras Trail, stated that they need to put attention to the animal shelter; that they are about their animals and expect their leaders to care; and expect them to give them the right to vote.

Mr. Gonzales made a motion to approve Proposition 3 in the amount of \$8,160,000 for an animal shelter for placement on the November 4, 2014 ballot. Ms. Sattler seconded the motion. The vote was: Mr. Cooper-no; Mr. Marshall-no; Ms. Sattler-yes; Mr. Gonzales-yes. Mayor Coleman voted to break the tie. He voted no. The motion failed.

Mayor Coleman called for a 10-minute break. The time was 8:04 p.m.

Mayor Coleman reconvened the meeting at 8:14 p.m. Mayor Coleman noted that the City Council needed to adopt the resolution ordering the bond election for Propositions 1 and 2. Mr. Cooper stated so moved. Mr. Marshall seconded

the motion. All voted in favor. The motion carried.

3. Presentation

- 3A. 2014-3207** Back to School Safety Presentation.

Cpl. Dan Griffith presented and answered questions of the Council.

4. Public Hearing and Ordinance First Reading

- 4A. ORD-0207** 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 LOT 13B, BLOCK B WILLOW CREEK SECTION ONE, LOCALLY ADDRESSED AS 612 F.M. 685, PFLUGERVILLE, TX FROM GENERAL BUSINESS 1 (GB1) TO GENERAL BUSINESS 2 (GB2); TO BE KNOWN AS 612 FM 685 STORAGE REZONING (REZ1406-02) AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman opened the item and read the caption of the ordinance to be considered. Ms. Barron provided information. The applicant and owner, Walden (Clay) Ballentine, indicated that he was in attendance to answer any questions. He stated that he is unable to expand or sell with the nonconforming use. There were no additional requests to speak at the public hearing. Mr. Cooper 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.

5. Public Comment

There were no requests to speak under the public comment item.

Reading of the Consent Agenda

Ms. Thompson read the items to include the captions of the ordinances under consideration.

6. Approval of Minutes

- 6A. 2014-3197** Approval of the minutes of the July 15, 2014 and July 16, 2014 City Council Worksessions, July 22, 2014 City Council Worksession and Regular Meeting, and July 23, 2014 City Council Worksession.

The minutes were approved on the consent agenda.

7. Ordinances First Reading

- 7A. ORD-0209** Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE THIRD AMENDMENT TO FISCAL YEAR 2014 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

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

8. Ordinances Second Reading

- 8A. ORD-0206** 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 72 REGARDING SPEED LIMITS ON CITY STREETS, ESTABLISH PRIMA FACIE MAXIMUM SPEEDS, AND PROVIDING AN EFFECTIVE DATE for South Heatherwilde Boulevard, Immanuel Road and North Railroad Avenue .

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

9. Other Actions

- 9A. 2014-3187** Approving the selection of Cobb Fendley & Associates, Inc. for professional engineering services associated with design, bidding, and construction administration of the East Pecan Street Widening 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.

- 9B. 2014-3188** Approving and authorizing the City Manager to enter into a Sidewalk Easement Agreement by and between Aldi (Texas) L.L.C. and the City of Pflugerville generally located near the southeast corner of F.M. 685 and E. Pfennig Lane, on Lot 1, Block A of the Town Center 2 Subdivision.

The item was approved on the consent agenda.

- 9C. 2014-3189** Approving and authorizing the City Manager to enter into a Water Line Easement Agreement by and between Aldi (Texas) L.L.C. and the City of Pflugerville for the necessary water construction associated with the proposed Aldi site development project.

The item was approved on the consent agenda.

- 9D. 2014-3196** Appointing Ms. Jan Payne to the Board of Adjustment as a regular member with a term ending December 31, 2015.

The item was approved on the consent agenda.

- 9E. 2014-3204** Receive report on City Council, Commission, Board and Committee expenditures for July 2014.

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.

10. Ordinance First Reading

- 10A. ORD-0210** Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FOURTH AMENDMENT TO FISCAL YEAR 2014 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman opened items 10A and 11A for consideration at the same time. He read the items to include the caption of the ordinance under consideration. Mr. Word provided information and discussed with the Council. Ms. Gillam provided information on the associated budget amendment ordinance. Mr. Cooper made a motion to approve items 10A and 11A. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

11. Discuss and consider action

- 11A. 2014-3154** Discuss and consider action to authorize the City Manager to execute a contract with DKC Construction Group in the amount of \$509,953 for construction and expansion of Public Works Offices at the Wastewater Treatment Plant site.

The item was considered and approved at the same time as item 10A.

- 11B. 2014-3184** Discuss and consider action to approve the selection of MWM Design Group for the Parks Architecture Project including improvements to the Pfluger Park Restroom, Gilleland Creek Pool House & Kennith Bohls House and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

Mr. Hemenes provided information and discussed with the Council. Mr. Wade stated that this would provide the cost estimates for the improvements to be considered during the next budget cycle. Mr. Cooper made a motion to approve the item. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

- 11C. 2014-3202** Discuss and consider action regarding future agenda items.

Mr. Cooper requested an item be placed on a future agenda to discuss the

animal shelter.

12. Discuss only

- 12A. 2014-3206** Discuss testing requirements applicable to residential construction per the International Residential Code (IRC).
- Mr. Fletcher provided an introduction. Mr. Overmyer provided information and discussed with the City Council. He recommended to provide an upcoming ordinance amendment to drop the height of the head test to 5 feet and to allow air testing at 3 pounds per square inch (psi).**
- 12B. 2014-2879** Discussion regarding the Fiscal Year 2015 budget and City Council Fiscal Year 2015 goals.
- The City Council reviewed the Library and Parks Department budgets with city staff.**

Executive Session

Mayor Coleman announced that the City Council was retiring to executive session for possible discussion on items 12C, 12D, 12E, 12F, and 12G. He read the items to be discussed and retired to executive session. The time was 9:42 p.m.

- 12C. 2014-3198** 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.**
- 12D. 2014-3199** 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.
- There was no discussion on the item.**
- 12E. 2014-3200** 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.**
- 12F. 2014-3201** 1.) Executive Session Item: Deliberations regarding real property acquisition 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 real property acquisition.
- There was no discussion on the item.**

- 12G. 2014-3203** 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.

There was no discussion on the item.

Executive Session - Closed

Mayor Coleman reconvened in open session at 11:03 p.m.

13. 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 11:03 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on August 26, 2014.