



City of Pflugerville

Minutes - Final City Council

Tuesday, June 10, 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 7:01 p.m. Councilmembers Wayne Cooper, Starlet Sattler and Victor Gonzales were in attendance. Councilmembers Omar Peña entered the meeting at 7:06 p.m. Councilmember Brad Marshall was absent. City employees in attendance: Brandon Wade, City Manager; George Hyde, City Attorney; Karen Thompson, City Secretary; Terri Waggoner, Public Information Officer; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Blake Overmyer, Building Official; Chuck Hooker, Police Chief; James Hemenes, Parks Director; Patricia Rinehart, Conservation Education Specialist; Darrell Winslett, Water Conservation Manager; James Wills, Public Works Director; Lisa Charbonnet, Library Director. Floyd Akers, Executive Director, and Amy Madison, Assistant Director, of the Pflugerville Community Development Corporation, 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. 2014-3036 Preview of the Pflugerville Public Library Summer Reading Program special events.

Ms. Charbonnet presented under the item.

3B. 2014-3018 Discuss water conservation and drought contingency planning.

Mr. Wills presented under the item.

4. Public Comment

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

Reading of the Consent Agenda

Mr. Cooper requested that the supplemental agenda item (2014-2915- regarding economic development agreement for Project Exit) be added to the consent agenda for approval. No opposition was stated. Ms. Thompson read the items on the consent agenda, to include approval of the supplemental agenda item and the captions of the ordinances under consideration.

Supplemental Agenda Item added to Consent Agenda

- Sup 2014-2915
1. 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 regarding an Economic Development Agreement with Project Exit. 2.) Open Session Item: Discuss and consider action regarding an Economic Development Agreement with Project Exit.

This item was added to the consent agenda for approval of an economic development agreement with Project Exit. The item was approved on the consent agenda.

5. Approval of Minutes

- 5A. 2014-3024 Approval of the minutes of the May 27, 2014 City Council Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

6. Ordinances First Reading

- 6A. ORD-0204 Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, CHAPTER 151, REGARDING THE ADOPTION OF THE LATEST FLOOD INSURANCE STUDY (FIS) AND FLOOD INSURANCE RATE MAP (FIRM) WITH AN EFFECTIVE DATE OF AUGUST 18, 2014; PROVIDING A DEFINITION FOR REPETITIVE LOSS; PROVIDING FOR FREEBOARD; PROVIDING FOR INCREASED SUBDIVISION STANDARDS; PROVIDING FOR SEVERABILITY; ESTABLISHING PENALTIES NOT TO EXCEED \$500.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

7. Ordinances Second Reading

- 7A. ORD-0203** Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING CHAPTER 152 OF THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES REGARDING THE IMPACT FEE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.
- The ordinance was approved on second and final reading on the consent agenda.

8. Resolutions

- 8A. RES-0209** Amending the 2014 Development Services Center Handbook regarding the construction fee schedule and the administration of public infrastructure inspection fees.
- The resolution was approved on the consent agenda.
- 8B. RES-0211** Approving a resolution appointing representatives to the Technical Advisory Committee of the Capital Area Metropolitan Planning Organization (CAMPO) Transportation Policy Board.
- The resolution was approved on the consent agenda.

9. Other Actions

- 9A. 2014-2959** Authorizing the City Manager to execute two dedication deeds for multiple final platted, public open space lots within the Highland Park development.
- The item was approved on the consent agenda.
- 9B. 2014-2988** Approving an Interlocal Agreement (ILA) with the City of Round Rock to cost share in a traffic study associated with the missing SH 45 frontage road links between Donnell Drive / Schultz Lane and Heatherwilde Blvd.
- The item was approved on the consent agenda.
- 9C. 2014-3006** Approving a Pflugerville Community Development Corporation (PCDC) vocational grant in the amount of \$50,000 for welding, embroidery equipment, and other vocational items to the Pflugerville Independent School District.
- The item was approved on the consent agenda.
- 9D. 2014-3019** Approving a supplemental agreement with Freese and Nichols, Inc. in the amount of \$20,698 for professional engineering services associated with design, bidding, and construction administration of the

Pfennig Pump Station and Ground Storage Project and authorizing the City Manager to execute the agreement.

The item was approved on the consent agenda.

- 9E. 2014-3022** Approving the selection of Architecture Plus, Inc. for professional architectural services associated with the design of a Public Works Maintenance and Field Operations Building 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.

- 9F. 2014-3025** Receive report on City Council, Commission, Board and Committee expenditures for May 2014.

The item was approved on the consent agenda.

- 9G. 2014-3026** Appointing Ms. Kaylie Curington as student member of the Parks and Recreation Commission for a term ending May 31, 2015.

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. Discuss and consider action

- 10A. 2014-2945** Discuss and consider action regarding approval of the Lake Pflugerville Master Plan.

Mr. Hemenes provided information on the amended Lake Pflugerville Master Plan which removed the lakefront promenade and parking on the south side of Pflugerville Parkway and discussed with the Council. The cost for improvements included in the amended plan were estimated at \$14,686,191.13. Mr. Cooper made a motion to approve the Lake Pflugerville Master Plan as amended. Mr. Peña seconded the motion. All voted in favor. The motion carried.

- 10B. 2014-3003** Discuss and consider proposed funding and construction of public sidewalks along FM 685 and Dessau Road.

Mayor Coleman stated that no action would be taken on the item tonight, as Mr. Wade would be bringing forward a general capital reserve proposal for consideration. Mr. Word provided information and stated that staff recommends at least funding phase 1 of the sidewalks from Pflugerville Parkway to SH 130. He confirmed that the sidewalk escrow fund would fund phase 1 and with the remaining funds in the sidewalk escrow fund, another \$130,000 in general capital reserve funds would cover phase 2. Mr. Cooper stated that he thinks that phase 1 and 2 look good and he looks forward to looking at the funding.

- 10C. 2014-3021** Discuss and consider action to award a construction contract for repairs to the Lake Pflugerville Pump Station and authorizing the City Manager to execute same.

Mr. Word provided information, stating that two bids had been received, one from Patin Construction, LLC in the amount of \$1,030,000.00 and one from Archer Western Construction, LLC in the amount of \$569,329.00. He indicated that the recommendation is to award the construction contract to Archer Western Construction and to authorize the City Manager to execute the agreement. Council discussion followed regarding the disparity of the two bids. Ms. Anne Carrel of Freese & Nichols indicated that she thought that the difference might be in the concern for care of water/control of water on the site. Mr. Thor Benson of Archer Western Construction stated that his company does its due diligence when doing their estimates. Discussion continued. Mr. Cooper made a motion to award the construction contract for repairs to the Lake Pflugerville Pump Station to Archer Western in the amount of \$569,329.00 and authorize the City Manager to execute same. Mr. Peña seconded the motion. Mr. Gonzales stated that he is uncomfortable with the deviation of the two bids. The vote was: Mr. Cooper-yes; Mr. Peña-yes; Ms. Sattler-yes; Mr. Gonzales-no. The motion carried.

- 10D. 2014-3031** Discuss and consider action regarding future agenda items.

None stated.

Executive Session

Mayor Coleman announced that the City Council was retiring to executive session on items 10E, 10F, and 11E. He read the items to be discussed and retired to executive. The time was 7:55 p.m.

- 10E. 2014-3007** 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code, deliberations regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code and deliberations regarding real property pursuant to Chapter 551.072 of the Texas Government Code for discussion regarding Project Olympus. 2.) Open Session Item: Discuss and consider action regarding a Pflugerville Community Development Corporation (PCDC) Master Lease Agreement and Real Estate Agreement for the sale of real property with Project Olympus.

Discussion on the item was to take place in executive session. Action on the item took place later in the meeting in open session.

- 10F. 2014-3008** 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code and deliberations regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding a Pflugerville Community Development Corporation (PCDC) Performance Agreement with Project Blade. 2.) Open Session Item: Discuss and consider action regarding a Pflugerville Community Development Corporation (PCDC) Performance Agreement with Project Blade.

Discussion on the item was to take place in executive session. Action on the item took place later in the meeting in open session.

11. Discuss only

- 11A. 2014-3027** 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 in the earlier worksession. There was no discussion on the item during the regular meeting.
- 11B. 2014-3028** 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 in the earlier worksession. There was no discussion on the item during the regular meeting.
- 11C. 2014-3029** 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 took place in executive session in the earlier worksession. There was no discussion on the item during the regular meeting.
- 11D. 2014-3030** 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.
- Discussion on the item took place in executive session in the earlier worksession. There was no discussion on the item during the regular meeting.
- 11E. 2014-3032** 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 was to take place in executive session. No action was taken.

Executive Session Closed

Mayor Coleman reconvened in open session at 8:47 pm.

- 10E. 2014-3007** 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code, deliberations regarding economic development negotiations pursuant to Chapter

551.087 of the Texas Government Code and deliberations regarding real property pursuant to Chapter 551.072 of the Texas Government Code for discussion regarding Project Olympus. 2.) Open Session Item: Discuss and consider action regarding a Pflugerville Community Development Corporation (PCDC) Master Lease Agreement and Real Estate Agreement for the sale of real property with Project Olympus.

Mr. Akers provided information on the large office space project. Mr. William Russell, President of Russell Interests, Inc., was in attendance. Mr. Akers stated that he has built several buildings in Pflugerville and many office buildings. Mr. Russell presented renderings of the first phase of the project, a 60,000 square-foot, three-story office building and discussed with the Council. Mr. Peña made a motion to approve item 10E. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

10F. 2014-3008

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code and deliberations regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding a Pflugerville Community Development Corporation (PCDC) Performance Agreement with Project Blade. 2.) Open Session Item: Discuss and consider action regarding a Pflugerville Community Development Corporation (PCDC) Performance Agreement with Project Blade.

Mr. Akers provided information on Wetzel Engineering, a company from Lawrence, Kansas that designs wind turbine blades. Mr. Ken Lee and Mr. Amool Reyna of Wetzel Engineering were in attendance. Mr. Reyna provided background information on the company and answered questions of the Council. Mr. Gonzales made a motion to approve the PCDC performance agreement with Project Blade. Mr. Peña seconded the motion. All voted in favor. The motion carried.

12. Adjourn

Mr. Peña made a motion to adjourn. Mr. Cooper seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 8:57 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on June 24, 2014.