



City of Pflugerville

Minutes - Final City Council

Tuesday, August 26, 2014

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Jeff Coleman called the meeting to order at 7:02 p.m. Councilmembers Wayne Cooper, Brad Marshall, Starlet Sattler and Victor Gonzales were in attendance. Councilmember Omar Peña entered the meeting at 7:10 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; Amy Good, Finance Director; James Wills, Public Works Director; Wiley Webb, Utilities Superintendent; Wayne Granger, Streets Superintendent; Tracy Hibbs, Utility Business Operations Manager; Lauren Vander Laan, Accountant II; Sarah Moody, Budget Analyst; James Hemenes, Parks Director; Emily Barron, Planning Director; Dan Franz, City Engineer; Terri Waggoner, Public Information Officer; Laura Wilkes, Police Lieutenant; William Edwards, Police Lieutenant; Rhonda McLendon, Animal Control Director; Chuck Hooker, Police Chief; Blake Overmyer, Building Official; Lisa Charbonnet, Library Director. Floyd Akers, Executive Director of the Pflugerville Community Development Corporation, 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 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. Presentation

- 3A. 2014-3239** Proclamation recognizing the Austin Texans 98B soccer team for their accomplishments at the United States Youth Soccer (USYS) Presidents Cup.

Mayor Coleman provided comments and congratulated the team for taking fourth place in this national competition and read and presented the

proclamation.

4. Public Comment

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

Reading of the Consent Agenda

Ms. Thompson read the consent agenda, to include the items and captions of the ordinances under consideration.

5. Approval of Minutes

- 5A. 2014-3227** Approval of the minutes of the August 12, 2014 City Council Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

6. Ordinances First Reading

- 6A. ORD-0208** 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, ESTABLISHING PRIMA FACIE MAXIMUM SPEEDS, AND PROVIDING AN EFFECTIVE DATE for Becker Farm Rd., Heatherwilde Blvd., New Meister Ln. and Pflugerville Parkway.

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

- 6B. ORD-0211** 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 STOP SIGNS ON PUBLIC STREETS; ADDING STOP INTERSECTIONS, AND PROVIDING AN EFFECTIVE DATE.

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

- 6C. ORD-0212** 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 150, REGARDING AN AMENDMENT TO THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION; PROVIDING FOR SEVERABILITY; ESTABLISHING PENALTIES NOT TO EXCEED \$2000.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

7. Ordinances Second Reading

- 7A. ORD-0207** Approving an ordinance on second 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 LOT 13B, BLOCK B WILLOW CREEK SECTION ONE, LOCALLY ADDRESSED AS 612 F.M. 685, PFLUGERVILLE, TX FROM GENERAL BUSINESS 1 (GB1) TO GENERAL BUSINESS 2 (GB2); TO BE KNOWN AS 612 FM 685 STORAGE REZONING (REZ1406-02) AND PROVIDING AN EFFECTIVE DATE.

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

- 7B. ORD-0209** Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE THIRD AMENDMENT TO FISCAL YEAR 2014 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

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

- 7C. ORD-0210** Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FOURTH AMENDMENT TO FISCAL YEAR 2014 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. Resolution

- 8A. RES-0217** Approving a resolution supporting the activities of the Alliance of Atmos Texas Municipalities (ATM) and other similarly situated coalitions of municipalities opposing rules proposed by the Railroad Commission of Texas that if adopted would greatly diminish cities' ability to effectively and meaningfully evaluate and challenge a utility's proposal to increase its rates.

The resolution was approved on the consent agenda.

9. Other Actions

- 9A. 2014-3163** Approving revised policies for the Pflugerville Public Library.

The item was approved on the consent agenda.

- 9B. 2014-3220** Authorize the City Manager to execute a job order contract with Kellogg Brown & Root, LLC (KBR) in the amount of \$50,653.00 through the The Cooperative Purchasing Network (TCPN) for repairs to the Bohls House/Heritage House Museum.

The item was approved on the consent agenda.

- 9C. 2014-3238** Approving an interlocal cooperation agreement with the Pflugerville Independent School District for the acquisition of an easement for the Pfennig Lane and Pflugerville Parkway transmission main upgrade project and authorizing the City Manager to execute the same.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

10. Discuss and consider action

- 10A. 2014-3240** Discuss and consider action to provide direction to the City Manager regarding the animal shelter.

Mayor Coleman called forward those wishing to provide public comment on the item.

Anne Ford, 4109 Lake Edge Way, stated that she does not wish to state her address, that she does not think that it is a good idea for others either, and indicated that she lives in Pflugerville. She stated that she is disappointed in the decision not to allow people to vote on the animal shelter.

Karyn Buchanan, 1014 Vanderbilt Circle, stated that she is a resident of the City of Pflugerville. She stated that the current facility has been described as functional, but they deserve better than functional. She stated that the old library was functional. She stated that the current shelter is in the floodplain and they need a long-term answer. She stated that a short-term solution is obviously needed, but she begged caution in throwing \$1 million at a short-term solution. She asked that the council dedicate funding to the short term and to the concept and design plan for a new shelter. She stated that a new facility at a new location is an option. She requested that they look at all available plans to include a new shelter and to hold the shelter work group accountable to provide information at the next council meeting.

Peter Corpus, 603 Geyser Ave, stated that there are places that can enjoy piece by piece improvements and that the current location can be used just long enough until they get a new shelter. He stated concerns for more traffic to the neighborhood if the current shelter were expanded. He stated with adopters it is all about the presentation and this is not such a presentation that we want to continue. He asked Council to trust professionals to build something they can get behind. He stated that he thinks that a new facility would help retain

volunteers. He stated that the cats and dogs need them to do the right thing, to make a bold gesture and to say yes to building a new shelter.

The following did not wish to speak, but asked that the Mayor announce for the record their support for the animal shelter:

Harold W. Biesemeier, Jr., 2405 Amen Corner Drive, indicated that the Pflugerville animal shelter is in great need for expansion and improvements for the welfare of the dogs and cats.

Mary Biesemeier, 2405 Amen Corner Drive, indicated support for improvements to the animal shelter.

Devin Cook, 20425 Riata Blanca Circle, indicated that she supports the City Council investing in a design plan for a new animal shelter.

Dulce Gutierrez, 74304 Nestle Ct, indicated that she supports building a new animal shelter.

Cassandra Harrison, 21107 Secretariat Ridge Lane, indicated that she supports a new animal shelter, beyond the \$1 million band-aid.

Paige Marsala, 15009 Sassafras Trail, indicated that she supports a new animal shelter.

Sarah Nolte, 1211 Vincent Place, indicated she supports a new shelter.

Chasity Parrett, 20425 Riata Blanca Circle, indicated that she supports building a plan for the animal shelter and the City Council investing.

Patsy Van Geem, 1704 Lynn Cove, indicated that the Pflugerville animal shelter is in great need of renovation now and replacement in the very near future.

Denny E. Wagoner, 102 Applewood Drive, indicated support for the animal shelter.

Kim Waters, 17508 Kessler Drive, indicated that she supports investing in plans and design for advances for a new animal shelter.

Barb Woodworth, 809 Windsor Castle Drive, indicated that she supports a new animal shelter on the bond for November 2015 and judicious use of funds to improve the existing shelter in the interim.

Mr. Wade explained that there is approximately \$1.5 million in General Capital Reserve funds available for the Council's use and that they would be talking about those funds and adopting with the budget. He explained that \$1.1 million was the estimated cost for improvements to the current shelter. Mr. Cooper stated that they usually have a study completed with options. He stated the need for the feasibility study to have the options and cost estimates. Mr. Wade stated that staff has talked with an architectural firm regarding old and new shelter options. He stated that the architect can provide additional information regarding a new shelter for less than \$50,000. Mr. Cooper asked what if they razed the other structures at the animal shelter and did something new. He asked regarding meeting with an architect to get needs and future

expectations and creating diagrams. Mr. Wade stated that the police department had done that some what. Discussion continued. Lt. Wilkes provided information on the pod expansion concept and answered questions of the Council. Mr. Marshall recommended authorizing the feasibility study to determine short-term and long-term plans. He recommended only spending money on immediate needs at the animal shelter. He stated that he could recommend the pod be built if it could be moved or repurposed for the city. Discussion continued regarding stop gap measures that could provide kennel space.

Lt. Wilkes reviewed the concept for the new shelter at the lake and Mr. Wade provided information. Mr. Cooper suggested engaging Quorum Architects for less than \$50,000. Mayor Coleman stated a need to go back to Halff & Associates to see if a new animal shelter makes sense with the lake master plan.

Mayor Coleman stated that he would still like to get some office space for the animal shelter employees. Discussion followed regarding the possibility of leasing or purchasing an office trailer for this use. Mr. Wade indicated plans to provide a preliminary plan in two weeks and a substantial plan in four weeks.

Mr. Peña made a motion to direct the City Manager to go figure this piece out, for a short-term and a long-term fix related to this, and to act within his bounds to consult with appropriate subject matter experts on what the long term fix is. Mr. Wade added and for the City Manager to bring back a plan in two weeks for further consideration; and Mr. Peña added and action. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

Mayor Coleman called for a break. The time was 8:20 p.m. He resumed the meeting at 8:29 p.m.

10B. 2014-3241

Discuss and consider action to approve the Pflugerville Community Development Corporation (PCDC) budget for Fiscal Year 2015.

Floyd Akers, PCDC Executive Director; Amy Madison, Assistant PCDC Executive Director; Christian Kurtz, PCDC Business Retention and Operations Manager, and PCDC Boardmembers Omar Peña, Starlet Sattler, Doug Weiss and George Cudd were in attendance. Mr. Akers presented information on the PCDC budget for Fiscal Year 2015 and answered questions of the Council. Mr. Wade stated that city staff had provided comments on the PCDC budget and distributed a list of concerns. He stated that city staff would be happy to work with the PCDC on these additional items. Mr. Marshall asked to have another meeting to look at this. Mr. Wade stated that the structural issues in the budget had been addressed and that the remaining issues are minor. Mr. Peña made a motion to approve as presented. Ms. Sattler seconded the motion. Mr. Marshall asked if they could have five minutes to read through it before continuing with the vote. Mayor Coleman called for a recess until 9:00 p.m. The time was 8:47 p.m. Mayor Coleman reconvened the meeting at 9:00 p.m. Mr. Marshall recommended that PCDC staff review each item. Ms. Madison reviewed each item of concern and provided comments. Mr. Peña stated to amend his motion for approving the budget to include items presented by staff for the remarks for correcting the mathematical errors in some cases. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

10C. 2014-3185

Discuss and consider action to approve the use of park escrow funds

and Deutschen Pfest proceeds in the amount of \$330,331.31 for the construction of improvements in Pflugerville Heights and Black Locust Parks.

Mr. Hemenes provided information and answered questions of the Council. Mr. Cooper made a motion to approve the use of park escrow funds and Deutschen Pfest proceeds in the amount of \$330,331.31 for the construction of improvements in Pflugerville Heights and Black Locust Parks. Mr. Peña seconded the motion. All voted in favor. The motion carried.

10D. 2014-3232 Discuss and consider action regarding future agenda items.

Mr. Gonzales requested an item to discuss a parking ordinance regarding rigs and trailers on the MoKan right of way.

11. Discuss only

11A. 2014-3226 Discussion regarding the Fiscal Year 2015 budget and City Council Fiscal Year 2015 goals.

Mr. Wade indicated that Fleet and Utilities remained for budget discussion. There was no discussion on the item.

11B. 2014-3219 Discussion regarding results and staff recommendations of the 2014 Utility Rate Study.

Mr. Wade stated that staff recommends that they adopt the rate adjustments as presented on August 19, 2014. Mr. Cooper asked if when water restrictions have lifted, if they would have a mechanism to reduce rates. Mr. Wade stated that the recommendation for this rate structure is to be more in line with standard practices. He explained that there would be no drought rate unless implemented with drought. He stated that the Council could discuss it more when staff brings the ordinance forward for first reading on September 9, 2014.

Executive Session

Mayor Coleman announced that the City Council was retiring to executive session on items 11C, 11D, 11E, 11F, and 11G. He read the items for possible discussion and retired to executive session. The time was 9:23 p.m.

11C. 2014-3228 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.

11D. 2014-3229 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.

- 11E. 2014-3230** 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. No action was taken.
- 11F. 2014-3231** 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. No action was taken.
- 11G. 2014-3233** 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.
- There was no discussion on the item.

Executive Session - Closed

Mayor Coleman reconvened in open session at 9:58 p.m.

12. Adjourn

Mr. Peña made a motion to adjourn. Mr. Marshall seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 9:58 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on September 9, 2014.