



City of Pflugerville

Minutes - Final

City Council

Tuesday, July 12, 2016

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Pro Tem Omar Peña called the regular meeting to order at 7:02 p.m. Councilmembers Wayne Cooper; Brad Marshall, and Mike Heath were in attendance. Mayor Jeff Coleman and Councilmember Starlet Sattler were absent. City employees attending: Trey Fletcher, Assistant City Manager; George Hyde, City Attorney; Christa Deamer, Deputy City Secretary; Lauri Gillam, Assistant City Manager; Tom Word, Assistant City Manager; Emily Barron, Planning Director; Blake Overmyer, Building Official; Chuck Hooker, Police Chief; James Hemenes, Parks Director; Amy Good, Finance Director; Terri Toledo, Public Information Officer; Pam Cosel, Marketing & Special Events Coordinator; Jennifer Coffey, Library Director; Rhonda McLendon, Animal Shelter Director; Sergeant Mayo Neyland, Community Services. Amy Madison, Executive Director of the 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 Pro Tem Peña 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 Pro Tem Peña 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. [2016-5000](#) Knights of Columbus presentation of appreciation to the City of Pflugerville Police Department and Parks and Recreation Department for assistance with the Christmas Parade.

Blake Krass of the Knights Of Columbus provided information and presented certificates of appreciation to Ms. Cosel and Mr. Hemenes, and Chief Hooker

and Sgt. Neyland.

- 3B.** [2016-5007](#) Presentation of Texas Economic Development Council (TEDC) 2015 Economic Development Excellence Award to the Pflugerville Community Development Corporation (PCDC).
- Ms. Madison provided information about the award and Mr. Cooper presented the award to Ms. Madison.**
- 3C.** [2016-4999](#) Introducing you to Pflugerville Pfocus, the City of Pflugerville video news magazine, and some of the city's new communications efforts.
- Ms. Toledo provided information and presented the most recent Pflugerville Pfocus video.**
- 3D.** [2016-5021](#) Introducing a new Pflugerville Animal Shelter program called Pawsitive Reinforcement.
- Ms. McLendon presented information.**

4. Public Comment

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

Reading of the Consent Agenda

 Items 9B, 9C and 9E were removed from the consent agenda. Ms. Deamer read the items to include the captions of the ordinances under consideration.

5. Approval of Minutes

- 5A.** [2016-5008](#) Approval of the minutes of the June 28, 2016 Worksession and Regular Meeting.
- The minutes were approved on the consent agenda.**

6. Ordinances First Reading

- 6A.** [ORD-0313](#) 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 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 first reading on the consent agenda.

- 6B. [ORD-0315](#) Approving an ordinance on first 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 first reading on the consent agenda.

- 6C. [ORD-0314](#) Approving an ordinance on first 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 first reading on the consent agenda.

7. Ordinances Second Reading

- 7A. [ORD-0302](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY REZONING APPROXIMATELY 0.538 ACRES OF LOT 40, BLOCK "I", SPRINGBROOK CENTRE, PHASE A, LOCATED IN THE JOHN VAN

WINKLE SURVEY NO. 14, ABSTRACT NO. 786, LOCALLY ADDRESSED AS 208 GRAND AVENUE PARKWAY, FROM AGRICULTURE/CONSERVATION (A) TO NEIGHBORHOOD SERVICES (NS) DISTRICT; TO BE KNOWN AS THE 208 GRAND AVENUE PARKWAY REZONING (REZ1605-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

7B. [ORD-0303](#)

Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY REZONING APPROXIMATELY 4.642 ACRES OF LAND IN THE E. BEBEE SURVEY NO. 5, LOCATED ALONG THE SOUTH SIDE OF BLACK LOCUST, GENERALLY NORTHWEST OF THE BLACK LOCUST AND PFENNIG LANE INTERSECTION, FROM NEIGHBORHOOD SERVICES (NS) DISTRICT TO SINGLE FAMILY MIXED USE (SF-MU) DISTRICT; TO BE KNOWN AS THE KP BROTHERS HOME REZONING (REZ1605-02); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

7C. [ORD-0307](#)

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 150, REGARDING THE ADOPTION OF THE INTERNATIONAL BUILDING CODE, 2015 EDITION, THE INTERNATIONAL RESIDENTIAL CODE, 2015 EDITION, THE INTERNATIONAL PLUMBING CODE 2015 EDITION, INTERNATIONAL MECHANICAL CODE, 2015 EDITION, INTERNATIONAL CODE COUNCIL ELECTRICAL CODE, 2015 EDITION, INTERNATIONAL FUEL GAS CODE, 2015 EDITION, INTERNATIONAL ENERGY CONSERVATION CODE, 2015 EDITION, INTERNATIONAL FIRE CODE, 2015 EDITION, INTERNATIONAL EXISTING BUILDING CODE, 2015 EDITION, INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION, AND THE NATIONAL ELECTRICAL CODE, 2014 EDITION, WITH AMENDMENTS TO MEET LOCAL CONDITIONS, AND THE PENALTY PROVISION; ESTABLISHING PENALTIES NOT TO EXCEED \$2000.00 PER OFFENSE; 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.

- 7D. [ORD-0312](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE SECOND AMENDMENT TO THE FISCAL YEAR 2016 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

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

8. Resolutions

- 8A. [RES-0334](#) Approving a resolution of the City of Pflugerville approving the Community Development Block Grant (CDBG) Amended Annual Action Plan for Program Year 2015.

The resolution was approved on the consent agenda.

- 8B. [RES-0335](#) Approving a resolution of the City of Pflugerville approving the Community Development Block Grant (CDBG) Action Plan for Program Year 2016.

The resolution was approved on the consent agenda.

- 8C. [RES-0332](#) Approving a resolution authorizing the City Manager to execute non-annexation development agreements with eligible owners of land appraised for ad valorem tax purposes as land for agricultural use under Chapter 23.

The resolution was approved on the consent agenda.

- 8D. [RES-0333](#) Approving a resolution with the caption reading: RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING THE CITY MANAGER TO EXTEND THE CONTRACT FOR BANKING SERVICES.

The resolution was approved on the consent agenda.

9. Other Actions

- 9A. [2016-5001](#) Receive report on City Council, Commission, Board and Committee expenditures for June 2016.

The item was approved on the consent agenda.

- 9D. [2016-5014](#) Authorizing the City Manager to execute an agreement with Paul Hornsby & Company in the amount of \$63,400 for appraisal services associated with the Weiss Lane Roadway Project.

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.

Other Actions - Removed from Consent Agenda

- 9B.** [2016-5002](#) Approving an interlocal cooperation agreement with the City of Austin for installation, configuration, maintenance and repair of public safety equipment and systems and authorizing the City Manager to execute same.
- Mr. Heath stated that he had removed the item from the consent agenda to exemplify the fact that the city is working well with the City of Austin and wanted to give Chief Hooker an opportunity to speak about the cooperation between the two police departments. Chief Hooker provided information. Mr. Heath made a motion to approve item 9B. Mr. Marshall seconded the motion. All voted in favor. The motion carried.
- 9C.** [2016-5013](#) Approving an agreement with the Wallace Group (TWG), a CP&Y, Inc. company, in the amount of \$80,820.00 associated with civil improvements for the Field Operations and Maintenance Facility Project and authorizing the City Manager to execute the agreement.
- Mr. Word provided information. Mr. Heath made a motion to approve item 9C as presented. Mr. Cooper seconded the motion. All voted in favor. The motion carried.
- 9E.** [2016-5015](#) Approving an agreement with Stantec Consulting Services, Inc. in the amount of \$134,810 for professional services associated with the design of four (4) traffic signals for the Heatherwilde Boulevard and Grand Avenue Parkway Traffic Signals Project and authorizing the City Manager to execute the agreement.
- Mr. Word presented information. Mr. Heath stated that he asked for the item to be pulled because he questioned whether a couple of the locations actually meet signal warrants and stated that he believes that the fee requested is about 18% to 20% higher than he would expect from others locally to do the work. Mr. Word answered questions from Council. There was discussion among the Council regarding the signal warrants of each location and it was agreed that the locations at Grand Avenue Pkwy. at Black Locust Dr. and Heatherwilde Blvd. at Cheyenne Valley Dr. were high priorities for signals while the locations at Heatherwilde Blvd. at Black Locust Dr. and Heatherwilde Blvd. at Pfennig Ln. were questionable. Council directed staff to come back to the next Council meeting with two separate agreements with the Grand Avenue Pkwy. at Black Locust Dr. and Heatherwilde Blvd. at Cheyenne Valley Dr. locations as one item, and the Heatherwilde Blvd. at Black Locust Dr. and Heatherwilde Blvd. at Pfennig Ln. locations as a separate item. Staff was also instructed to negotiate the fee to get it lower. There was no action on the item.

10. Discuss and consider action

- 10A.** [2016-5006](#) Conduct interviews and discuss and consider appointing up to two members to the Planning and Zoning Commission for unexpired terms ending December 31, 2017.

Council conducted interviews with Scott Langer, Oscar Mitchell and Ronda Gindin. The votes were as follows for each candidate : Ronda Gindin – Mr. Cooper, Yes; Mr. Marshall, No; Mr. Heath, Yes. Scott Langer - Mr. Marshall, Yes; Mr. Cooper, No; Mr. Heath, No. Oscar Mitchell – Mr. Heath, Yes; Mr. Marshall, Yes; Mr. Cooper, Yes. Mr. Mitchell and Ms. Gindin were appointed to the Planning and Zoning Commission. Mr. Langer expressed interest in the vacant alternate position on the Parks and Recreation Commission.

- 10B.** [2016-4781](#) Discuss and consider action to approve supplemental agreement #1 with Studio 16:19 in the amount of \$202,624 for professional services associated with the design and construction administration for the Highland Park/Highland Park North Park Development (Wilbarger Park) project and authorizing the City Manager to execute the agreement.

Mr. Word presented information. Mr. Word and Mr. Hemenes answered questions from Council. Mr. Heath questioned where the park development fit in within the strategic plan. Mr. Cooper noted that this was part of the undeveloped parks plan for neighborhoods lacking any usable park space or amenities. Mr. Cooper made a motion to approve the supplemental agreement as presented. Mr. Marshall seconded the motion. The votes were as follows: Mr. Cooper - yes, Mr. Marshall - yes, Mr. Heath– no. The motion carried.

- 10C.** [2016-5018](#) Discuss and consider action regarding future agenda items.

Mr Peña asked for an update on Pflugerville Pfocus project around September.

11. Discuss only

- 11A.** [2016-5005](#) Discussion regarding the Fiscal Year 2017 budget and associated property tax rate.

Ms. Gillam presented information and answered questions from Council.

- 11B.** [2016-5010](#) Discussion regarding the 2015/2016 Charter Review Commission Report.

Mr. Fletcher presented information and answered questions from council. Mr. Hyde also gave information about election deadlines, ballot measure requirements, and answered questions from council. There was discussion among council regarding their thoughts and concerns about the recommendations of the Charter Review Commission.

- 11C.** [2016-4997](#) Discuss downtown initiatives and sense of place opportunities throughout Pflugerville.

Ms. Barron presented information. There was discussion among Council regarding past ideas and surveys and the challenges of creating a downtown destination.

Executive Session

Mayor Pro Tem Peña announced that the City Council was retiring to executive session for possible discussion on items 11E and 11F. He read the items and retired to executive session. The time was 9:33 p.m.

- 11D. [2016-5003](#) 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.

There was no discussion on the item.

- 11E. [2016-5004](#) 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. No action was taken.

- 11F. [2016-5030](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding Texas Local Government Code Chapter 232 and Chapter 573 regarding regulatory authority concerning the location of municipally owned utility infrastructure installation in city easements on private property within the city's ETJ.

Discussion on the item took place in executive session. No action was taken.

Executive Session - Closed

Mayor Pro Tem Peña reconvened in open session at 10:23 p.m.

12. Adjourn

Mr. Marshall made a motion to adjourn. Mr. Cooper seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 10:23 p.m.

Respectfully submitted,

Christa Deamer

Deputy City Secretary

Approved as presented on July 26, 2016.