



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, October 14, 2014

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 7:04 p.m. Councilmembers Wayne Cooper, Brad Marshall, Omar Peña and Starlet Sattler were in attendance. Councilmember Victor Gonzales 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; Dan Franz, City Engineer; James Hemenes, Parks Director; Terri Waggoner, Public Information Officer; Pam Cosel, Marketing and Special Events; Amy Good, Finance Director; Blake Overmyer, Building Official; Chuck Hooker, Police Chief. Floyd Akers, Executive Director and Amy Madison, Assistant Executive Director of the Pflugerville Community Development Corporation (PCDC) were 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.**

Boy Scout Troop 193 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.**

Boy Scout Troop 193 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

Supp [2014-3352](#)  
1A.

Informational video presentation about the November 4, 2014 Bond Election.

Ms. Waggoner presented a slide showing where information on the bond election could be found on the City's website in both English and Spanish. She presented an informational video.

**3A.** [2014-3351](#) Presentation on the Pfall Chili Pfest on Saturday, October 18, 2014.

**Ms. Cosel provided information and a video on the upcoming Chili Pfest.**

**3B.** [2014-3353](#) Reclaimed Water Master Plan Presentation.

**Mr. Word provided information on the item and answered questions of the Council. Mr. Wade, Mr. Hyde, and Darren Strozewski (DCS Engineering) provided input.**

#### **4. Public Comment**

**Devin Cook, 20425 Rita Blanca Circle, did not wish to speak but requested that the Mayor announce for the record that she would love to hear updates on the animal shelter improvements and plans for the future animal shelter.**

**Karyn Buchanan, 1014 Vanderbilt, stated that at the September 9 Council meeting it was implied that something would be brought back to the Council regarding the animal shelter. She asked that they be educated on the process and that an update be scheduled on the agenda. Mr. Wade stated that improvements to the existing shelter have been approved and plans for a new shelter are proceeding but would require a Request for Qualifications (RFQ) be sent out. He indicated that he would have staff email out an update on the animal shelter and would report on the status at the October 28, 2014 meeting.**

#### **Reading of the Consent Agenda**

**Ms. Thompson read the items along with the caption of the ordinance under consideration.**

#### **5. Approval of Minutes**

**5A.** [2014-3330](#) Approval of the minutes of the September 16, 2014 City Council Special Meeting and September 23, 2014 City Council Worksession and Regular Meeting.

**The minutes were approved on the consent agenda.**

#### **6. Ordinances Second Reading**

**6A.** [ORD-0219](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, REPEALING AND REPLACING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, CHAPTER 70, TRAFFIC CONTROL DEVICES, SECTION 33 (B), REGARDING THROUGH-TRUCK TRAFFIC; AND PROVIDING AN EFFECTIVE DATE.

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

**7. Resolutions**

- 7A.** [RES-0218](#) Approving a resolution of the City of Pflugerville, Texas, reviewing and approving the Investment Policy of the City of Pflugerville, Texas.  
**The resolution was approved on the consent agenda.**
- 7B.** [RES-0220](#) Approving a resolution accepting Windermere water and wastewater rates as specified in the updated water and sewer utility tariffs.  
**The resolution was approved on the consent agenda.**

**8. Other Actions**

- 8A.** [2014-3289](#) Authorizing the City Manager to execute a Public Utility Easement Agreement with Rady Family Trust, Realtron Inc. and the City of Pflugerville for the utility construction associated with the North Travis County Municipal Utility District (MUD) 5 water distribution capital improvement project.  
**The item was approved on the consent agenda.**
- 8B.** [2014-3305](#) Authorize the City Manager to execute an agreement with Cobb Fendley & Associates, Inc. for design of the East Pecan Street Widening capital improvement project from SH130 to Cameron Road in an amount not to exceed \$225,456.05.  
**The item was approved on the consent agenda.**
- 8C.** [2014-3306](#) Authorizing the City Manager to execute Public Water and Wastewater Easement Agreements with Temple Real Estate Investments, Inc. and the City of Pflugerville for associated construction for the Sparetime Commercial development project.  
**The item was approved on the consent agenda.**
- 8D.** [2014-3326](#) Receive report on City Council, Commission, Board and Committee expenditures for August and September 2014.  
**The item was approved on the consent agenda.**
- 8E.** [2014-3346](#) Authorizing the City Manager to execute a temporary Public Wastewater Easement Agreement with Century Land Holdings, Inc. and the City of Pflugerville for associated construction for the Avalon 5b subdivision project.  
**The item was approved on the consent agenda.**
- 8F.** [2014-3347](#) Approving a professional services agreement regarding collection of drainage fees for Travis County Municipal Utility District #17 (Sorento)

and authorizing the City Manager to execute same.

**The item was approved on the consent agenda.**

- 8G.** [2014-3354](#) Approving the selection of Freese and Nichols, Inc. for professional engineering services associated with design, bidding and construction administration of the Heatherwilde Elevated Storage Tank Project and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

**The item was approved on the consent agenda.**

- 8H.** [2014-3355](#) Approving an agreement with Architecture Plus, Inc. in the amount of \$73,800 for Phase 1 professional services associated with developing a facilities master plan for the Public Works Complex at the Central Wastewater Treatment Plant; and developing plans for a Public Works and Parks and Recreation field operations building to house maintenance staff.

**The item was approved on the consent agenda.**

- 8I.** [2014-3364](#) Authorizing the City Manager to execute a Public Wastewater Easement Agreement with TFS Texas Investments, LLC. and the City of Pflugerville for the utility construction associated with the Rowe Loop Wastewater Capital Improvement Project.

**The item was approved on the consent agenda.**

- 8J.** [2014-3365](#) Approving the Fund Balance Policy of the City of Pflugerville, Texas.

**The item was approved on the consent agenda.**

### **Action on the Consent Agenda**

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

### **9. Discuss only**

- 9A.** [2014-3348](#) Report from Councilmember Victor Gonzales on the 2014 Austin Chamber of Commerce InterCity visit to San Francisco, California.

**This item was postponed until the next meeting.**

### **10. Discuss and consider action**

- 10A.** [2014-3368](#) Discuss and consider action regarding improvements to the Windermere Park Pool.

**Mr. Hemenes presented information requested during Council budget**

discussions on possible improvements to the Windermere pool to include heater, pool blankets, and wind screens estimated at \$45,000 and bubble estimated at \$55,000. Mayor Coleman stated that this could provide for senior programs year round. Discussion with Council followed. Kyle Benedict, Aquatics and Athletics Coordinator, also provided input. Mayor Coleman stated that he does not think that they need the bubble. Mr. Hemenes was to bring an operations estimate forward for the Council's consideration. No action was taken.

**10B.** [2014-3345](#)

Discuss and consider action to authorize the City Manager to negotiate a Park Use Agreement with the Pflugerville Area Youth Soccer League (PAYSL) for the exclusive use of Wells Point Park, Bohls Park and the Swenson Pond parkland.

Mr. Hemenes provided information on the item to include proposed agreement points as well as current costs and fees. He stated that current users of Wells Point would continue to be able to use the fields, to include the Texans. Mr. Jesse Pedraza, PAYSL President, stated that they do have both rec and select leagues and select does pay a higher cost and they are kept in separate systems, so that information can be provided to the City. Mr. Pedraza stated that they estimate irrigation repairs at \$30,000 for Wells Point and \$10,000-12,000 for Bohls Park. Mr. Pedraza stated that the long-term agreement would give PAYSL more ownership and pride and they would hold more responsibility in doing improvements and maintenance. He stated that PAYSL would continue to allow Texans use. Mr. Peña stated concerns for the exclusivity of the 10-year agreement. He asked what they would be setting themselves up for strategically when others come to town. Discussion continued.

Mr. Rudy Metayer, Austin Texans Vice President, stated concerns for the exclusivity of the agreement. He stated that the Texans were just told that this was included on the agenda tonight. He stated that the City, PAYSL, One World and the Texans need to work together. He stated that the Texans and One World would also provide investment. He stated that there had been attempts by the other clubs to bring in tournaments. Mayor Coleman stated that he would love to believe that the three organizations could work together, but from the history he has seen, it hasn't worked itself out thus far. Mayor Coleman stated that we have a facility that is already over used, but you are saying that the three of you should get together and use it even more. He stated that he doesn't see how you can use it more and get it to be decent. Mr. Metayer stated that the Texans were able to raise and take out loans to spend \$200,000 at the Hill Country Bible church due to the Texans and PAYSL being unable to come to an agreement to use the Wells Point fields. He stated that the Texans were not taken care of there. He stated concerns with the expansion of FM 685, that the Hutto Youth Soccer Association (HYSA), whom they partner with for field use, would lose area in Hutto. He stated concerns for the Council making this commitment prior to the bond election results. He stated concern for the 10-year agreement.

Mayor Coleman stated a need for surety and to put this thing to rest so they can get the Wells Point Park and Bohls Park in a usable position. There was continued discussion. Mr. Akers provided information on challenge grants that PCDC has available.

Mayor Coleman asked that the Council authorize the City Manager to negotiate

an agreement but to wait until after the bond election to take any action. There was no opposition stated. A proposed agreement for consideration was to be presented to Council on November 11, 2014.

**10D. [2014-3329](#)**

Discuss and consider action regarding future agenda items.

Mayor Pro Tem Cooper stated that he had requested a CAN presentation. Ms. Thompson stated that it is scheduled for November 11, 2014. Mr. Wade stated that he would bring an animal shelter update on October 28, 2014. Mayor Coleman exited the meeting at 9:00 p.m. Mayor Pro Tem Cooper presided.

**Executive Session**

Mayor Pro Tem Cooper announced that the City Council was retiring to executive session for possible discussion on items 10C, 11B, 11C and 11D. He initiated the reading of the items. Mayor Coleman re-entered the meeting at 9:02 p.m. He completed the reading of the items and retired to executive session. The time was 9:03 p.m.

**10C. [2014-3383](#)**

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 regarding a Pflugerville Community Development Corporation (PCDC) Performance Agreement with Project Durable. 2.) Open Session Item: Discuss and consider action regarding a Pflugerville Community Development Corporation (PCDC) Performance Agreement with Project Durable.

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

**11. Discuss only - Executive Session****11A. [RES-0221](#)**

1.) Executive Session Item: Consultation with legal counsel regarding legal issues related to the city's standard professional services contract pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss the city's standard professional services contract.

There was no discussion on the item during the regular meeting. Discussion on the item took place in executive session in the earlier worksession.

**11B. [2014-3328](#)**

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.

- 11C. [2014-3344](#) 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.

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

- 11D. [2014-3389](#) 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.

### **Executive Session - Closed**

Mayor Coleman reconvened in open session at 11:24 p.m.

- 10C. [2014-3383](#) 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 regarding a Pflugerville Community Development Corporation (PCDC) Performance Agreement with Project Durable. 2.) Open Session Item: Discuss and consider action regarding a Pflugerville Community Development Corporation (PCDC) Performance Agreement with Project Durable.

Mr. Peña made a motion to approve the PCDC performance agreement for Project Durable. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

### **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 11:25 p.m.

Respectively submitted,

Karen Thompson  
City Secretary

Approved as presented on October 28, 2014.