



City of Pflugerville

Minutes - Final City Council

Tuesday, May 12, 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, Omar Peña, Starlet Sattler, and Victor Gonzales were in attendance. 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; James Hemenes, Parks Director; Amy Good, Finance Director, Terri Waggoner, Public Information Officer, Chuck Hooker, Police Chief, James Wills, Public Works Director.

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.** [2015-3874](#) Proclamation declaring May 17 to May 23, 2015 as National Public Works Week in the City of Pflugerville.

Mr. Word provided information on the upcoming Public Works Open House, rain barrel sales and results of Clean Up Day. Mayor Coleman read the proclamation and presented it to Mr. Word and Mr. Wills.

- 3B.** [2015-3880](#) Presentation regarding the status of water supplies in the region and the City's water conservation efforts.

Mr. Word provided information and answered questions of the Council. He provided a reminder that the City is still in Stage 3 water restrictions and announced that the water conservation team had received a water conservation and reuse award at the Texas Water Conference. Mayor Coleman

requested another water update at the June 9, 2015 regular meeting.

4. Public Hearing and Ordinance First Readings

- 4A. [ORD-0252](#) Conduct a public hearing and consider approving an ordinance on first 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.

Mayor Coleman opened the public hearing and read the item to include the caption of the ordinance under consideration. Mr. Hemenes provided information. There were no requests to speak at the public hearing. Mr. Cooper made a motion to close the public hearing. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

Mr. Cooper made a motion to approve the ordinance as presented. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

5. Public Comment

There were no requests to speak under the item.

Reading of the Consent Agenda

Item 11B was removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

6. Approval of Minutes

- 6A. [2015-3894](#) Approval of the minutes of the April 28, 2015 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

7. Ordinances First Reading

- 7A. [ORD-0254](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A PETITION BY TACK DEVELOPMENT LTD. FOR VOLUNTARY ANNEXATION AND ANNEXING, FOR FULL PURPOSES, A 75.3-ACRE TRACT OF LAND DESIGNATED IN VOLUME 12792 PAGE 1028 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY EXCLUDING THE LAND DESIGNATED FOR RIGHT OF WAY IN THE CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS; EXTENDING THE BOUNDARIES OF THE CITY

TO INCLUDE THE LAND; AND TO BE ZONED AGRICULTURE-CONSERVATION (A); BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; APPROVING A SERVICE PLAN; AND PROVIDING AN EFFECTIVE DATE.

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

8. Ordinances Second Reading

- 8A.** [ORD-0238](#) Approve an ordinance on second reading regarding modifications to the 2030 Comprehensive Plan by amending the Master Transportation Plan as an element of the overall comprehensive plan with the caption reading: AN ORDINANCE AMENDING CHAPTER 153 OF THE CODE OF ORDINANCES FOR THE CITY OF PFLUGERVILLE, TEXAS, BY AMENDING THE THIRD POLICY CHAPTER OF THE 2030 COMPREHENSIVE PLAN TO UPDATE THE ELEMENTS OF THE OVERALL PLAN TO INCLUDE THE UPDATED MASTER TRANSPORTATION PLAN DATED APRIL 2015 PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

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

- 8B.** [ORD-0239](#) Approve an ordinance on second reading with the caption: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION FROM AGRICULTURE / CONSERVATION (A) TO GENERAL BUSINESS-1 (GB1) ON 1.81-ACRE PORTION OF THE TRACT AND GENERAL BUSINESS-2 (GB2) ON 3.189 ACRES, LAND SITUATED IN THE HENRY BLESSING SURVEY NO. 3, ABSTRACT NO. 99 AND THE SEFRIN EISELIN SURVEY NO. 1, ABSTRACT 265, PFLUGERVILLE, TRAVIS COUNTY, TX, GENERALLY LOCATED ALONG F.M. 685 AND SOUTH OF PFENNIG LANE; TO BE KNOWN AS THE CROSS DEVELOPMENT REZONING (REZ1503-01), AND PROVIDING AN EFFECTIVE DATE.

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

9. Ordinances Third Reading

- 9A.** [ORD-0244](#) Approving an ordinance on third reading with the caption reading: AN ORDINANCE GRANTING TO SIENERGY, L.P. A FRANCHISE TO FURNISH AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE CITY OF PFLUGERVILLE, TRAVIS COUNTY AND WILLIAMSON COUNTY, TEXAS, FOR THE TRANSPORTING, DELIVERY, SALES AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID

MUNICIPALITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE STREETS, ALLEYS, AND PUBLIC WAYS; REQUIRING COMPLIANCE WITH ALL REGULATORY ORDINANCES OF THE CITY; AND PROVIDING FOR OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

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

10. Resolution

- 10A. [RES-0248](#) 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.

11. Other Actions

- 11A. [2015-3820](#) Rescinding the request for qualifications for professional services associated with the design, bidding and construction administration of the Pflugerville Sports Complex Project.

The item was approved on the consent agenda.

- 11C. [2015-3878](#) Authorizing the City Manager to execute a Drainage Easement Agreement between Cebridge Acquisition L.P. d/b/a Suddenlink Communications and the City of Pflugerville for the necessary drainage improvements for Walter Avenue.

The item was approved on the consent agenda.

- 11D. [2015-3898](#) Receive report on City Council, Commission, Board and Committee expenditures for April 2015.

The item was approved on the consent agenda.

- 11E. [2015-3899](#) Approving an agreement with the Williamson County YMCA for summer 2015 facility usage in a form approved by the City Attorney and authorizing the City Manager to execute same.

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.

11. Other Actions - Removed from the Consent Agenda

- 11B. [2015-3862](#) Authorizing the City Manager to enter into an agreement with Colston Construction Inc. of Ft. Worth, Texas in the amount of \$233,219.00 for the construction of the Pflugerville Animal Shelter - Kennel Addition project.

Mr. Fletcher provided information on the improvements to be made at the current shelter and answered questions of the Council. He stated that the overall cost of this year's improvements is \$400,000. Mayor Coleman added that the City also provided \$50,000 for improvements last year. Mr. Peña made a motion to approve the item. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

12. Discuss and consider action

- 12A. [2015-3907](#) Discuss and consider action to direct the City Manager to proceed with development of practice space at the City's water treatment plant.

Mr. Hemenes provided information on the proposed project to add a U-11 soccer practice field and a multipurpose practice field, parking, portable toilets and access drive with a cost estimated at \$1.4 million. He answered questions of the Council and there was discussion. Mayor Coleman asked to include lighting of the U-11 soccer practice field. Mr. Wade suggested including it as an add-alternate. Mayor Coleman asked what the proposed time frame is. Mr. Hemenes estimated an opening of Fall 2016 due to the time needed to establish turf. Mr. Cooper made a motion to approve. Mayor Coleman asked to include an analysis by the City Manager regarding how the City would pay for it. Mr. Cooper stated to include that in his motion. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

- 12B. [2015-3893](#) Discuss and consider action regarding future agenda items.

No additional future agenda items were noted.

Executive Session

Mayor Coleman announced that the City Council was retiring to executive session on items 12C, 12D, 13A, 13B, 13C, and 13D. The time was 7:58 p.m.

- 12C. [2015-3910](#) 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 concerning Master Amendment, Consent and Waiver Agreement related to the Hawaiian Falls Water Park project. 2.) Open Session Item: Discuss and consider action to authorize the City Manager to negotiate and execute a Master Amendment, Consent and Waiver Agreement in a form approved by the City Attorney related to the Hawaiian Falls Water Park project.

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

- 12D.** [RES-0250](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding the statutory authority to support Pflugerville Community Development Corporation (PCDC) activities through establishing incentive and fiscal policies and procedures. 2.) Open Session Item: Discuss and consider action to approve a resolution supporting PCDC activities through establishing incentive and fiscal policies and procedures.

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

13. Discuss only

- 13A.** [2015-3895](#) 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.** [2015-3896](#) 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.** [2015-3897](#) 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.** [2015-3904](#) 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.

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 11:06 p.m.

12. Discuss and consider action

12C. [2015-3910](#)

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 concerning Master Amendment, Consent and Waiver Agreement related to the Hawaiian Falls Water Park project. 2.) Open Session Item: Discuss and consider action to authorize the City Manager to negotiate and execute a Master Amendment, Consent and Waiver Agreement in a form approved by the City Attorney related to the Hawaiian Falls Water Park project.

Mr. Peña made a motion to authorize the City Manager's execution of the Master Amendment, Consent and Waiver Agreement between the PCDC, the City and Hawaiian Parks - Pflugerville, LLC, permitting Source Horizons, LLC to acquire an equity interest in Hawaiian Parks - Pflugerville, LLC and any other related documents necessary to effect the transaction in a form approved by the City Attorney's Office. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

Mr. Peña made a motion to grant City Council approval of PCDC's participation in the Master Amendment, Consent and Waiver Agreement and the restated Consent to Mortgage of Leasehold Agreement and any other related documents necessary to effect the transaction in a form approved by the City Attorney's Office. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

14. Adjourn

Mr. Peña made a motion to adjourn. Mr. Cooper seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 11:08 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on May 26, 2015.