



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, January 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 7:03 p.m. Councilmembers Wayne Cooper, Brad Marshall, Omar Peña, Starlet Sattler and Victor Gonzales were in attendance. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Trey Fletcher, Assistant City Manager; Lauri Gillam, Assistant City Manager; Tom Word, Assistant City Manager; Dan Franz, City Engineer; Chuck Hooker, Police Chief; Emily Barron, Planning Director; James Hemenes, Parks Director; Blake Overmyer, Building Official; Terri Waggoner, Public Information Officer; Karen Thompson, City Secretary; William Edwards, Pflugerville Independent School District (PISD) Police Chief.

#### 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.

#### 3. Presentations

**3A. 2014-2586** Proclamation declaring January 2014 as School Board Recognition Month in the City of Pflugerville.

Mayor Coleman provided comments and read and presented the proclamation to Ms. Vernagene Mott, Pflugerville Independent School District Boardmember. Ms. Mott provided comments.

**3B. 2014-2637** Recognition presentation to the Sharks soccer team for the achievement of winning third place in the Fall 2013 State Championship.

Mayor Coleman provided comments and presented certificates of recognition

to the members of the Sharks soccer team.

- 3C. 2014-2513** Recognition presentations for incoming and outgoing members of the Board of Adjustment, Library Board, Parks and Recreation Commission, Personnel Appeal Board, Pflugerville Community Development Corporation, Planning and Zoning Commission, and Finance and Budget Committee.

**Mayor Coleman recognized all outgoing and incoming members of the City's boards, commissions and committees. He presented certificates of appreciation and a small gift to the outgoing members in attendance: Jeanette Larson, Library Board and Tom Anker, Planning and Zoning Commission. He presented certificates of appointment to the incoming members in attendance: Bob Spoonemore, Library Board; Sue Flores, Library Board; Bret Stewart, Parks Commission; Danny Vinzant, Parks Commission; Judi Carter, Personnel Appeal Board; Rodney Blackburn, Planning Commission; and George Cudd, Pflugerville Community Development Corporation.**

- 3D. 2014-2652** Presentation recognizing the Pflugerville Police Dispatch staff for their performance during the City of Austin 9-1-1 outage.

**Chief Hooker commended Dispatch Supervisor Kim Meredith, Dispatchers Kevin Byars, Kelly Justice, Belinda Polasek, Donna Dobbs, Call Taker Jill Haehnel, Patrol Sargeant Oscar Lopez, and Communications Director Stacy Pyle for their efforts in handling the recent 9-1-1 outage in Travis County. Mr. Wade read a letter of commendation from the Austin Fire Chief Rhoda Mae Kerr. Mayor Coleman commended the Communications Division for their consistent excellence in call response and noted that as a member of the Capital Area Council of Governments (CAPCOG), he receives a monthly statistic report which illustrates this and that the CAPCOG members do notice.**

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

- 4A. ORD-0187** Conduct a public hearing and consider an ordinance on first reading regarding modifications to the 2030 Comprehensive Plan by adding the proposed Water Master Plan and Wastewater Master Plan as elements of the overall comprehensive plan with the caption reading: AN ORDINANCE AMENDING CHAPTER 153 OF THE CODE OF ORDINANCES FOR THE CITY OF PFLUGERVILLE, TEXAS, BY AMENDING THE FOURTH POLICY CHAPTER OF THE 2030 COMPREHENSIVE PLAN TO UPDATE THE ELEMENTS OF THE OVERALL PLAN TO INCLUDE THE WATER MASTER PLAN DATED NOVEMBER 2013 AND UPDATED WASTEWATER MASTER PLAN DATED SEPTEMBER 2013; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Mayor Coleman read the item to include the caption of the ordinance. Mr. Word provided information on the water and wastewater master plans and discussed with Council. There were no people in attendance that requested to speak at the public hearing. Mr. Hyde noted that the ordinance under consideration would be effective on first reading. Mr. Peña made a motion to close the public hearing. Mr. Marshall seconded the motion. All voted in favor. The motion carried.**

Mr. Cooper made a motion to approve the ordinance on first reading. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

## 5. Public Comment

Mayor Coleman opened item 10H to allow for comment by Mr. Bob Spoonmore. Mr. Bob Spoonmore, 1005 Pecan Creek, stated that he has worked with all the City Managers and has appreciated each of them. He complimented Mr. Wade and stated that he does not think that the City has ever run better. He stated that Mr. Wade is efficient, knowledgeable of finance and helpful and that he appreciates him and the Council for hiring him.

## Reading of the Consent Agenda

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

## 6. Approval of Minutes

- 6A. 2014-2589 Approval of the minutes of the November 19, 2013 Special City Council Meeting, December 10, 2013 Regular City Council Meeting, December 16, 2013 Special City Council Meeting and December 21, 2013 Special City Council Meeting.

The minutes were approved on the consent agenda.

## 7. Ordinance Second Reading

- 7A. ORD-0186 Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FOURTH AMENDMENT TO THE FISCAL YEAR 2012-2013 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. Resolution

- 8A. RES-0177 Approving a RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS TO JOIN THE CLEAN AIR COALITION AND AUTHORIZE THE IMPLEMENTATION OF THE OZONE ADVANCE PROGRAM ACTION PLAN MEASURES.

The resolution was approved on the consent agenda.

## 9. Other Actions

- 9A. 2014-2602 Authorizing the City Manager to execute an Oncor Electric

Encroachment Easement Agreement between Oncor Electric Delivery Company LLC and the City of Pflugerville for the necessary water and wastewater easement associated with the Bohls Commercial Park Subdivision (Hawaiian Falls Water Park).

The item was approved on the consent agenda.

- 9B. 2014-2631** Approving an amendment to the Reclaimed Water Master Plan professional services agreement with DCS Engineering, LLC to amend the original agreement's scope of services, timeline and fee, for an additional cost of \$70,600 for the preparation of water and wastewater operating permit renewal applications required by the Texas Commission on Environmental Quality (TCEQ) and authorizing the City Manager to execute the agreement.

The item was approved on the consent agenda.

- 9C. 2014-2580** Receive report on City Council, Commission, Board and Committee expenditures for December 2013.

The item was approved on the consent agenda.

- 9D. 2014-2636** Appointing Ms. Sue Lee Flores as regular member of the Library Board for an unexpired term ending December 31, 2014.

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.**

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

- 10A. 2014-2598** Discuss and consider action to award the construction contract for the Lake Pflugerville North Shore Parking Expansion project to Austin Constructors LLC, determined by staff to be the lowest responsible bidder of 7 bids received on Monday November 22, 2013, in the amount of \$129,834 and authorizing the City Manager to execute the contract agreement and authorizing the City Engineer to execute the Notice of Award and Notice to Proceed.

**Mr. Franz provided information and discussed with the City Council. He estimated the completion of the project in April 2014. Mr. Cooper made a motion to approve item 10A and to award the construction contract for the Lake Pflugerville North Shore Parking Expansion to Austin Constructors LLC. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.**

- 10B. 2014-2630** Discuss and consider action to reject all bids or award the construction contract for the Immanuel Road Skate Spot project to Misiano Construction & Remodeling Inc., the lowest responsive bidder of 2

bids received on December 30, 2013, in the amount of \$72,800 and authorizing the City Manager to execute the contract agreement and authorizing the City Engineer to execute the Notice of Award and Notice to Proceed.

**Mr. Hemenes provided information and discussed with the City Council. He explained that the Parks Commission recommended Cambridge Heights first and then Bohls Park as a second choice. He noted that Cambridge Heights has indicated that they did not want a skate spot. He stated that the staff recommendation is to proceed at the Bohls Park location next to the Recreation Center, as they would like to see the skate spot go in. He estimated the completion of the project in April 2014. Discussion continued. Mr. Gonzales made a motion to award the construction contract to Misiano Construction & Remodeling as presented. Mr. Peña seconded the motion. All voted in favor. The motion carried.**

**10C. 2014-2646**

Discuss and consider action regarding Capital Improvement Program (CIP) Transportation and Parks projects for a possible May 2014 bond election.

**Mayor Coleman stated that the City Council had discussed the item in the earlier worksession. He read the following requests to provide public comment from citizens that did not wish to speak:**

**Caroline Franco, 1300 Petunia Lane, wrote that she is a boardmember of One World Soccer and is here to support the proposed bond for parks projects.**

**Keri Klumker, 1028 Portchester Castle Path, wrote that she is a boardmember of the One World Soccer Association and is here to support the proposed bond for parks projects including sports complex, parks, trails and lake.**

**There was no City Council discussion at the regular meeting and no action was taken on the item.**

**10D. 2014-2634**

Discuss and consider action to approve a supplemental agreement with Freese and Nichols, Inc. in the amount of \$403,863 for professional engineering services associated with design, bidding, and construction administration of the Pfennig Pump Station and Ground Storage Project and authorizing the City Manager to execute the agreement.

**Mr. Word provided information on the item and discussed with the City Council. Mr. Wade provided input on the item. Mr. Word stated that they are trying to complete this within one year. Mr. Peña made a motion to approve the supplemental agreement. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.**

**10E. 2014-2587**

Discuss and consider action regarding future agenda items.

None.

**Executive Session**

**Mayor Coleman announced that the City Council was retiring to executive session on items 10F, 10G, 10H, 11A, 11B and 11 D. He read the items to be discussed and retired to executive session. The time was 8:29 p.m.**

**10F. 2014-2642**

Executive Session Item: Discussion 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 a Fourth Amendment to the Development Agreement Regarding Bohls North and PCDC Tracts in Travis County MUD 17 (Sorento) generally located east of Weiss Lane between Jesse Bohls Road and Hidden Lake Crossing. Open Session Item: Discuss and consider action to approve a Fourth Amendment to the Development Agreement regarding Bohls North and PCDC Tracts in Travis County MUD 17 (Sorento) generally located east of Weiss Lane between Jesse Bohls Road and Hidden Lake Crossing.

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

**10G. 2014-2584**

Executive Session Item: Discussion 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 Project Morpheus. 2.) Open Session Item: Discuss and consider action regarding Project Morpheus.

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

**10H. 2014-2655**

1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code for 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 was to take place in executive session. No action was taken.**

**11. Discuss only****11A. 2014-2585**

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.**

**11B. 2014-2583**

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 was to take place in executive session. No action was taken.**

**11C. 2014-2654**

1.) Executive Session Item: Consultation with legal counsel pursuant to Texas Government Code Chapter 551.071 regarding subpoenas to be issued for city personnel and related legal matters in *McCaffrey v. Alexander*, et al. filed in County Court at Law No. 2, Travis County, Texas.

**This item was addressed in executive session in the earlier worksession. There was no discussion on the item during the regular meeting.**

**11D. 2014-2582**

1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding considerations related to the appointment, performance evaluation and duties of City Attorney.

**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 10:57 p.m.**

**10F. 2014-2642**

Executive Session Item: Discussion 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 a Fourth Amendment to the Development Agreement Regarding Bohls North and PCDC Tracts in Travis County MUD 17 (Sorento) generally located east of Weiss Lane between Jesse Bohls Road and Hidden Lake Crossing. Open Session Item: Discuss and consider action to approve a Fourth Amendment to the Development Agreement regarding Bohls North and PCDC Tracts in Travis County MUD 17 (Sorento) generally located east of Weiss Lane between Jesse Bohls Road and Hidden Lake Crossing.

**Mr. Gonzales made a motion to approve the Fourth Amendment to the Development Agreement. Mr. Cooper seconded the motion. All voted in favor. The motion carried.**

### **12. Adjourn**

**Mr. Cooper made a motion to adjourn. Mr. Peña seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 10:58 p.m.**

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as \_\_\_\_\_ on January 28, 2014.