



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, May 10, 2016

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 7:12 p.m. Councilmembers Brad Marshall, Omar Peña, Starlet Sattler and Mike Heath were in attendance. Councilmember Wayne Cooper was absent. City employees in attendance: 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; James Hemenes, Parks Director; Emily Barron, Planning Director; Dan Franz, City Engineer; Amy Giannini, Development Engineering Director; Blake Overmyer, Building Official; Erin Sellers, Planner II; Jeremy Frazzell, Senior Planner; Amy Good, Finance Director; Terri Toledo, Public Information Officer; Jacquelyn Smith, CIP Program Manager; Laura Wilkes, Police Lieutenant; Leann Resendez, Recreation Superintendent; Chuck Hooker, Police Chief; Rhonda McLendon, Animal Shelter Director; Jennifer Coffey, Library Director; James Wills, Public Works Director; Patricia Rinehart, Conservation Education Specialist; Darrell Winslett, Conservation Manager.

#### 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. [2016-4835](#)** Proclamation declaring May 2016 as Motorcycle Safety and Awareness Month in the City of Pflugerville.

Mayor Coleman read the proclamation and presented it to the motorcycle clubs in attendance.

- 3B.** [2016-4846](#) Proclamation declaring May 15 to May 21, 2016 as National Public Works Week in the City of Pflugerville.

**Mayor Coleman read the proclamation and presented it to Mr. Wills, Mr. Winslett and Ms. Rinehart. Mr. Wills provided information on the Public Works Open House on May 13, 2016. Mayor Coleman provided comments.**

- 3C.** [2016-4854](#) Presentation of the Texas Section of the American Water Works Association (AWWA) Watermark Award for Communications Excellence and Water Conservation and Reuse Award for small utilities.

**Mr. Wills provided information on the water conservation awards. Mayor Coleman presented the awards to Mr. Wills, Mr. Winslett and Ms. Rinehart.**

#### **4. Public Hearing and Ordinance First Readings**

- 4A.** [ORD-0292](#) 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. Marshall made a motion to close the public hearing. Ms. Sattler seconded the motion. All voted in favor. The motion carried.**

**Mr. Marshall made a motion to approve item 4A. Mr. Heath seconded the motion. All voted in favor. The motion carried.**

#### **5. Public Comment**

**Kim Waters, Kessler Drive, reported on the achievements of Pflugerville Pets Alive this month.**

**Michelle Smith, 1111 Canyon Maple Road, provided information on groups volunteering at the shelter.**

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

**Items 8A, 9A, 9B, 9C and 9D were removed from the consent agenda. Ms. Thompson read the items to include the corrected captions of the ordinances under items 7A and 7B and the caption of the ordinance under item 8B.**

#### **6. Approval of Minutes**

- 6A.** [2016-4862](#) Approval of the minutes of the April 26, 2016 Worksession and

Regular Meeting.

The minutes were approved on the consent agenda.

## 7. Ordinances First Reading

- 7A. [ORD-0300](#) 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 TITLED PARKING REGULATIONS, BY AMENDING SECTION 71.05 TITLED PARKING PROHIBITED IN CERTAIN DESIGNATED AREAS; 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. (Adding no parking zones along portions of Terrell Lane)

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

- 7B. [ORD-0301](#) 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, BY AMENDING TITLE VII TITLED TRAFFIC CODE, BY AMENDING CHAPTER 71 TITLED PARKING REGULATIONS, BY AMENDING SECTION 71.05 TITLED PARKING PROHIBITED IN CERTAIN DESIGNATED AREAS; PROVIDING A VIOLATION OF SECTION 71.05 IS A MISDEMEANOR; 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. (Adding no parking zones along the southern portion of Justice Center Drive)

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

## 8. Ordinances Second Reading

- 8B. [ORD-0298](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FIRST 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.

## 10. Other Actions

- 10A.** [2016-4860](#) Receive report on City Council, Commission, Board and Committee expenditures for April 2016.  
**The item was approved on the consent agenda.**
- 10B.** [2016-4868](#) Authorizing the City Manager to execute a conditional purchase agreement between Nelson H. Puett and the City of Pflugerville for property acquisition for construction associated with the Heatherwilde Elevated Storage Tank Project.  
**The item was approved on the consent agenda.**
- 10C.** [2016-4875](#) Authorizing the City Manager to approve an additional expenditure to the existing Manville utility relocation agreement in the amount of \$33,899.86 for Manville water main relocation associated with the Heatherwilde Widening Project.  
**The item was approved on the consent agenda.**

### Action on the Consent Agenda

**Ms. Sattler made a motion to approve the consent agenda. Mr. Heath seconded the motion. All voted in favor. The motion carried.**

### Ordinances Second Reading

- 8A.** [ORD-0299](#) 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, BY AMENDING TITLE VII TITLED TRAFFIC CODE, BY AMENDING CHAPTER 71 TITLED PARKING REGULATIONS, BY AMENDING SECTION 71.05 TITLED PARKING PROHIBITED IN CERTAIN DESIGNATED AREAS; PROVIDING A VIOLATION OF SECTION 71.05 IS A MISDEMEANOR; 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. (Adding no parking zones along portions of Pfluger Farm Lane)  
**Mr. Heath indicated that he had removed from the consent agenda because he wanted to hear how we are planning for striping and planning for the future. Mr. Word provided information and answered questions. Mr. Heath made a motion to approve the item. Ms. Sattler seconded the motion. All voted in favor. The motion carried.**

### 9. Resolutions-Removed from Consent Agenda

- 9A.** [RES-0313](#) Approving a Resolution Directing the Publication of Notice of Intention to Issue City of Pflugerville, Texas, Combination Tax and Revenue Certificates of Obligation, and Other Matters Related Thereto.

(Tax-exempt Certificates of Obligation, Series 2016A)

Mr. Wade provided information. Mr. Heath stated that he thinks that a number of the projects do not work with the strategic plan prioritization that the Council is working on. He stated that he thinks the projects need to be vetted together and prioritized. He stated that some are discretionary. Mr. Wade explained that these are projects that have been postponed previously and that these are his recommendations for what is absolutely needed. Discussion followed. Mayor Coleman stated that he thinks that the projects would be high on the strategic plan list. Mr. Heath stated that he would like to do a master prioritization. He stated that he thinks some of the projects do not fit with the priorities and that there would be other projects that would have a higher need. Mayor Coleman explained that some citizens priorities are the animal shelter or parks; that it is important to balance. Mr. Heath stated that they need to do it wholly. Mayor Coleman stated that they are working towards that, but that they have been talking about the pool house since October 2013. Mr. Heath stated that they need to extend money to its highest and best use. Mayor Coleman stated that these are the highest and best need and important projects for the entire city. Mr. Heath indicated concerns for the tax rate. He stated that they do not have to do this right now. Mr. Marshall stated that they have been directing and guiding staff on this list and have narrowed it down to this particular list. He stated that it may seem that the list just appeared, but they have been discussing it for years. Mr. Heath stated that he wants to be mindful for the citizens. Mayor Coleman explained that the appraisals have been going up, which has caused taxes to go up. He stated that the city is only 20% of the tax bill and the city can only effect a small part. He stated that we need to take care of the needs that we see. Ms. Sattler stated to agree and indicated the importance of quality of life. Mr. Heath stated that he thinks that they should spend a little time on it and get it right. Mayor Coleman stated that they have spent time and he feels they have done their due diligence. Mr. Wade answered questions and Mr. Hyde provided input in the discussion to follow. Mr. Terrell Palmer, City Financial Advisor, provided information and answered questions. Ms. Good provided input.

Melody Ryan, 1012 Ripley Castle Cove, spoke against the use of certificates of obligation. She asked why it needs to be funded this way and not taken to the voters.

Victor Gonzales, 303 Wilbarger Street, stated that Mr. Heath and Ms. Ryan make a point. He stated that the Council did not ask the voters regarding Stone Hill and it was the right decision. He stated that perhaps these projects should be presented at a worksession and concerns addressed. He stated that these projects are needed and long over due and they make the community strong and a place citizens can be proud of.

Council discussion continued. Mayor Coleman opened items 9B, 9C and 9D for consideration. Mr. Wade and Mr. Richard Donoghue, bond counsel, provided information on the reimbursement resolution under item 9B. Mr. Wade, Mr. Palmer and Mr. Hyde provided information on items 9C and 9D.

Mr. Marshall made a motion to approve item 9A as read. Ms. Sattler seconded the motion. The vote was: Mr. Marshall-yes, Mr. Peña-no, Ms. Sattler-yes, Mr. Heath-no. Mayor Coleman voted to break the tie vote. He voted yes. The motion carried.

**9B.** [RES-0314](#) Approving a Resolution Expressing Official Intent to Reimburse Certain Expenditures.

**Mr. Marshall made a motion to approve item 9B. Mr. Heath seconded the motion. All voted in favor. The motion carried.**

**9C.** [RES-0316](#) Approving a Resolution Directing the Publication of Notice of Intention to Issue City of Pflugerville, Texas, Combination Tax and Revenue Certificates of Obligation, and Other Matters Related Thereto. (Tax-exempt Certificates of Obligation for TIRZ, Series 2016B)

**Mr. Sattler made a motion to approve item 9C. Mr. Peña seconded the motion. All voted in favor. The motion carried.**

**9D.** [RES-0317](#) Approving a Resolution Directing the Publication of Notice of Intention to Issue City of Pflugerville, Texas, Combination Tax and Revenue Certificates of Obligation, and Other Matters Related Thereto. (Taxable Certificates of Obligation for TIRZ, 2016C)

**Mr. Marshall made a motion to approve item 9D. Mr. Peña seconded the motion. All voted in favor. The motion carried.**

## **11. Discuss and consider action**

**11A.** [2016-4882](#) Discuss and consider action regarding the scope of the proposed animal shelter expansion.

**Mr. Fletcher provided information on the proposed plan for shelter improvements and answered questions of the Council. Lt. Wilkes and Ms. McLendon answered questions regarding animal shelter statistics. Mayor Coleman called Michelle Smith to provide public comment, but she indicated that she no longer wished to speak on the item. Mr. Heath asked if this is the best location. Mr. Wade stated that this is the location that we have and this was the direction provided in December 2015. Mr. Peña made a motion to proceed with this plan. Ms. Sattler seconded the motion. Mr. Heath asked if they could look at other options in the future. Mr. Wade asked the Council if this is being considered a stop-gap measure. Mr. Marshall stated that they should always look at other options. Mayor Coleman stated that it would make no sense to spend this money and then look for a different location as one of their directions to staff. Mr. Marshall indicated to clarify that no, they do not direct staff to do that. All voted in favor. The motion carried.**

**11B.** [RES-0320](#) Discuss and consider action to approve a resolution in support of the City of Austin's Proposal to become a US Department of Transportation (USDOT) Smart City.

**Mr. Fletcher provided information. Mr. Wade indicated that a presentation regarding transit is planned for May 24, 2016, but the City of Austin has requested action on the resolution prior to May 20, 2016 to meet their submittal deadline. Discussion followed. Mr. Peña made a motion to approve the resolution. Ms. Sattler seconded the motion. Mr. Heath asked for an amendment to the include a request to the City of Austin to support the FM 685 superstreet concept. Mr. Peña indicated to add that to his motion. Ms. Sattler declined. The motion failed. Mr. Peña restated his initial motion to approve**

the resolution. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

- 11C. [2016-4866](#) Discuss and consider action regarding future agenda items.

Mr. Heath indicated that he had requested an item regarding the Goodman Corporation and it was stated that the item would be placed on the May 24, 2016 agenda.

### Executive Session

Mayor Coleman announced that the City Council was retiring to executive session for possible discussion on items 11D, 11E, 12A, 12B, and 12C. He retired to executive session. The time was 8:59 p.m.

- 11D. [RES-0319](#) 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) economic development performance agreement with SISU Devices, a Texas Limited Liability Corporation for Project iRobot. 2.) Open Session Item: Discuss and consider action to approve a resolution authorizing a Pflugerville Community Development Corporation (PCDC) economic development performance agreement with SISU Devices, a Texas Limited Liability Corporation for Project iRobot

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

- 11E. [2016-4816](#) 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 of real property of two parcels of property on Pfennig Lane: 2.895 acres of property legally described as ABS 99 SUR 3 Blessing H ACR 2.895 and 1.9389 acres of property legally described as ABS 99 SUR 3 Blessing H ACR 1.9389 in Pflugerville, TX. 2.) Open Session Item: Discuss and consider action to approve the purchase of two parcels of property on Pfennig Lane: 2.895 acres of property legally described as ABS 99 SUR 3 Blessing H ACR 2.895 and 1.9389 acres of property legally described as ABS 99 SUR 3 Blessing H ACR 1.9389 in Pflugerville, TX, and to authorize the City Manager to execute all documents required for purchase of the property.

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

12. Discuss only

- 12A.** [2016-4865](#) 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.**
- 12B.** [2016-4867](#) 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.**
- 12C.** [2016-4870](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding legal aspects concerning Councilmember Brad Marshall's April 26, 2016 announcement of candidacy for mayor in the November 2016 election; Texas Constitution Article 16, Section 65, commonly referred to as the "resign-to-run" provision; Texas Constitution Article 11, Section 11, requiring a special election to be held; and the City Charter, Section 3.07, regarding requirements concerning vacancies.
- Discussion on the item took place in executive session. No action was taken.**

### **Executive Session - Closed**

**Mayor Coleman reconvened in open session at 10:30 p.m.**

### **11. Discuss and consider action**

- 11D.** [RES-0319](#) 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) economic development performance agreement with SISU Devices, a Texas Limited Liability Corporation for Project iRobot. 2.) Open Session Item: Discuss and consider action to approve a resolution authorizing a Pflugerville Community Development Corporation (PCDC) economic development performance agreement with SISU Devices, a Texas Limited Liability Corporation for Project iRobot
- Mr. Peña made a motion to approve the resolution. Ms. Sattler seconded the motion. All voted in favor. The motion carried.**

- 11E.** [2016-4816](#) 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 of real property of two parcels of property on Pfennig Lane: 2.895 acres of property legally described as ABS 99 SUR 3 Blessing H ACR 2.895 and 1.9389 acres of property legally described as ABS 99 SUR 3 Blessing H ACR 1.9389 in Pflugerville, TX. 2.) Open Session Item: Discuss and consider action to approve the purchase of two parcels of property on Pfennig Lane: 2.895 acres of property legally described as ABS 99 SUR 3 Blessing H ACR 2.895 and 1.9389 acres of property legally described as ABS 99 SUR 3 Blessing H ACR 1.9389 in Pflugerville, TX, and to authorize the City Manager to execute all documents required for purchase of the property.

**Mr. Marshall made a motion to approve the item. Ms. Sattler seconded the motion. Mr. Wade answered questions regarding the purchase of the property. All voted in favor. The motion carried.**

### **13. Adjourn**

**Ms. Sattler made a motion to adjourn. Mr. Marshall seconded the motion. The vote was: Mr. Marshall-yes, Mr. Peña-no, Ms. Sattler-yes, Mr. Heath-yes. The motion carried. The meeting was adjourned at 10:33 p.m.**

**Respectfully submitted,**

**Karen Thompson  
City Secretary**

**Approved as presented on May 24, 2016.**