



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, July 26, 2016

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 7:10 p.m. Councilmembers Wayne Cooper, Brad Marshall, Omar Peña, Starlet Sattler and Mike Heath were in attendance. City employees attending: Brandon Wade, City Manager; Sarah Griffin, Assistant City Attorney; Karen Thompson, City Secretary; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; James Hemenes, Parks Director; Jennifer Coffey, Library Director; Blake Overmyer, Building Official; Elizabeth Taplin, Human Resources Manager; Amy Good, Finance Director; Emily Barron, Planning Director; Wiley Webb, Utility Superintendent; Matt Woodard, Utility Superintendent; Chuck Hooker, Police Chief; Jacquelyn Smith, CIP Program Manager; James Wills, Public Works Director; Sheila Wiora, Assistant Parks Director. Amy Madison, Executive Director of the Pflugerville Community Development Corporation (PCDC) was 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.

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

#### 3. Presentations

##### 3A. [2016-5020](#)

Pflugerville Pfun Campers volunteer and help citywide.

Ms. Wiora provided information and introduced Pfun Camp Director Ashley Quema. Ms. Quema provided information on Pfun Camp and their community

service projects. She answered questions of the Council and presented a video.

- 3B. [2016-5040](#) Presentation and discussion about the City's Capital Improvement Program.
- Mr. Word provided a quarterly report and answered questions of the Council.

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

- 4A. [ORD-0318](#) Conduct a public hearing and consider an ordinance on first and final reading with the caption reading: AMENDED AND RESTATED ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF PFLUGERVILLE, TEXAS COMBINATION TAX AND LIMITED REVENUE CERTIFICATES OF OBLIGATION, SERIES 2016B; AUTHORIZING THE LEVY OF AN AD VALOREM TAX AND THE PLEDGE OF CERTAIN NET REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, A PURCHASE AGREEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; AND AUTHORIZING OTHER MATTERS RELATED TO THE CERTIFICATES.

Mayor Coleman opened the public hearing and read the item to include the caption of the ordinance under consideration. Ms. Gillam explained that the bonds for this issuance came back with a value exceeding the \$6.3 million maximum set by Council; that they sold for more than was expected, which is favorable to the City, but requires that another public hearing and action be taken. She noted that this did not delay the funding of the issuance and that it will fund tomorrow. She stated that Richard Donoghue, bond counsel, was also in attendance to address any questions. There were no requests to speak at the public hearing. Mr. Cooper made a motion to close the public hearing. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

Mr. Peña made a motion to approve the issuance. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

#### 5. Public Comment

There were no requests to speak under public comment.

#### Reading of the Consent Agenda

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

#### 6. Approval of Minutes

- 6A. [2016-5071](#) Approval of the minutes of the July 12, 2016 Regular Meeting.
- The minutes were approved on the consent agenda.

## 7. Ordinances First Reading

- 7A. [ORD-0317](#) 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, BY AMENDING TITLE VII TITLED TRAFFIC CODE, BY AMENDING CHAPTER 71 TITLED PARKING REGULATIONS, BY AMENDING SECTION 71.05 TITLED PARKING PROHIBITED IN CERTAIN DESIGNATED AREAS OF PFENNIG LANE; PROVIDING A VIOLATION OF SECTION 71.05 IS A CLASS C MISDEMEANOR WITH A FINE NOT TO EXCEED \$500.00; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

- 7B. [ORD-0316](#) 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, BY AMENDING TITLE VII TITLED TRAFFIC CODE, BY AMENDING CHAPTER 72 TITLED TRAFFIC SCHEDULES, BY AMENDING SCHEDULE III TITLED STOP SIGNS ON PUBLIC STREETS BY CHANGING THE LOCATIONS OF THE STOP SIGNS IN THE SETTLERS RIDGE SUBDIVISION AT THE INTERSECTION OF PFLUGER STREET AND 12TH STREET AND; PROVIDING A VIOLATION OF CHAPTER 72 IS A CLASS C MISDEMEANOR PROVIDING FOR A FINE OF NOT LESS THAN \$1.00 OR MORE THAN \$200.00; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

## 8. Ordinances Second Reading

- 8A. [ORD-0313](#) 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, BY AMENDING TITLE VII TITLED TRAFFIC CODE, BY AMENDING CHAPTER 71 ENTITLED PARKING REGULATIONS, BY AMENDING SECTION 71.02 ENTITLED ON-STREET PARKING OF CERTAIN VEHICLES PROHIBITED; EXCEPTIONS, SUBSECTION (C)(2); PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE

EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY OF UP TO \$500; AND PROVIDING AN EFFECTIVE DATE

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

**8B. [ORD-0315](#)**

Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, REPEALING AND REPLACING CHAPTER 96, SECTION 96.01 "OBSTRUCTING STREETS AND SIDEWALKS" OF THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, PROVIDING FOR A PENALTY NOT TO EXCEED \$500; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

**8C. [ORD-0314](#)**

Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ALL DOCUMENTS TO INSTITUTE EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF 1.737 ACRES FOR A PERMANENT WASTEWATER EASEMENT, CONSISTING OF TWO PARCELS, OUT OF THE WILLIAM CALDWELL SURVEY, ABSTRACT 162, TRACT 3 AND 4, TRAVIS COUNTY, TEXAS; AND, 1.075 ACRES FOR A TEMPORARY WORKSPACE EASEMENT CONSISTING OF TWO TRACTS, OUT OF THE WILLIAM CALDWELL SURVEY, ABSTRACT 162, TRACTS 3 AND 4, PFLUGERVILLE, TEXAS, TRAVIS COUNTY OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, REAL DOCUMENT NUMBER 2009205387; PROPERTY OWNED AND CLAIMED BY MELANIE ELAINE SAMUELSON, RUSSELL HENRY KUEMPEL, MARILYN L. SMITH, JULIA HEBBE, NANCY TEMPLE ROBERTSON, ROBERT KUEMPEL AKA ROBERT H. KUEMPEL, RUSSELL H. KUEMPEL, THE ESTATE OF EDMUND KUEMPEL DECEASED, DAVID K. JOHNSON, MARY K. JOHNSON HACKERMAN, DIANE R. JOHNSON; AND DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS.

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

**9. Other Actions**

**9A. [2016-5068](#)**

Appointing Mr. Scott Langer as the alternate to the Parks and

Recreation Commission for a term ending December 31, 2016.

The item was approved on the consent agenda.

- 9B. [2016-5065](#) Approving budget amendments for the Pflugerville Community Development Corporation (PCDC) for fiscal year 2016.

The item was approved on the consent agenda.

### Action on the Consent Agenda

Mr. Cooper 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. [RES-0331](#) Discuss and consider action to approve a resolution authorizing the competitive sealed proposal (request for proposal) procurement method for the construction of the Heatherwilde Elevated Storage Tank.

Mr. Word provided information. Mr. Wade stated that he thinks that it is a remarkably good approach. Mr. Fletcher also provided input on the item. Mr. Heath made a motion to approve the resolution. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

- 10B. [2016-5066](#) Discuss and consider action to approve a professional services agreement between the Pflugerville Community Development Corporation (PCDC) and Avalanche Consulting, Inc. for a comprehensive economic development strategic plan.

Ms. Madison provided information and introduced Tony DeLisi of Avalanche. Mr. DeLisi presented on the item. Mr. Heath made a motion to approve. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

- 10C. [2016-5009](#) Discuss and consider action to approve an agreement with MWM DesignGroup in the amount of \$207,862.00 for professional design services associated with design, construction documents and construction phase services for the Pflugerville Parks Architecture Project (Bohls House, Gilleland Pool Buildings, Pfluger Restroom and Rec Center Renovations) and authorizing the City Manager to execute the same.

Mr. Hemenes provided information on the item. He stated that an amendment would be brought forward in the future to allow for parking lot additions for the Gilleland Creek pool. Council discussion with Mr. Hemenes followed. Mr. Cooper made a motion to approve. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

- 10D. [2016-5041](#) Discuss and consider action to approve the award of a construction contract for the East Pecan Street Widening project to Jordan Foster Construction, LLC, the lowest responsible bidder of seven (7) bids received on July 14, 2016, in the amount of \$1,851,136.09 and

authorizing the City Manager to execute same.

Mr. Word provided information. Mr. Peña made a motion to approve as read. Mr. Cooper seconded the motion. Mr. Word answered additional questions, noting that this would be a three-lane roadway with curb and gutter, half of the future six-lane roadway. All voted in favor. The motion carried.

[2016-5074](#)

No10  
E.

Discuss and consider action regarding proposed charter revision propositions to be presented to the voters at a November 8, 2016 special election.

Discussion was continued from the worksession. A special meeting was scheduled for August 2, 2016 at 7:30 p.m. to consider the proposition language. No action was taken.

10F. [2016-5072](#)

Discuss and consider action regarding future agenda items.

No items were noted.

### **Discuss only**

11A. [2016-5073](#)

Discussion regarding the Fiscal Year 2017 budget and associated property tax rate.

Mr. Wade stated that he has provided a modified zero-based budget, keeping it essentially the same as what we have now. He indicated that he had distributed the staff's request list. He stated at the next meeting on August 9, 2016, he would provide elements of the strategic plan, as well as the certified tax rolls and effective rate and rollback rate. City staff addressed questions regarding the budget. Mr. Heath indicated regarding the \$800,000 in overlay funding, that he thinks it should be \$1.6 million to provide necessary maintenance. Discussion followed.

### **Executive Session**

Mayor Coleman announced that the City Council was retiring to executive session for possible discussion on items 10G, 11B, and 11C. He read the items and retired to executive session. The time was 9:30 p.m.

### **Discuss and consider action**

10G. [RES-0338](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code, deliberations on economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code, and deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code regarding the sale of approximately 29.79 acres of land owned by the Pflugerville Community Development Corporation (PCDC) in the One-Thirty Commerce Center described as Renewable Energy Park, Renewable Energy Park Lot 3D and Lot 3E, Final Plat Replat of Lot 3C - Renewable Energy Park as described in Exhibit A to Southern Land,

LLC. 2.) Open Session Item: Discuss and consider action to approve a resolution authorizing the sale of approximately 29.79 acres of land owned by the Pflugerville Community Development Corporation (PCDC) in the One-Thirty Commerce Center described as Renewable Energy Park, Renewable Energy Park Lot 3D and Lot 3E, Final Plat Replat of Lot 3C - Renewable Energy Park as described in Exhibit A to Southern Land, LLC.

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

## **11. Discuss only**

- 11B**   [2016-5069](#)      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.**

- 11C.**   [2016-5070](#)      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.**

## **Executive Session - Closed**

**Mayor Coleman reconvened in open session at 10:00 p.m.**

## **Discuss and consider action**

- [RES-0338](#)      1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code, deliberations on economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code, and deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code regarding the sale of approximately 29.79 acres of land owned by the Pflugerville Community Development Corporation (PCDC) in the One-Thirty Commerce Center described as Renewable Energy Park, Renewable Energy Park Lot 3D and Lot 3E, Final Plat Replat of Lot 3C - Renewable Energy Park as described in Exhibit A to Southern Land, LLC. 2.) Open Session Item: Discuss and consider action to approve a resolution authorizing the sale of approximately 29.79 acres of land owned by the Pflugerville Community Development Corporation (PCDC) in the One-Thirty Commerce Center described as Renewable

Energy Park, Renewable Energy Park Lot 3D and Lot 3E, Final Plat  
Replat of Lot 3C - Renewable Energy Park as described in Exhibit A to  
Southern Land, LLC.

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

## 12. Adjourn

Mr. Cooper made a motion to adjourn. Mr. Heath seconded the motion. The  
vote was: Mr. Cooper-no; Mr. Marshall-yes; Mr. Peña-no; Ms. Sattler-yes; Mr.  
Heath-yes. The motion carried. The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as presented on August 9, 2016.