



City of Pflugerville

Minutes - Final

City Council

Tuesday, February 23, 2016

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 7:02 p.m. Councilmembers Wayne Cooper, Brad Marshall, Starlet Sattler and Mike Heath were in attendance. Councilmember Omar Peña was absent. 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; Emily Barron, Planning Director; Dan Franz, City Engineer; Amy Giannini, Development Engineering Director; Blake Overmyer, Building Official; James Hemenes, Parks Director; Chuck Hooker, Police Chief; Terri Toledo, Public Information Officer; Laura Wilkes, Police Lieutenant.

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

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. Public Comment

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

Reading of the Consent Agenda

Item 5C was removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

4. Approval of Minutes

- 4A. [2016-4675](#) Approval of the minutes of the February 9, 2016 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

5. Ordinances Second Reading

- 5A. [ORD-0272](#) Approving an ordinance on second reading with the caption reading: 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 OF THE SINGLE FAMILY PORTION OF THE VERONA SUBDIVISION CONSISTING OF APPROXIMATELY 87.991 ACRES FROM AGRICULTURE/CONSERVATION (A) TO SINGLE FAMILY RESIDENTIAL (SF-R); AND THE NON-RESIDENTIAL LOT CONSISTING OF APPROXIMATELY 2.49 ACRES FROM AGRICULTURE/CONSERVATION (A) TO NEIGHBORHOOD SERVICES (NS), TO BE KNOWN AS THE VERONA SUBDIVISION REZONING (REZ1510-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

- 5B. [ORD-0279](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A PETITION BY CE DEVELOPMENT INC. FOR VOLUNTARY ANNEXATION AND ANNEXING, FOR FULL PURPOSES, A 443.692-ACRE TRACT OF LAND SITUATED IN THE J. LEISSE SURVEY, ABSTRACT NO. 496, SITUATED IN THE J. WIEHL SURVEY, ABSTRACT NO. 802, AND SITUATED IN THE W. CALDWELL SURVEY, ABSTRACT NO. 162 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY; 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. (ANX1511-01 Carmel West Annexation)

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

- 5D. [ORD-0285](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ALL

DOCUMENTS TO INSTITUTE EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF A 3.084 ACRE TRACT; LOT 1 OF THE WILKE SUBDIVISION, PFLUGERVILLE, TEXAS, TRAVIS; DOCUMENT NO. 200500119 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; REAL PROPERTY OWNED AND CLAIMED BY NELSON H. PUETT; AND DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS

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

6. Resolution

- 6A.** [RES-0300](#) Approving a resolution authorizing the City Manager to execute a Partial Abandonment and Release Instrument to partially vacate two existing 50 foot landscape easements on property owned by Cash Construction Company, Inc.

The resolution was approved on the consent agenda.

7. Other Actions

- 7A.** [2016-4663](#) Authorizing the City Manager to execute a Public Wastewater Easement Agreement with Cash Construction, Inc. and the City of Pflugerville for a wastewater line associated with the Cash Construction site development project generally located southeast of Heatherwilde Blvd. and Kingston Lacy Blvd.

The item was approved on the consent agenda.

- 7B.** [2016-4662](#) Authorizing the City Manager to execute a Public Water Easement Agreement with Cash Construction, Inc. and the City of Pflugerville for a water line associated with the Cash Construciton site development project generally located southeast of Heatherwilde Blvd. and Kingston Lacy Blvd.

The item was approved on the consent agenda.

- 7C.** [2016-4671](#) Authorizing the City Manager to execute an Amendment to the Facility Use Agreement with Pflugfun Watercraft Rentals for the Kayak/Canoe Rental Concession at Lake Pflugerville.

The item was approved on the consent agenda.

- 7D.** [2016-4619](#) Approving budget amendments for the Pflugerville Community Development Corporation (PCDC) Fiscal Year 2016 and providing an effective date.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

Ordinances Second Reading - Removed from Consent Agenda

- 5C. [ORD-0282](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING ANNEXATION AND ANNEXING, FOR FULL PURPOSES, CITY OWNED LAND CONSISTING OF APPROXIMATELY 177.004 ACRES OF LAND AS DESCRIBED AS THE FIRST AND SECOND TRACTS DESCRIBED IN VOLUME 10761, PAGE 199, OUT OF THE WILLIAM CALDWELL SURVEY NO. 66, ABSTRACT NO. 162 AND THE JOHN LIESSE SURVEY NO. 18 ABSTRACT NO. 406 SAVE AND EXCEPT THEREFORE THAT CERTAIN LAND DESCRIBED UNDER DOCUMENT NO. 200711908 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY; 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. (ANX1511-002 Pflugerville Athletic Complex).

Mayor Coleman read the item to include the caption of the ordinance under consideration. Mr. Heath indicated that he had removed from the consent agenda to allow Mr. Hemenes to provide information on the sports complex. Mr. Hemenes provided information and announced that the city is hosting two public meetings to discuss programming options for the City's Community Park and Sports Complex on February 24, 2016 and February 25, 2016. Mr. Heath made a motion to approve the ordinance on second reading. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

9. Discuss and consider action

- 9A. [2016-4672](#) Discuss and consider action to award a construction contract for the Pfennig Lane Parking Lot and Restroom Facility project to Boretex LLC, the lowest responsible bidder of eight (8) bids received on February 11, 2016, in the amount of \$267,038.85.
- Mr. Franz provided information and there was discussion of the Council. Mr. Franz provided a site map and layout and stated that they would be trying to add the installation of four existing lights to the project and expect to bring forward the first change order for that at an estimated cost of \$16,000. Mr. Marshall indicated concern for the lowest bid being much lower than the second to lowest bid. Mr. Franz stated that they had performed the reference checks. Discussion followed. Mr. Marshall made a motion to approve item 9A as presented. Mr. Cooper seconded the motion. All voted in favor. The motion

carried.

- 9B.** [2016-4673](#) Discuss and consider action to award a construction contract for the Pfennig Pump Station Stand-by Natural Gas Generator project to McDonald Municipal & Industrial, the lowest responsible bidder of three (3) bids received on February 10, 2016, in the amount of \$856,419.
- Mr. Franz provided information and answered questions of the Council. Mr. Cooper made a motion to approve item 9B as presented. Mr. Heath seconded the motion. All voted in favor. The motion carried.
- 9C.** [2016-4674](#) Discuss and consider action regarding future agenda items.
- None noted.
- 9D.** [2016-4682](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding City of Pflugerville v. Rady, Cause No. C-1-CV-15-009334.
2.) Open Session Item: Discuss and consider action to approve a settlement agreement regarding City of Pflugerville v. Rady, Cause No. C-1-CV-15-009334 and authorizing the City Manager to execute same.
- Mr. Cooper made a motion to authorize the City Manager to execute the settlement and to move forward. Ms. Sattler seconded the motion. All voted in favor. The motion carried.
- 8. Discuss only**
- 8A.** [2016-4685](#) Discussion regarding the Pflugerville Animal Shelter.

Mayor Coleman provided comments. He stated that they have no new information to tell, but that he had placed the item on the agenda because public comment was expected and he wanted to allow the Council the ability to respond. Mayor Coleman stated that Mr. Wade had looked at the Williamson County Shelter as an option last year, but stopped when the election was called. He stated that Mr. Heath asked that Mr. Wade look at it again. He stated that it is expected that there would be a \$2 million buy-in for a piece of the expansion and an ownership interest in the shelter, and a payment of around \$200,000 per year based on the actual number of animals going to the shelter. He stated that at the meeting on February 9, 2016, Mr. Wade stated that it looked like a promising alternative and that the Williamson County Shelter needs an answer soon. Mayor Coleman stated he asked Mr. Wade to determine if the city could hold animals for a couple of days to allow for return to the owners, and if not reclaimed, to then be transferred to the Williamson County Shelter. He stated that we have learned that this is what Cedar Park does. Mayor Coleman explained that this has been turned into a negative issue with no information. He stated that they have never said that the Council would vote to close the shelter today, but this has continued to be spread. He explained that he thought that the Williamson County Shelter appeared to be a promising solution to him, because it is a "no kill" shelter, he has heard about the bad conditions and bad additions at our shelter and the Williamson County Shelter would be a new extension to a ten year-old shelter, which is state of the

art. He stated that the City of Pflugerville would have an equal say on a board with less investment. He stated that the election failed and voters wanted something done, and this seemed to check all the boxes for both sides. He stated that the 15-25 minute drive to Georgetown can be rectified by keeping the shelter open to allow for a number of days for the animals to be reclaimed. He reviewed the investments that the city has made to the shelter and stated that they have tried to make it better. He stated that the city is looking at two options, 1.) \$1-2 million in improvements at the current shelter; and 2.) partnering with the Williamson County Animal Shelter, and either a.) closing the Pflugerville shelter and driving all animals to the Williamson County Shelter, or b.) keeping the Pflugerville shelter open to allow animals a number of days for people to reclaim prior to transporting to the Williamson County Shelter. He indicated that he plans to hold a meeting on a third Tuesday dedicated to reviewing the options and information from staff. He stated that the Council would not make a decision at this third Tuesday meeting, but would make a decision at their regular meeting one week later. He stated that no additional comments would be received that evening.

The following people provided public comment on the item:

Wayne Tobias, 1410 Ray Lynch Drive, thanked the mayor for answering many of his questions. He stated that he would like to keep the animals in the Pflugerville Animal Shelter for up to five days. He asked if there would be any upgrades to the current shelter. Mayor Coleman stated that they do not have any information yet and they do not know if the current building is sufficient.

Amy Kantoff, 902 Norwell Lane, stated that she does not think that outsourcing is right or the best option for us. She indicated concern for the traffic going to Georgetown, especially for animal control and volunteers needing to drive to the shelter. She stated concerns for sending city services outside the city.

Nancy Hernandez, 1207 Mattapan Drive, stated that our city is dog and animal friendly. She stated concerns that we will see more animals in the street due to people not wanting to drive to Georgetown. She stated that she supports holding the animals for five days or as long as possible. She stated that if outsourced, she does not think that people will like that. Mayor Coleman stated that if we do outsource, we would have the same number of officers and if we kept the shelter open, then people could still drop animals off at the shelter. He stated that he does not see how this would create more animals running in the street.

Seda Allen, 1211 Canna Lily Lane, stated that the bond did not pass because it was on the ballot with the road. She stated that she feels like they can build a place for the animals with \$2 million or improve the shelter. She stated that she does not want her tax money to go to Williamson County, that she wants her money to stay in the city. She stated that it is a basic to have an animal shelter.

Tuana Allen, 1211 Canna Lily Lane, stated that she does not understand why they would give her parents money to a shelter not in Pflugerville. She stated that they would have to go to another county to look for their animals and it is not easy to drive there. She stated that she does not agree with just holding the animals in Pflugerville for two to three days and then sending them to Williamson County. She stated that the money should go to Pflugerville to

make our shelter better.

Debra Sewell, 3300 Killingsworth Lane, stated that Pflugerville is known as one of the most dog-friendly cities. She stated that she thinks it would be unfortunate if they had to drive to Williamson County. She stated that it would be traumatizing for dogs to go from the Pflugerville shelter to a second shelter. She stated that she loves this town and one of the reasons is that it is a dog town.

Holly Sanders, 606 Greenfield Cove, stated that the mayor did answer a lot of their questions. She stated that this is a very close-knit community and we love animals. She stated that we deserve our own shelter. She stated that the Williamson County Shelter is overcrowded and that is why they need expansion. She stated that she thinks that we should keep our tax dollars here and do something here.

Kevin Pakenham, 1101 Swenson Farms Blvd, stated that all of us love animals but the amount of money that the city has is limited. He stated that we have to spend money wisely. He stated that he thinks that utilizing the Williamson County Shelter, with the resources that we have, looks at common ground, with keeping the current shelter and sending long-term animals out for adoption. He stated that he thinks that the greatest impact will be to the volunteers. He stated that he thinks that social media assists in getting lost animals to their owners and he would like to see the city use social media to increase the reclaim rate. He stated that tax money staying in Pflugerville is good, but it is not uncommon to make a 30-minute drive to claim an animal. He stated that if that is the only argument, that he thinks it is weak, and he stated, if the shelter is still here, then the volunteers have a shelter.

Heather Nichols, 1410 Katie Lynch Drive, stated that the Williamson County Shelter is crowded. She stated that the mayor stated that it is only a possibility because it is expanding. She stated after expansion is when they would have room. She asked if volunteers would still be able to foster animals. Mayor Coleman stated that he thinks that is a detail to be worked on.

Don Woodworth, 809 Windsor Castle Drive, stated that whoever was on the news, made it seem like this had to be done immediately in the next three weeks. He stated that the city is giving the public time to vote on park names but is not bothering to ask citizens before even thinking about this. Mayor Coleman stated that Williamson County has stated that they need an answer as soon as possible. Mr. Marshall stated that he is probably referring to a KEYE story with him where he stated that they need to make a decision in the next several meetings as Williamson County has a deadline. Council discussion followed with Mr. Woodworth. Mr. Woodworth asked that they slow down.

Mary McKenna, 119 Brooke Street, Hutto, stated that she lives in Hutto and has volunteered for the past two years at the shelter. She stated that it is a community-based place with volunteer-based events. She stated if they are only going to keep the strays, that the volunteers will have nothing to do, as they are not allowed to touch the strays. She stated that she loves working at the shelter, that it is a community and if they move to the Williamson County Shelter, they will lose that personal touch with the community. Mayor Coleman asked why she would not volunteer at the Williamson County Shelter. Ms. McKenna explained that she went there and did not like the conditions, and

she did not get a homey feeling and did not find anyone reaching out to her.

Denny Wagoner, 102 Applewood Drive, stated that he loves Pflugerville and the people and they can't replace what they have here. He stated that he doesn't have anything against the Williamson County Shelter, but we have better numbers and we do behavior training.

Jim McDonald, 1014 Duke Cove, stated that they can be fiscally conservative and preserve the "3 E's." He stated that it sounds like \$2 million here or at Williamson County, and it might be a wash. He stated that he thinks they should look at the importance of the volunteers. He stated that he thinks that sometimes financial reasoning makes sense fiscally, but would be a mistake. He stated that he would rather spend the money here and improve our shelter.

Teri Dail, 7920 San Felipe Blvd, Austin, stated that she volunteers at the shelter and knows that this can't be decided on how we feel. She spoke to the impact the shelter has on the community, with schools, boy scouts and girl scouts, churches, parents and autistic and special needs groups using this as a tool for learning and involvement in the community. She spoke regarding the costs for the Williamson County Shelter going up over time and additional animal control needed and the long round trip for police and animal control officers. She stated that they could use the \$1.5 to 2 million to do the phase one at the shelter. She stated that is what they need. She stated that if they go with the Williamson County Shelter option, they will have to wait 2 to 3 years for their expansion.

Barb Woodworth, 809 Windsor Castle Drive, stated that she likes the plan that was presented on December 8, 2015. She stated that was a compromise and the rift was healed. She stated that this outsourcing idea has caused another rift. She stated that she likes investing in Pflugerville. She stated that she does not want outsourcing and splitting apart. Mayor Coleman stated that after the December 8, 2015 meeting, there was nothing in social media that said that it was a good plan. He asked the public to provide good feedback, that if they agree, to tell them about that. Ms. Woodworth stated that she would try to be more vocal when things are going great. She stated that she thinks that some things can be improved on communications. She stated that council needs to make it easier, that there are a lot of things that they can do together. There was continued discussion with Ms. Woodworth.

Mary-Ellen Pan, 2001 Serenity Drive, stated that she does not think it is acceptable to put people in the position that they have to drive to Georgetown. She stated that she wants Pflugerville pets to be adopted in Pflugerville. She stated that they now have a local Emancipet clinic so people can afford to have their pets spayed, neutered and chipped. She proposed to council that they make spay/neuter and chipping mandatory.

Michelle Smith, 1111 Canyon Maple Road, apologized for the negative feedback that the council has gotten. She stated that she wants it to be positive. She stated that regardless of the issues, animals get excellent care at the Pflugerville shelter. She stated that this is only possible due to the size of the shelter and the volunteers. She stated that quality of care would be reduced when moving to a larger facility. She stated that at the December 8, 2015 meeting, staff presented a plan, and it needed further definition, but it was a sound plan.

The following did not wish to speak but asked that the Mayor announce for the record their support for keeping the Pflugerville Animal Shelter and not outsourcing to the Williamson County Regional Shelter:

Mirza Morales, 18909 Stirling Castle Court
Elizabeth and Neil Zimmerman, 208 Applewood Drive
Julia and Louis Bancook, 2201 Four Hills Court
Joyce Wasdin, 1009 Greenhill Drive
Michelle Parker, 18617 Blue Pond
Lynn Vaughan, 17215 Village Glen Road
Sara Mock, 3224 Falconers Way
Dana Leary, 104 Palmwood
Claudia Harlow, 900 Broken Feather Trail
Marilyn Carsia, 511 City Park Road
Laura Collins, 705 Wagon Wheel Trail
Ann Reinicke, 807 Princeton Drive
Kerri and Tom Bonacci, 1005 Duke Cove
Dulce Gutierrez, 14304 Nestle Court
Tanya Harris, 920 Paint Run Drive
Scott Frasad, 520 Paint Run Drive
One Anonymous

Mr. Marshall provided comments, stating appreciation to everyone and for the healthy debate. He stated that they do not make all decisions about the money. He stated that he wants to see our shelter stay open, but if a councilmember comes up with an idea, we need to vet it and discuss it. He asked them to wait until they have the information to look at. He stated that council is not trying to close the shelter. He urged patience. He asked that they let them get the information from the city manager.

Ms. Sattler stated to agree with Mr. Marshall. She stated that it would take a lot to convince her to move to the Williamson County Shelter. She stated that she feels that they would need to have animals at our facility for five days. She stated that she thinks part of it is the education that we need to address. She explained that the councilmembers do not always agree, but that they have a healthy respect for each other.

Mr. Heath stated that it is great to see people passionate about the issues. He stated that there are a lot of challenges with the growth and demands on the resources. He thanked them for their public input.

Mr. Cooper thanked them for coming. He stated that the community discourse is great. He stated that a lot of great ideas came from tonight. He stated that chipping should be required.

10. Discuss only

10A. [2016-4678](#)

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 during the earlier worksession. There was no discussion on the item during the regular meeting.

10B. [2016-4681](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding legal claim made by Larry Rawls, 1923 Fast Filly.

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

10C. [2016-4677](#)

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.

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

10D. [2016-4676](#)

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 on the item.

10E. [2016-4679](#)

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 on the item.

10F. [2016-4680](#)

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 for discussion of goals.

There was no discussion on the item.

11. Adjourn

Mr. Cooper made a motion to adjourn. Mr. Marshall seconded the motion. All voted in favor. The motion carried. The meeting was adjourned. The time was 8:55 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on March 8, 2016.