



City of Pflugerville

Minutes - Final City Council

Tuesday, July 14, 2015

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 Wayne Cooper, Brad Marshall and Victor Gonzales were in attendance. Councilmember Omar Peña entered the meeting at 8:27 p.m. Councilmember Starlet Sattler was absent. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Karen Thompson, City Secretary; Lauri Gillam, Assistant City Manager; Tom Word, Assistant City Manager; Emily Barron, Planning Director; Dan Franz, City Engineer; James Hemenes, Parks Director; Laura Wilkes, Police Lieutenant; Amy Good, Finance Director; Sarah Moody, Budget Analyst; Terri Waggoner, Public Information Officer; Jim McLean, Assistant Police Chief; Stacy Boeck, Civilian Director; Pam Cosel, Marketing & Special Events.

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. [2015-4028](#)** Presentation of Lifesaving award by the Pflugerville Police Department.
- Ms. Stacy Boeck provided information and presented a civilian medal to Mr. Albert Hidrogo who assisted in saving a life during the Memorial Day flood event. Mayor Coleman presented a Lifesaving Award certificate to Mr. Hidrogo.
- 3B. [2015-4068](#)** Presentation of the Government Finance Officers Association (GFOA)

Distinguished Budget Presentation Award.

Mayor Coleman presented the award to the Finance employees in attendance: Ms. Amy Good, Finance Director; Ms. Lauren Vander Laan, Accountant II; Ms. Sarah Moody, Budget Analyst; Ms. Jill Haehnel, Utility Billing Specialist; Ms. Sabrina Schmidt, Purchasing Supervisor; and Ms. Deb Johnson, Utility Billing Specialist II.

3C. [2015-3864](#)

Pflugerville is 50 Birthday Celebration July 24 and proclamation presentation.

Ms. Cosel presented on the item. Mayor Coleman read the proclamation declaring July 24 as the 50th Birthday of the City of Pflugerville.

4. Public Comment

There were no requests to speak under the item.

Reading of the Consent Agenda

Item 6B and 7A were removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

5. Approval of Minutes

5A. [2015-4076](#)

Approval of the minutes of the June 23, 2015 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

6. Ordinances First Reading

6A. [ORD-0258](#)

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 72 REGARDING SPEED LIMITS ON CITY STREETS (KELLY LANE), ESTABLISHING PRIMA FACIE MAXIMUM SPEEDS AND PROVIDING AN EFFECTIVE DATE.

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

6C. [ORD-0260](#)

Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FOURTH AMENDMENT TO THE FISCAL YEAR 2015 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

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

7. Other Actions

- 7B. [2015-4072](#) Authorizing the City Manager to execute a Temporary Drainage Easement with Continental Homes of Texas, L.P. and the City of Pflugerville associated with the Highland Park Phase D Section 6 project.
- The item was approved on the consent agenda.
- 7C. [2015-4073](#) Authorizing the City Manager to execute a Public Water Easement Agreement with Temple Real Estate Investment and the City of Pflugerville for the water infrastructure extension associated with the Pfluger Crossing Phase 1 project.
- The item was approved on the consent agenda.
- 7D. [2015-4074](#) Approving an Assignment and Consent of the City of Pflugerville, Texas to the Assumption of the New Sweden Development Agreement, and authorizing the execution of a Memorandum of Agreement.
- The item was approved on the consent agenda.
- 7E. [2015-4089](#) Approving registration, hotel and business related expenses for City Councilmember Victor Gonzales' attendance at the 2015 Texas Municipal League (TML) Annual Conference in San Antonio, Texas September 22 - September 25, 2015.
- The item was approved on the consent agenda.
- 7F. [2015-4086](#) Receive report on City Council, Commission, Board and Committee expenditures for June 2015.
- The item was approved on the consent agenda.

Action on the Consent Agenda

Mr. Marshall made a motion to approve the consent agenda. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

Ordinances First Reading - Removed from the Consent Agenda

- 6B. [ORD-0259](#) 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 71 REGARDING PARKING REGULATIONS; AMENDING PENALTIES FOR VIOLATIONS; 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.
- Mayor Coleman read the item to include the caption of the ordinance under consideration. Mr. Word provided information and answered questions of the

Council. It was noted that the no parking zone would only include areas on either side of the driveway to the Cambridge Villas Apartments that inhibit sight. Mr. Gonzales made a motion to approve the ordinance on first reading. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

Other Actions - Removed from the Consent Agenda

- 7A. [2015-4004](#) Approving a cooperative purchasing agreement with the City of Baytown and authorize the City Manager to execute same.
- Ms. Gillam provided information on the agreement and answered questions of the Council. Mr. Cooper made a motion to approve. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

8. Ordinance Second Reading

- 8A. [ORD-0257](#) Discuss and consider action to approve an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO SIGN AND EXECUTE ALL NECESSARY DOCUMENTS TO INSTITUTE EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF A 0.910 ACRE TRACT SITUATED IN THE PETER CONRAD SURVEY NO.71, ABSTRACT NO.200, TRAVIS COUNTY, TEXAS AND BEING A PORTION OF TWO TRACTS, A CALLED 1.99 ACRE TRACT DESCRIBED AS TRACT 1 AND A CALLED 9.26 ACRE TRACT DESCRIBED AS TRACT 2, BOTH PARCEL 5, EXHIBIT A-2 IN A SPECIAL WARRANTY DEED TO THE RADY FAMILY TRUST, AND RECORDED IN VOLUME 12328, PAGE 182 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, REAL PROPERTY OWNED AND CLAIMED BY RADY FAMILY TRUST TOGETHER WITH REALTRON INC.; AND DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS.

Mayor Coleman read the item to include the caption of the ordinance under consideration. Mr. Hyde and Mr. Franz provided information and answered questions on the item. Mr. Gonzales made the motion that the City of Pflugerville authorize the use of the power of eminent domain to acquire a 0.91-acre tract situated in the Peter Conrad Survey No. 71, Abstract No. 200, Travis County, Texas and being a portion of two tracts, A called 1.99-acre tract described as Tract 1 and A called 9.26-acre tract described as Tract 2, both Parcel 5, Exhibit A-2 in a special warranty deed to the Rady Family Trust, and recorded in Volume 12328, Page 182 of the Real Property Records of Travis County, Texas, Real Property owned and claimed by the Rady Family Trust together with Realtron Inc. for the public purpose of a drainage easement necessary for the Heatherwilde Boulevard Roadway Widening Capital Improvement Project. Mr. Marshall seconded the motion. All voted in favor. The motion carried. The ordinance was approved on second and final reading.

9. Discuss and consider action

- 9A.** [2015-4067](#) Discuss and consider action to authorize the City Manager to execute Change Order #1 in the amount of \$313,338 with Prota Construction Inc. & Prota Inc., JV for additional utility improvements associated with the North Travis County MUD#5 Phase 1 Water Distribution project.
- Mr. Franz provided information and answered questions of the Council. Mr. Gonzales made a motion to approve the item. Mr. Cooper seconded the motion. All voted in favor. The motion carried.**
- 9B.** [2015-4066](#) Discuss and consider action to approve a professional services agreement with LJA Engineering, Inc. in the amount of \$101,957.00 for professional engineering services associated with the preparation of a preliminary engineering report for the Weiss Lane Roadway Reconstruction project and authorizing the City Manager to execute the agreement.
- Mayor Coleman opened items 9B and 9C to be addressed simulatenously. Mr. Franz provided information and answered questions of the Council. Mr. Wade and Mr. Word provided input on the items. Mr. Cooper made a motion to approve items 9B and 9C. Mr. Marshall seconded the motion. All voted in favor. The motion carried.**
- 9C.** [2015-4065](#) Discuss and consider action to approve a professional services agreement with LJA Engineering, Inc. in the amount of \$852,286.95 for professional engineering services associated with preliminary engineering, final design, and construction phase services for the Travis County-City of Pflugerville interlocal Weiss Lane Roadway Reconstruction project and authorizing the City Manager to execute the agreement.
- Mayor Coleman opened items 9B and 9C to be addressed simulatenously. Mr. Franz provided information and answered questions of the Council. Mr. Wade and Mr. Word provided input on the items. Mr. Cooper made a motion to approve items 9B and 9C. Mr. Marshall seconded the motion. All voted in favor. The motion carried.**
- 9D.** [2015-4064](#) Discuss and consider action to approve a supplemental agreement #2 with K Friese & Associates, Inc. in the amount of \$80,130 for professional engineering services associated with modifications to plans for the Carmel/Sorento Lift Station and Force Main project and authorize the City Manager to execute the agreement.
- Mr. Franz provided information on the item. Mr. Marshall made a motion to approve the item. Mr. Cooper seconded the motion. All voted in favor. The motion carried.**
- 9E.** [2015-4070](#) Discuss and consider action to approve the selection of a professional engineering firm for the design, bidding and construction administration of the Weiss Lane Water Transmission Main Phase 1 Project and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

Mr. Word provided information and discussed with the City Council. Mr. Peña entered the meeting at 8:27 p.m. during discussion on the item. Mr. Word indicated that following the interviews, the top three firms were 1.) Cobb Fendley and Associates, 2.) Freese & Nichols; and 3.) DCS Engineering and that staff recommends entering into negotiations with Cobb Fendley and Associates. He noted that staff expects to bring forward a contract for approval at the next meeting on July 28, 2015. Mr. Cooper made a motion to authorize the City Manager to enter into negotiations with Cobb Fendley and if unsuccessful, to negotiate with Freese and Nichols. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

9F. [2015-4054](#)

Discuss and consider action regarding the City of Pflugerville's participation in the Austin Chamber of Commerce Intercity visit to Toronto, ON from October 4-6, 2015.

Mr. Cooper commented on the intercity trips and noted his possible interest in attending. Mr. Gonzales made a motion to authorize Mayor Pro Tem Wayne Cooper to participate in the intercity visit. Mr. Cooper asked for discussion and seconded the motion to allow for it. There was discussion. Mr. Cooper withdrew his second. The motion died. No action was taken.

9H. [2015-4087](#)

Discuss and consider action regarding future agenda items.

No items were noted.

Discuss only

10A. [2015-4034](#)

Discuss Animal Shelter and Adoption Center Needs Assessment and Concept Design prepared by Quorum Architects and scaled alternatives discussed with the Capital Improvement Bond Committee.

Ms. Kim Dowdy continued her presentation from the worksession and there was discussion of the City Council. Lt. Wilkes, Mr. Wade and Assistant Chief McLean provided input. Mr. Marshall provided a reminder that the presentation includes preliminary conceptals, and if funds are approved, it could be somewhat different when it is planned and constructed.

Mayor Coleman called for a break at 9:08 p.m. He reconvened in open session at 9:23 p.m.

Mayor Coleman indicated the following people did not wish to speak, but asked that he announce for the record their support for a new animal shelter: Cassandra Harrison, Secretariat Ridge.
Barb Woodworth, 809 Windsor Castle Drive, (Option A).

10B. [2015-4082](#)

Discussion regarding Capital Improvement Program (CIP) Transportation, Parks, and Facilities projects for a possible November 2015 bond election.

Mr. Word provided an overview of the Bond Committee's recommendation presented to the City Council on June 9, 2015 and staff recommendations for a proposition for the animal shelter (concept A) in the amount of \$10.6 million and a proposition for expansion of Weiss Lane in the amount of \$9.3 million.

Mr. Wade and Mr. Franz provided input on the item. Council was to consider action on direction to staff regarding a possible bond election at their next meeting on July 28, 2015.

- 10C. [2015-4088](#) Discussion regarding the Fiscal Year 2016 budget and City Council Fiscal Year 2016 goals.

Mr. Wade presented a budget overview and discussed with the City Council. Discussions regarding the proposed budget were to continue at the next meeting on July 28, 2015.

9. Discuss and consider action

- 9G. [2015-4084](#) Discuss and consider action to appoint two City Council representatives to serve on a joint emergency services task force.

Discussion on the item was postponed.

Executive Session

Mayor Coleman announced that the City Council was retiring to executive session for possible discussion on items 9I, 9J, 10D, 10E, 10F, and 10G. He read the items and retired to executive session. The time was 9:58 p.m.

- 9I. [2015-4081](#) 1.) Executive Session Item: Discussions regarding deliberations on economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code, 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 Pflugerville Community Development Corporation's (PCDC's) sale of approximately 19 acres in the 130 Commerce Center. 2.) Open Session Item: Discuss and consider action to approve Pflugerville Community Development Corporation's (PCDC's) sale of approximately 19 acres in the 130 Commerce Center.

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

- 9J. [2015-4075](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning a development agreement with the Pflugerville Independent School District. 2.) Open Session Item: Discuss and consider action to approve a development agreement with the Pflugerville Independent School District and authorize the City Manager to execute same.

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

10. Discuss only

- 10D.** [2015-4077](#) 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.
- 10E.** [2015-4079](#) 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. No action was taken.
- 10F.** [2015-4085](#) 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. No action was taken.
- 10G.** [2015-4078](#) 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.

Executive Session - Closed

Mayor Coleman reconvened in open session at 12:07 a.m. on July 15, 2015.

- [2015-4075](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning a development agreement with the Pflugerville Independent School District. 2.) Open Session Item: Discuss and consider action to approve a development agreement with the Pflugerville Independent School District and authorize the City Manager to execute same.

Mr. Cooper made a motion to approve the development agreement prepared by City Staff. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

11. Adjourn

Mr. Cooper made a motion to adjourn. Mr. Marshall seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 12:08 a.m.

Respectfully submitted.

**Karen Thompson
City Secretary**

Approved as presented on July 28, 2015.