



City of Pflugerville

Minutes - Final City Council

Tuesday, February 24, 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 Brad Marshall, Wayne Cooper and Omar Peña were in attendance. Councilmembers Starlet Sattler and Victor Gonzales were absent. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Christa Deamer, Deputy City Secretary; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager, Tom Word, Assistant City Manager; Emily Barron, Planning Director; Dan Franz, City Engineer; James Hemenes, Parks Director; Terri Waggoner, Public Information Officer; Chuck Hooker, Police Chief; Amy Giannini, Interim Development Engineering Director; Amy Good, Finance 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.

Items were addressed in the order as recorded in the minutes.

3. Presentations

- 3A.** [2015-3676](#) Presentation of Texas Comptroller Leadership Circle 2014 Silver Award for financial transparency.

Mayor Coleman presented the award to Amy Good, Finance Director.

- 3B.** [2015-3703](#) Presentation by Mr. Fred Blood regarding the Capital Area Council of Government (CAPCOG) Clean Air Coalition initiatives and proposed air quality standards.

Mr. Fletcher gave an introduction and Mr. Blood gave the presentation and answered questions from Council.

4. Public Comment

Mr. Ed Zamora and Mr. Brian Allen of the American Legion Kerlin-Lyerly Post 154, P.O. Box 3440, announced that they have been granted a permanent charter and gave information about their organization.

Reading of the Consent Agenda

Item 6A was removed from the consent agenda. Ms. Deamer read the items to include the captions of the ordinances under consideration.

5. Approval of Minutes

- 5A. [2015-3713](#) Approval of the minutes of the February 10, 2015 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

7. Ordinances Second Reading

- 7A. [ORD-0231](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, CHAPTER 72 ADDING SCHEDULE III REGARDING STOP SIGNS ON CITY STREETS; AND PROVIDING A REPEALER CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

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

- 7B. [ORD-0232](#) 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 A 1.399-ACRE TRACT OF LAND OUT OF THE SEFRIN EISELIN SURVEY NO. 1, GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF E. PECAN STREET AND OLD AUSTIN-HUTTO ROAD, FROM AGRICULTURE / CONSERVATION (A) TO GENERAL BUSINESS-1 (GB1) ZONING DISTRICT; TO BE KNOWN AS THE REMAINDER OF H.E.B. TRACT/PECAN STREET REZONING (REZ1412-01) AND PROVIDING AN EFFECTIVE DATE.

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

- 7C. [ORD-0233](#) 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 2015 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. Ordinances Third Reading

- 8A. [ORD-0221](#) Approving an ordinance on third 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 40B, BLOCK P, REVISED FINAL PLAT OF LOT 40, BLOCK P, CAMBRIDGE HEIGHTS COMMERCIAL SUBDIVISION, CONSISTING OF APPROXIMATELY 4.061 ACRES, FROM AGRICULTURE / CONSERVATION (A) TO RETAIL (R) ZONING DISTRICT; TO BE KNOWN AS CAMBRIDGE HEIGHTS RETAIL, LOT 40B (REZ1409-01) AND PROVIDING AN EFFECTIVE DATE.

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

- 8B. [ORD-0218](#) Approval of an ordinance on third reading with the caption reading: AN ORDINANCE AMENDING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, BY REPEALING THE EXISTING CHAPTER 157 (UNIFIED DEVELOPMENT CODE); CREATING A NEW CHAPTER 157; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000 AND DECLARING AN EFFECTIVE DATE.

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

- 8C. [ORD-0215](#) Approval of an ordinance on third reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE ADOPTING THE PARKS DEVELOPMENT MANUAL, A SUPPLEMENT TO SUBCHAPTER 14 PUBLIC PARKLAND STANDARDS OF THE UNIFIED DEVELOPMENT CODE, BY PROVIDING TECHNICAL STANDARDS AND PARKLAND SECTORS; CONTAINING A SAVINGS CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

- 8D. [ORD-0216](#) Approval of an ordinance on third reading with the caption reading: AN ORDINANCE AMENDING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, BY AMENDING THE EXISTING CHAPTER 154 SIGNS; REMOVING REFERENCE TO

CHAPTER 157.542 WITHIN SECTION 154.002; REPLACING SECTION 154.904 IN ITS ENTIRETY TO INCLUDE NEW AND MODIFIED ZONING DISTRICT NAMES; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000; AND DECLARING AN EFFECTIVE DATE.

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

- 8E. [ORD-0217](#) Approval of an ordinance on third reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE ADOPTING THE 2014 ENGINEERING DESIGN MANUAL AND CONSTRUCTION STANDARDS, REPLACING ALL ENGINEERING AND CONSTRUCTION STANDARDS IN CONFLICT; CONTAINING A SAVINGS CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

9. Resolution

- 9A. [RES-0235](#) Approving a resolution with caption reading: RESOLUTION APPROVING PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING DISTRIBUTION OF SUCH PRELIMINARY OFFICIAL STATEMENT RELATING TO THE CITY'S COMBINATION TAX AND LIMITED REVENUE CERTIFICATES OF OBLIGATION, SERIES 2015 AND LIMITED TAX BONDS, SERIES 2015.

The resolution was approved on the consent agenda.

10. Other Actions

- 10A. [2015-3679](#) Authorizing the City Manager to execute Public Water Main Easement and Temporary Construction Easement Agreements with Highland Park Residential Community, 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.

- 10B. [2015-3701](#) Approving the selection of Fugro Roadware Inc. for professional engineering services associated with the City of Pflugerville Pavement Evaluation and Assessment 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.

- 10C. [2015-3711](#) Awarding a construction contract for the Pflugerville Heights & Black Locust Parks Project to Fazzone Construction Co., Inc, the lowest responsive bidder of four (4) bids received on February 13, 2015, in

the amount of \$219,677.38 and authorizing the City Manager to execute the contract and authorizing the City Engineer to issue the Notice of Award and Notice to Proceed.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

6. Ordinances First Reading

- 6A. [ORD-0234](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING PROVISIONS OF CHAPTER 130 OFFENSES AGAINST CITY REGULATIONS, SECTION 130.03 DISCHARGING FIREARMS, TO DEFINE BB GUNS AND ADDING TWO EXCLUSIONS FROM THE PROHIBITION OF THE DISCHARGE OF BB GUNS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

Mayor Coleman provided background information on the item. Mr. Hyde and Mr. Hooker provided information and answered questions from Council. Mr. Cooper made a motion to approve the ordinance on first reading. Mr. Peña seconded the motion. All voted in favor. The motion carried.

12. Discuss and consider action

- 12A. [2014-3331](#) Discuss and consider action to reauthorize the City Manager to proceed and enter into a contract in the amount of \$188,000 with The Goodman Corporation for the preparation of a Transportation Development Program.

Mr. Wade, Mr. Fletcher and Mr. Hyde gave information and answered questions from Council. City Council directed Mr. Wade to repeat the solicitation of a contract using a new procurement method.

- 12B. [2015-3688](#) Discuss and consider action to approve projects to be funded with reserve funds during Fiscal Year 2015.

Mr. Wade requested to postpone the item. Mr. Cooper motioned to table the item. Mr. Peña seconded the motion. All voted in favor. The motion carried.

- 12C. [2015-3712](#) Discuss and consider action regarding future agenda items.

There was no discussion on the item.

Executive Session

Mayor Coleman announced that the City Council was retiring to executive session for discussion on item 12D. He stated that item 12E would be tabled due to lack of a full Council. He read item 12D and retired to executive session. The time was 7:41 p.m.

12D. [2015-3562](#)

1.) Executive Session Item: Consultation with legal counsel regarding a proposed Amended and Restated Comprehensive Development Agreement for Blackhawk. 2.) Open Session Item: Discuss and consider action to approve a proposed Amended and Restated Comprehensive Development Agreement for Blackhawk.

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

12E. [2015-3722](#)

1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding performance evaluation of the City Manager. 2.) Open Session Item: Discuss and consider action regarding performance evaluation of the City Manager.

There was no discussion on the item. The item was tabled.

Executive Session - Closed

Mayor Coleman reconvened in open session at 8:09 p.m.

[2015-3562](#)

1.) Executive Session Item: Consultation with legal counsel regarding a proposed Amended and Restated Comprehensive Development Agreement for Blackhawk. 2.) Open Session Item: Discuss and consider action to approve a proposed Amended and Restated Comprehensive Development Agreement for Blackhawk.

Mr. Cooper made a motion to approve the agreement as amended and restated. Mr. Peña seconded the motion. All voted in favor. The motion carried.

11. Resolution

11A. [RES-0240](#)

Approving a resolution establishing a 2015 bond committee and appointing its members.

Mr. Cooper motioned to table the item. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

Executive Session

Mayor Coleman announced that the City Council was retiring back into executive session for possible discussion on items 13A, 13B, 13C, 13D and 13E. He read the items and retired to executive session. The time was 8:10 p.m.

13. Discuss only

- 13A.** [2015-3716](#) 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.**
- 13B.** [2015-3714](#) 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.
- There was no discussion or action on the item.**
- 13C.** [2015-3715](#) 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 or action on the item.**
- 13D.** [2015-3717](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding the City of Pflugerville's legislative agenda.
- There was no discussion or action on the item.**
- 13E.** [2015-3719](#) 1.) Executive Session Item: Deliberation regarding real property pursuant to Chapter 551.072 and consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for discussion regarding real property acquisition related to Capital Improvement Projects.
- Discussion on the item took place in executive session. No action was taken.**

Executive Session - Closed

Mayor Coleman reconvened in open session at 9:45 p.m. No action was taken.

14. 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 9:45 p.m.

Respectfully submitted,

**Christa Deamer
Deputy City Secretary
Approved as _____ on March 10, 2015.**