



City of Pflugerville

Minutes - Final City Council

Tuesday, October 13, 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 7:00 p.m. Councilmembers Wayne Cooper, Omar Peña, Starlet Sattler and Victor Gonzales were in attendance. Councilmember Brad Marshall was absent. City employees 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; Amy Giannini, Development Engineering Director; Dan Franz, City Engineer; Emily Barron, Planning Director; James Hemenes, Parks Director; Chuck Hooker, Police Chief; Jennifer Coffey, Library Director; Amy Good, Finance Director; Pam Cosel, Marketing and Special Events. Amy Madison, Interim Executive Director; and Doug Weiss, President; 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 Scouts from Troop 214 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 Scouts from Troop 214 led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

3. Presentations

- 3A.** [2015-4344](#) Mayor's proclamation declaring October 18, 2015 to October 24, 2015 as National Teen Driver Safety Week in the City of Pflugerville.

Mayor Coleman provided information and read the proclamation.

- 3B.** [2015-4283](#) Presentation of Planning Awards for the City of Pflugerville including the 2015 Planning Excellence Award and designation as a Gold Scenic City.

Ms. Barron provided information on the item.

- 3C.** [2015-4188](#) Invitation to all Pflugerville citizens to come to the Pfall Chili Pfest on Saturday, October 17, 2015.
- Ms. Cosel provided information and presented a video on Chili Pfest. Mr. Cooper provided comments on participating with his chili team.**
- 3D.** [2015-4187](#) Update on Senior Programs in the Parks and Recreation Department.
- Mr. Hemenes provided information and introduced Michelle Richardson, Senior Programs Coordinator. Ms. Richardson provided information on senior programs at the City of Pflugerville. She answered questions of the Council.**
- 3E.** [2015-4296](#) Presentation of final report of the Pflugerville Senior Advisory Task Force.
- Mr. Fletcher introduced Rodney Blackburn, Chair of the Senior Advisory Task Force. Mr. Blackburn presented the recommendations of the Senior Advisory Task Force to: 1) Enhance and diversify communication with and among Pflugerville's seniors. 2) Enhance programming and services directed to Pflugerville seniors. 3) Enhance Senior facilities in the short term by renovating Recreation Center to improve accessibility and expand the senior facility component. 4) Enhance senior facilities in the long term by preparing a needs assessment, master plan, site selection considerations and cost estimates for a new recreation center that provides for repurposing the existing recreation center as a senior center. 5) Improve transportation infrastructure to more effectively serve an aging population and those with disabilities. Mr. Blackburn recognized the members of the Senior Advisory Task Force: Vice Chair Betty Au, Councilmember Victor Gonzales, Alex Porter, Pat Epstein, JoAnn Brown, Dana Barbie and Steve Morrison, and the assistance of Trey Fletcher. He answered questions of the Council. Mr. Gonzales recommended that this committee serve as an ad hoc committee to be called upon as needed. Mr. Wade indicated that staff could prepare an implementation plan and can provide a quarterly report if desired. The Council was in agreement with this approach. Mayor Coleman inquired about purchasing a vehicle for the seniors with grant funds. Ms. Barron stated that she is receiving information on the requirements. Mr. Wade suggested coordinating with the fire department on the check a senior program as he believes they have one as well.**

4. Public Hearing and Ordinance First Reading

- 4A.** [ORD-0266](#) Conduct a public hearing and consider approving an ordinance on first 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 CORRIDOR URBAN CENTER LEVEL 5 (CL5) ON 75.3 ACRES OF LAND SITUATED IN THE T.S. BARNES SURVEY NO. 46, ABSTRACT NO. 267, PFLUGERVILLE, TRAVIS COUNTY, TX, GENERALLY LOCATED ALONG THE SOUTH SIDE OF EAST PECAN STREET, WEST OF THE INTERSECTION OF SH 130 AND EAST PECAN STREET; TO

BE KNOWN AS THE 130 COMMERCE PARK PHASE 2 REZONING (REZ1508-01), AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman opened the public hearing and read the item to include the caption of the ordinance. Ms. Barron provided information on the rezoning request. She answered questions of the Council. Mr. Wade stated that staff would provide additional information on the roadway alignment during the second reading of the ordinance. There were no requests to speak at the public hearing. Mr. Gonzales made a motion to close the public hearing. Mr. Peña seconded the motion. All voted in favor. The motion carried.

Mr. Cooper made a motion to approve the ordinance on first reading as presented. Mr. Peña 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

Items 8E and 8G were removed from the consent agenda. Ms. Thompson read the items to include the caption of the ordinance under consideration.

6. Approval of Minutes

- 6A. [2015-4305](#) Approval of the minutes of the September 15, 2015 Special Meeting; September 22, 2015 Worksession and Regular Meeting; and September 29, 2015 Special Meeting.

The minutes were approved on the consent agenda.

7. Ordinances Second Reading

- 7A. [ORD-0265](#) 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, CHAPTER 72 REGARDING SPEED LIMITS ON CITY STREETS (GRAND AVENUE PKWY, PFENNIG LN, AND PICADILLY DR), SUBJECT TO THE MISDEMEANOR OF SPEEDING AND THE IMPOSITION OF PENALTIES OF UP TO \$200, ESTABLISH PRIMA FACIE MAXIMUM SPEEDS, AND PROVIDING AN EFFECTIVE DATE.

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

8. Other Actions

- 8A. [2015-4302](#) Authorizing the City Manager to execute a purchase agreement between Hill Country Bible Church Pflugerville and the City of

Pflugerville for an easement necessary for utility construction associated with the NTCMUD#5 Phase 2 Project.

The item was approved on the consent agenda.

- 8B.** [2015-4304](#) Authorizing the City Manager to execute a Public Water Easement Agreement with TAT PF RE LLC and the City of Pflugerville for a water meter associated with the Primrose School at Falcon Pointe project.

The item was approved on the consent agenda.

- 8C.** [2015-4307](#) Authorizing the City Manager to execute a utility relocation agreement in the amount not to exceed \$211,073 between the ATMOS Energy Corporation and the City of Pflugerville for the gas main relocation associated with the Heatherwilde Road Widening Project.

The item was approved on the consent agenda.

- 8D.** [2015-4306](#) Receive report on City Council, Commission, Board and Committee expenditures for September 2015.

The item was approved on the consent agenda.

- 8F.** [2015-4316](#) Authorizing the City Manager to execute a contract with Brenntag SW, Inc. for the purchase of aluminum sulfate, a chemical used for treating wastewater in the amount of \$.58/gallon; liquid ammonium sulfate which is used at the water treatment plant in the amount of \$.086/pound; liquid ammonium sulfate for use in water wells in the amount of \$168/drum; salt for the water treatment plant in the amount of \$193.00/ton; and sodium hyperchlorite used in water treatment in the amount of \$95.00/drum.

The item was approved on the consent agenda.

- 8H.** [2015-4319](#) Authorizing the City Manager to execute a contract for the purchase of sodium bisulfite for the water and wastewater treatment plants with Napco Chemical Company in the amount of \$1.90 per gallon.

The item was approved on the consent agenda.

- 8I.** [2015-4320](#) Authorizing the City Manager to execute a contract with DPC Industries, Inc. for the purchase of chlorine, a chemical used for treating wastewater, in the amount of \$590.00/ton.

The item was approved on the consent agenda.

- 8J.** [2015-4321](#) Authorizing the City Manager to execute a contract with Lonestar Maintenance and Service for the purchase of chlorine for the water wells in the amount of \$100.00/cylinder.

The item was approved on the consent agenda.

- 8K.** [2015-4322](#) Authorizing the City Manager to execute a contract for the purchase of aluminum chlorhydrate solution with Gulbrandsen Technologies in the amount of \$.1827 per pound.
- The item was approved on the consent agenda.
- 8L.** [2015-4325](#) Ratifying the City Manager's approval of a joint elections agreement for elections to be held on November 3, 2015 by Travis County.
- 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.

Other Actions - Removed from the Consent Agenda

- 8E.** [2015-4318](#) Approving a supplemental agreement #3 with Freese and Nichols, Inc. in the amount of \$69,461 for professional engineering services associated with the purchase of an emergency generator at the Pfennig Pump Station for the Heatherwilde Elevated Storage Tank Project.
- Mayor Coleman asked for clarification and Mr. Word provided information. Mr. Gonzales made a motion to approve. Mr. Cooper seconded the motion. All voted in favor. The motion carried.
- 8G.** [2015-4317](#) Authorizing the City Manager to execute a contract with Polydyne Inc. for the purchase of Clarifloc C-6232 Polymer in the amount of \$2,047/tote for wastewater treatment.
- Mr. Cooper asked for clarification on the measurement given as "tote." Ms. Gillam stated that a "tote" is defined as 275 gallons. Mr. Word provided a description of the container defined as a "tote." Mr. Cooper made a motion to approve the item. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

9. Discuss and consider action

- 9A.** [2015-4303](#) Discuss and consider action to award a construction contract for the Pflugerville Turn Lane project to Cox Commercial Construction, the lowest responsive bidder of six (6) bids received on September 25, 2015, in the amount of \$456,016.60.
- Mr. Franz provided information and answered questions of the Council. Mr. Wade provided input. Mr. Cooper made a motion to approve as presented. Ms. Sattler seconded the motion. All voted in favor. The motion carried.
- 9B.** [2015-4254](#) Discuss and consider action to approve an Interlocal Agreement between Capital Metropolitan Transportation Authority (CMTA) and the

City of Pflugerville to create a Transit Development Plan.

Mayor Coleman opened items 9B and 9C to be considered simultaneously. Mr. Fletcher provided information. Ms. Michelle Meaux of Capital Metro provided information on local funding and clarified that funding for this plan would be from federal funding with Capital Metro applying for the funds and the city being the recipient of the transit development plan.

Mr. Fletcher provided information on the proposed professional services agreement with the Goodman Corporation. He stated that Mr. Barry Goodman and his team were in attendance. Mr. Wade provided information and recommended this approach. Mr. Wade and Mr. Fletcher addressed questions of the Council. Mr. Cooper made a motion to approve items 9B and 9C as presented. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

9C. [2015-4252](#)

Discuss and consider action to approve a Professional Services Agreement with The Goodman Corporation (TGC) in the amount of \$167,000 to assist with the development of a transportation center, advise on Federal Transit Grantee Status and develop a vehicles for hire ordinance.

Mayor Coleman opened items 9B and 9C to be considered simultaneously. Mr. Fletcher provided information. Ms. Michelle Meaux of Capital Metro provided information on local funding and clarified that funding for this plan would be from federal funding with Capital Metro applying for the funds and the city being the recipient of the transit development plan.

Mr. Fletcher provided information on the proposed professional services agreement with the Goodman Corporation. He stated that Mr. Barry Goodman and his team were in attendance. Mr. Wade provided information and recommended this approach. Mr. Wade and Mr. Fletcher addressed questions of the Council. Mr. Cooper made a motion to approve items 9B and 9C as presented. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

9D. [2015-4324](#)

Discuss and consider action regarding future agenda items.

None stated.

Executive Session

Mayor Coleman announced that the City Council was retiring to executive session for possible discussion on 9E, 9F, 10A, 10B, 11B and 11D. He read the items and retired to executive session. The time was 8:34 p.m.

9E. [2015-4274](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning the status of the Wildflower / Carmel Development Agreement and the City's consideration of petition(s) seeking consent to create municipal utility districts to support the development. 2.) Open Session Item: Discuss and consider action regarding the Wildflower / Carmel Development Agreement and petition(s) seeking

consent to create municipal utility districts to support the development, and authorizing City Manager to accept all related easements as described in the Development Agreement.

Discussion on the item took place in executive session. Additional discussion and action was taken on the item later in the meeting.

- 9F.** [2015-4292](#) 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.

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

10. Resolutions

- 10A.** [RES-0269](#) 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 Medway Plastics Corporation. 2.) Open Session Item: Discuss and consider action to approve a resolution authorizing a PCDC performance agreement with Medway Plastics Corporation.

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

- 10B.** [RES-0270](#) 1.) Executive Session Item: Discussions regarding deliberations on economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code, deliberations regarding real property pursuant to Chapter 551.072 of the Texas Government Code, and consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding a Pflugerville Community Development Corporation (PCDC) settlement agreement with TrackingPoint, Inc. 2.) Open Session Item: Discuss and consider action to approve a resolution authorizing a PCDC settlement agreement with TrackingPoint, Inc. including provisions amending the Performance Agreement, and authorizing execution of all documents associated with same.

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

11. Discuss only

- 11A.** [2015-4166](#) Discuss creating and making appointments to a Charter Review

Commission.

Discussion on the item took place at the earlier worksession. There was no discussion on the item at the regular meeting.

- 11B.** [2015-4311](#) 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.

- 11C.** [2015-4284](#) 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.

- 11D.** [2015-4312](#) 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 took place in executive session. No action was taken.

- 11E.** [2015-4326](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding enforcement of city sign regulations in light of the United States Supreme Court decision in *Reed v. Town of Gilbert*.

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

Executive Session - Closed

Mayor Coleman reconvened in open session at 10:44 p.m.

Discuss and consider action

- 9E.** [2015-4274](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning the status of the Wildflower / Carmel Development Agreement and the City's consideration of petition(s) seeking consent to create municipal utility districts to support the development. 2.) Open Session Item: Discuss and consider action regarding the Wildflower / Carmel Development Agreement and petition(s) seeking consent to create municipal utility districts to support the development, and authorizing City Manager to accept all related easements as described in the Development Agreement.

Mr. Fletcher provided information on the Carmel development agreement. Mr. Cooper made a motion to approve item 9E as presented. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

10. Resolutions

10A. [RES-0269](#)

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 Medway Plastics Corporation. 2.) Open Session Item: Discuss and consider action to approve a resolution authorizing a PCDC performance agreement with Medway Plastics Corporation.

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

10B. [RES-0270](#)

1.) Executive Session Item: Discussions regarding deliberations on economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code, deliberations regarding real property pursuant to Chapter 551.072 of the Texas Government Code, and consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding a Pflugerville Community Development Corporation (PCDC) settlement agreement with TrackingPoint, Inc. 2.) Open Session Item: Discuss and consider action to approve a resolution authorizing a PCDC settlement agreement with TrackingPoint, Inc. including provisions amending the Performance Agreement, and authorizing execution of all documents associated with same.

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

12. Adjourn

Mr. Cooper made a motion to adjourn. Ms. Sattler seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 10:55 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on October 27, 2015.