



City of Pflugerville

Minutes - Final City Council

Tuesday, May 13, 2014

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 7:05 p.m. Councilmembers Brad Marshall, Omar Peña, Starlet Sattler and Victor Gonzales were in attendance. Councilmember Wayne Cooper entered the meeting at 7:13 p.m. 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; Blake Overmyer, Building Official; James Hemenes, Parks Director; James Wills, Public Works Director; Darrell Winslett, Water Conservation Manager; Patricia Rinehart, Conservation Education Specialist; Wiley Webb, Utilities Superintendent; Laura Wilkes, Police Lieutenant; Chuck Hooker, Police Chief; Bill Anderson, Police Lieutenant; Terri Waggoner, Public Information Officer. Floyd Akers, Director and Amy Madison, Assistant Director of the Pflugerville Community Development Corporation (PCDC), were also in attendance.

Items were addressed in the order as recorded in the minutes.

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. 2014-2934** Proclamation recognizing crossing guard Mr. Max Poss for excellent service to the community and declaring May 14, 2014 "Mr. Max Day" in the City of Pflugerville.

Mayor Coleman provided compliments to Mr. Max Poss and read and presented the proclamation.

- 3B. 2014-2843** Presentation of Award of Recognized Law Enforcement Agency to the Pflugerville Police Department.

Mr. James McLaughlin, Executive Director of the Texas Police Chief's Association, provided information and presented the award to Chief Hooker. Mr. Hooker provided comments and commended the efforts of Assistant Police Chief Jim McLean in receiving the award,

- 3C. 2014-2920** Presentation of Rain Catcher Award from the Texas Water Development Board (TWDB).

Mr. Word provided information on the award and recognized the efforts of Mr. Darrell Winslett and Ms. Patricia Rinehart.

- 3D. 2014-2921** Presentation of Rain Harvesting Award from American Water Works Association (AWWA).

Mr. Word provided information on the award and recognized the efforts of Mr. Darrell Winslett and Ms. Patricia Rinehart.

- 3E. 2014-2922** Presentation regarding the upcoming Public Works Open House .

Mr. Word provided information under the item.

- 3F. 2014-2876** Proclamation declaring May 18 to May 24, 2014 as National Public Works Week in the City of Pflugerville.

Mr. Word provided information. Mayor Coleman read the proclamation and presented it to the Public Works employees in attendance.

- 3G. 2014-2927** Reclaimed Water Master Plan Update Presentation.

Mr. Word presented and discussed with the Council. Mr. Wade and Mr. Wills provided input.

12C. Discuss and consider action

- 12C. 2014-2937** 1.) Executive Session Item: Discussion 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 Project Morpheus. 2.) Open Session Item: Discuss and consider action regarding Project Morpheus including possible action on a Chapter 380 Economic Development Agreement between the City and Village Pflugerville Holdings, L.L.C. and possible action on a Performance Agreement and associated real property sale contracts between the Pflugerville Community Development Corporation (PCDC) and Village Pflugerville Holdings, L.L.C.

There was no executive session discussion on the item. Mr. Paul Barham, CEO, Harrell Hospitality Group, LLC, presented the concept and timeline for the Courtyard Marriott hotel. Mr. Hyde provided information on the proposed agreements. Council discussed the timeline with Mr. Barham. Mr. Jerry Crenshaw provided information on the timing of the land purchase. Mr. Marshall made a motion to approve a 380 economic development agreement between the City and Village Pflugerville Holdings and a PCDC performance agreement and a real property sales agreement selling approximately 6.5 acres of PCDC real property at 130 Commerce Center to Village Pflugerville Holdings as incentives in exchange for the financing, construction, development and operation of a 20 million dollar national branded hotel and conference center in the City of Pflugerville and authorize the City Manager to execute all documents related thereto. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

4. Discuss and consider action

Mayor Coleman opened both items 4A and 4B for consideration.

- 4A. 2014-2947** Discuss and consider a report on issues recently discovered at the Lake Pflugerville Pump Station and authorizing City Manager to procure services and equipment for the emergency repairs necessary to return the pump station to full working condition.

The item was considered simultaneously with item 4B.

- 4B. 2014-2948** Discuss and consider action to approve a Professional Services Agreement with Freese and Nichols, Inc. for engineering design services for emergency repairs at the Lake Pflugerville Pump Station and authorizing the City Manager to execute the agreement.

Mr. Word stated that Anne Carrel and Trooper Smith of Freese and Nichols were in attendance to speak and that Mike Nichols was also in attendance. Mr. Word provided a report on the item. Mr. Smith provided a report on their investigation and discussed with the Council. Mayor Coleman stated that he would like to discuss if someone is at fault. Mr. Wade stated that they could place something on the next agenda. Ms. Carrel provided recommendations to provide a long-term solution. Mr. Word provided a summary of the plans moving forward including an emergency order by the Mayor in order to make repairs quickly by using expedited bids. Mr. Hyde provided legal information regarding this unforeseen damage to the water system. Mr. Gonzales asked if there is a warranty on this work. Mr. Word indicated no. Mr. Hyde indicated that any information that is found during this investigation should be preserved. He stated that there is no legal answer at this time to determine if there is liability involved and because this affects the public water supply, there is the immediacy of the need to correct the problem. There was continued discussion. Mr. Word estimated the cost of repair to be \$750,000.

Mr. Word requested approval of the agreement with Freese and Nichols. He stated that he thinks the city will need their expertise during installation as well. He stated that tonight's agreement would be \$62,000 of the total of \$110,000 needed. Mr. Peña moved to approve up to \$1 million to fix this issue on items 4A and 4B. Mr. Gonzales offered an amendment to authorize the agreement with Freese and Nichols in the amount of \$62,000. Mr. Cooper

proposed not to authorize up to \$1 million and to stick with the original estimate. The motion died due to lack of second on the motion. Mr. Cooper made a motion to approve 4A authorizing the City Manager to procure services and equipment for the emergency repairs necessary to return the pump station to full working condition within the estimated costs and approve item 4B as written. Mr. Peña seconded the motion. All voted in favor. The motion carried. Mayor Coleman commended public works staff on their handling of this situation.

Break

Mayor Coleman called a break at 9:18 p.m. He reconvened in open session at 9:30 p.m.

5. Public Hearing and Ordinance First Readings

- 5A. ORD-0201** Conduct a public hearing and consider approving an ordinance on first 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 APPROVING A SPECIAL DISTRICT FOR LIGHT INDUSTRIAL USES FOR LOTS 3D AND 3E OF THE RENEWABLE ENERGY PARK SUBDIVISION, PFLUGERVILLE, TRAVIS COUNTY, TEXAS, GENERALLY LOCATED NEAR THE SOUTHWEST CORNER OF THE SH 130 AND E. PECAN STREET, TO BE KNOWN AS THE 130 COMMERCE CENTER LOTS 3D AND 3E SPECIAL DISTRICT (SD1403-01) PROVIDING FOR SITE LAYOUT, BUILDING ELEVATIONS, AND CONDITIONS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Coleman opened the public hearing and read the caption of the ordinance to be considered on first reading. Ms. Barron provided information. There were no requests to speak at the public hearing. Mr. Peña made a motion to close the public hearing. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

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

- 5B. ORD-0202** Conduct a public hearing and consider approving an ordinance on first 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 A 2.670-ACRE TRACT OF LAND OUT OF THE ALEXANDER WALTERS SURVEY NO. 67, ABSTRACT NO. 791 IN TRAVIS COUNTY, TX LOCATED GENERALLY NORTHEAST OF THE WELLS BRANCH PKWY AND DESSAU RD INTERSECTION, FROM GENERAL BUSINESS 1 (GB1) TO MULTI-FAMILY URBAN (MF-U); TO BE KNOWN AS THE VILLAGES AT WUTHRICH HILL REZONING

(REZ1404-01) AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman opened the public hearing and read the caption of the ordinance to be considered on first reading. Ms. Barron provided information and answered questions of the City Council. Mr. Fletcher provided input. Mr. Tim Moltz, engineer, and Mr. Bob Felton, developer, representing the applicant, provided information. Ms. Melody Ryan, 1012 Ripley Castle Cove, stated concerns for rezoning general business to multi-family. She stated that there are already lots of opportunities in the existing zoning to build multi-family and stated that business on the first floor and apartments above within the current zoning would provide something different. Mayor Coleman stated that one of the concerns they have heard from the public is the need not to hurt the school district. He stated that in response to that the city has adopted design guidelines which he believes are working, with Stone Hill only generating 69 students. He explained that he thinks Pflugerville needs more apartments in order to achieve higher density to get more economic development. He stated that he thinks this project makes sense with the different types of housing within the same development. Mr. Cooper and Ms. Sattler stated agreement. There were no additional requests to speak at the public hearing. Mr. Cooper 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.

6. Public Comment

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

Reading of the Consent Agenda

Ms. Thompson read the items along with the captions of the ordinances under consideration.

7. Approval of Minutes

- 7A. 2014-2928 Approval of the minutes of the April 22, 2014 City Council Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

8. Ordinances First Reading

- 8A. ORD-0199 Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, REGARDING THE COLLECTION OF HOTEL OCCUPANCY TAXES WITHIN THE CITY; PROVIDING FOR A FINE OR PENALTY OF THIS ORDINANCE AS A MISDEMEANOR NOT TO EXCEED \$500.00 FOR EACH OFFENSE, EXCEPT HOWEVER, WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE, IN WHICH EVENT THE PENALTY SHALL BE FIXED BY STATE LAW AND IF DEEMED A VIOLATION OF ANY PROVISIONAL

LAW THAT GOVERNS FIRE SAFETY, ZONING, OR PUBLIC HEALTH AND SANITATION, THE PENALTY SHALL NOT EXCEED THE SUM OF \$2,000.00 FOR EACH OFFENSE; PROVIDING A SAVINGS, REPEALER, SEVERABILITY, AND EFFECTIVE DATE CLAUSES.

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

9. Ordinances Second Reading

- 9A. ORD-0184** Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE READOPTING CODE OF ORDINANCES TITLE IX GENERAL REGULATIONS, CHAPTER 95 PARKS AND RECREATION SUBCHAPTER 95.50 YOUTH PROGRAMS STANDARDS OF CARE; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.

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

10. Resolutions

- 10A. RES-0203** Approving a resolution denying an increase in rates requested by Atmos Energy Corporation - MidTex Division, submitted on or about February 28, 2014 under the rate review mechanism; finding Atmos' request unreasonable; directing Atmos Energy to reimburse the City's rate-case expenses; authorizing the City's participation in the appeals Atmos may take denying its requested increase; requiring delivery of the resolution to the Company and the City's special counsel; finding that the meeting complied with the Open Meetings Act; declaring an effective date; and making other findings and provisions related to the subject..

The resolution was approved on the consent agenda.

- 10B. RES-0205** Approving a resolution authorizing the City Manager to execute a release of a 20' ingress and egress easement on behalf of the former North Travis County Municipal Utility District No. 5.

The resolution was approved on the consent agenda.

- 10C. RES-0206** Approving a resolution authorizing the City Manager to execute non-annexation development agreements to eligible and willing property 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.

11. Other Actions

- 11A. 2014-2933** Receive report on City Council, Commission, Board and Committee expenditures for April 2014.
The item was approved on the consent agenda.
- 11B. 2014-2888** Authorizing the City Manager to execute a Wastewater Easement Agreement with Verde Meister Lane LP. and the City of Pflugerville for the necessary utility construction associated with the Springbrook Apartment wastewater construction project.
The item was approved on the consent agenda.
- 11C. 2014-2949** Approving the selection of Brown and Gay Engineers, 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.

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.

12. Discuss and consider action

- 12A. 2014-2935** Discuss and consider action regarding scheduling and agenda items for a 2014 City Council retreat worksession.
Mr. Gonzales indicated his request was to discuss budget and finance. It was determined that this could be addressed during a regular meeting. Mr. Cooper stated that they never finished up the City Manager's goals and have not have a retreat like they usually have. He indicated interest in sitting down and talking about a range of things. Discussion followed. Items suggested: emergency services, water, transit, community visioning, goals and directives, and comprehensive plan update. Worksessions were tentatively scheduled on July 15 and July 16 from 5:00 p.m. to 10:00 p.m.
- 12B. 2014-2930** 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 12D, 12E, 13A, 13B, 13C, and 13D. He read the items to be discussed. He retired to executive session. The time was 10:10 p.m.

- 12D. 2014-2914** 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 Pflugerville Community Development Corporation (PCDC) Performance Agreement for Project Chipper. 2.) Open Session Item: Discuss and consider action regarding Pflugerville Community Development Corporation (PCDC) Performance Agreement for Project Chipper.

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

- 12E. 2014-2915** 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 Pflugerville Community Development Corporation (PCDC) Performance Agreement, Lease and Sublease with Project Exit. 2.) Open Session Item: Discuss and consider action regarding Pflugerville Community Development Corporation (PCDC) Performance Agreement, Lease and Sublease with Project Exit.

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

13. Discuss only

- 13A. 2014-2929** 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.

- 13B. 2014-2931** 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.

- 13C. 2014-2932** 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.

- 13D. 2014-2958** 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 was to take place in executive session. No action was taken.

Executive Session - Closed

Mayor Coleman reconvened in open session at 11:05 p.m.

12. Discuss and consider action

- 12D. 2014-2914** 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 Pflugerville Community Development Corporation (PCDC) Performance Agreement for Project Chipper. 2.) Open Session Item: Discuss and consider action regarding Pflugerville Community Development Corporation (PCDC) Performance Agreement for Project Chipper.

Mr. Peña made a motion to approve a PCDC performance agreement for Project Chipper. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

- 12E. 2014-2915** 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 Pflugerville Community Development Corporation (PCDC) Performance Agreement, Lease and Sublease with Project Exit. 2.) Open Session Item: Discuss and consider action regarding Pflugerville Community Development Corporation (PCDC) Performance Agreement, Lease and Sublease with Project Exit.

Mr. Peña made a motion to approve a PCDC performance agreement and lease and sublease agreements for Project Exit, specifically incentives to relocate its headquarters to the City of Pflugerville. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

14. Adjourn

Mr. Cooper made a motion to adjourn. Mr. Gonzales seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 11:07 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on May 27, 2014.