



City of Pflugerville

Minutes - Final

City Council

Tuesday, September 27, 2016

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Jeff Coleman called the worksession to order at 7:02 p.m. Councilmembers Wayne Cooper, Jeff Marsh, Omar Peña, Starlet Sattler and Mike Heath were in attendance. 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; Terri Toledo, Public Information Officer; Jennifer Coffey, Library Director; Emily Barron, Planning Director; Amy Good, Finance Director; James Hemenes, Parks Director; Chuck Hooker, Police Chief; Rhonda McLendon, Animal Shelter Director; Amy Gianinni, Development Engineering Director.

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 lead 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 lead those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

3. Presentations

- 3A. [2016-5208](#) Presentation of appreciation for service to his community to Mayor Jeff Coleman from Congressman Michael T. McCaul, United States House of Representatives, 10th Congressional District of Texas.

Ms. Sarah Holloway of Congressman McCaul's office presented Mayor Coleman with a flag flown over the United States Capitol and thanked the Mayor for his public service.

- 3B. [2016-5150](#) Presentation of appreciation for service to his community to Mayor Jeff

Coleman from Representative Celia Israel, Texas House of Representatives, 50th District.

Representative Israel presented Mayor Coleman with a Texas State Flag flown over the Texas State Capitol. Representative Israel thanked Mayor Coleman, stating that he has giving heart and soul and service to the region.

3C. [2016-5191](#)

Presentation of a Mayor's proclamation declaring Pflugerville Pink Pfridays during October 2016 in observation of Breast Cancer Awareness Month.

Miss Khala Hanson provided information on their fundraising efforts for Pflugerville Pink Pfridays. Ms. Kimberly Hanson provided additional information. Mayor Coleman read and presented the proclamation.

3D. [2016-5192](#)

Proclamation declaring Tuesday, October 4, 2016 as National Night Out in the City of Pflugerville.

Cpl. Dan Griffith provided information on National Night Out. Mayor Coleman read and presented the proclamation to Cpl. Griffith.

7. Public Hearing and Ordinance First Reading

7A. [ORD-0319](#)

Hold a public hearing and consider an ordinance on first reading with a caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 821-06-03-14 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED IN ORDINANCE NO. 999-09-04-28, BY REVISING TABLE SHC2, PERMITTED USES, TO ALLOW FOR A CONVENIENCE STORE WITH GAS PUMPS, MEDICAL FACILITY, HOSPITAL, MEDICAL OFFICE, AND TRADITIONAL OFFICE USES WITHOUT SQUARE FOOTAGE LIMITATIONS, WITHIN NEIGHBORHOOD THREE-WEST AND LOT 2 OF THE FALCON POINTE SECTION 19 FINAL PLAT WITHIN FALCON POINTE ALUR-2 SOUTH PLANNED UNIT DEVELOPMENT (PUD), A 148.55-ACRE TRACT OF LAND OUT OF THE JOHN DAVIS SURVEY NO. 13, ABSTRACT NO. 231, PFLUGERVILLE, TRAVIS COUNTY, TEXAS, GENERALLY LOCATED AT THE NORTHEAST CORNER OF SH 130 AND E. PFLUGERVILLE PARKWAY; TO BE KNOWN AS THE SECOND AMENDMENT TO THE FALCON POINTE ALUR-2 SOUTH REZONING (REZ1606-03), AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman opened the public hearing and read the item to include the caption of the ordinance to be considered on first reading. Ms. Barron provided information on the rezoning request. She stated that the applicant has indicated that they will not object to the changes recommended by the Planning and Zoning which would be to exclude the small tract from the zoning changes. Mayor Coleman stated that he believes that Mr. Heath may need to recuse himself from the item due to his company, Alliance Transportation Group, Inc., having done work for the applicant and perhaps doing additional work in the future. Mr. Heath recused himself from discussion and consideration on the item. He stepped down from the dais. The time was 7:28

p.m.

Mr. Rainer Ficken, Newland Communities, stated that they are not going to object to the Planning and Zoning Commission's recommendation. He stated that they are no longer asking for a gas station next to Primrose. Ms. Barron answered questions of the Council.

Mayor Coleman stated to those in attendance, that if they were here to speak against a gas station, that they can still speak, but that the Council would not be voting on that this evening. Mayor Coleman stated that this would not keep other uses from being developed there and that they had the capability to require right in and right out on the small tract next to Primrose, but will no longer have that ability. He stated that all of the cars will drive through the shared-access driveway. Mr. Tommy Thompson, owner of Primrose, 17721 Colorado Sand, stated that he understands that and that other uses get to come in as they were already approved. Mayor Coleman stated that whatever comes there will be high-impact traffic as the property is too expensive to not be a high-traffic business. Mr. Thompson thanked the Council for their consideration.

Mayor Coleman asked if those who had signed up to speak on the public hearing would still like to speak. Mayor Coleman stated that there will be no gas pumps on that piece of land.

Tina Burgio, 17912 Calm Harbor, stated that she is excited about the growth that Pflugerville has seen. She stated that when she started looking for a daycare, she realized Pflugerville is missing daycare. She stated that we need this type of businesses here. She stated regarding the economic impact, that her family knows daycare is expensive, that they spend \$500 per week for childcare. She stated that over 4 years, that is \$100,000. She stated that she knows that the Council won't impact the next business, but wants the developer to know that Primrose is an asset.

Jason Stuart, Lake Edge Way, thanked the Council for protecting his daughter. He stated that he would like to provide a message to developer, in terms of the parcel, to ask if they could please ask them to add an extra driveway to protect their kids. He stated that he would really appreciate that. He thanked the developer for withdrawing.

There were no additional requests to speak at the public hearing. Mr. Cooper made a motion to close the public hearing. Ms. Sattler seconded the motion. All present voted in favor. The motion carried.

Mr. Cooper made a motion to approve the ordinance on first reading as recommended by the Planning and Zoning Commission (excluding the small tract from the rezoning). Ms. Sattler seconded the motion. All present voted in favor. The motion carried.

Mayor Coleman stated that there would be a second and third reading of the ordinance in October. Ms. Barron stated that the caption will be amended showing the exclusion of that lot.

4. Public Hearing and Ordinance First Reading

- 4A.** [ORD-0328](#) Hold a public hearing and consider approving an ordinance on first and

final reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FISCAL YEAR 2017 BUDGET FOR THE CITY OF PFLUGERVILLE, TEXAS.

Mr. Heath returned to the dais. The time was 7:42 p.m. Mayor Coleman opened the public hearing and read the caption of the ordinance under consideration. Ms. Gillam provided information. There were no requests to speak at the public hearing. Mr. Peña made a motion to adopt the Fiscal Year 2017 budget as presented. Mr. Marsh seconded the motion. Mr. Heath asked regarding funding for roadway maintenance. Mr. Wade stated that they added an additional \$400,000 and would seek funding with reserves to get to \$1.6 million. He stated that they would list a project and do the additional appropriation at that time. All voted in favor. The motion carried.

5. Ordinance First Reading

- 5A. [ORD-0325](#) Discuss and consider action to approve an ordinance on first and final reading with the caption reading: TAX LEVY ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS.

Mayor Coleman read the item to include the caption of the ordinance under consideration. Ms. Gillam provided information. Mayor Coleman stated that he is no longer asking for a 1/2 cent reduction due to a legislative push to go to a 4% roll back rate. He stated it ends up hurting the operations and maintenance portion of the tax rate. He stated that he doesn't want to do a symbolic reduction this year of \$11 a home with potential issues in the legislature next year. He stated that he thinks it is better to leave it at the roll back rate. Mr. Heath stated that he thinks that it is necessary to provide for the growth and infrastructure needed.

Mr. Heath made a motion that the property tax rate be increased by the adoption of a tax rate of 0.5399 per \$100, which is effectively an 8% increase in the tax rate. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

Mr. Heath made a motion to approve a debt service rate of 18.73 cents per \$100 of valuation for the 2016 tax year. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

Mr. Heath made a motion to approve a maintenance and operations rate of 35.26 cents per \$100 of valuation for the 2016 tax year. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

Mr. Heath made a motion to approve the Tax Levy Ordinance as presented. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

6. Resolution

- 6A. [RES-0356](#) Approving a resolution ratifying the property tax increase reflected in the City's fiscal year 2017 operating budget.

Ms. Gillam provided information. Mr. Heath made a motion to approve the resolution as presented. Mr. Marsh seconded the motion. All voted in favor. The motion carried. Ms. Gillam thanked the finance department and all of the

department heads for their work.

8. Public Comment

There were no requests to speak under the Public Comment item.

Reading of the Consent Agenda

Items 11F and 11K were removed from the consent agenda. Ms. Thompson read the items to include the caption of the ordinance under consideration.

9. Approval of Minutes

- 9A. [2016-5224](#) Approval of the minutes of the September 13, 2016 Worksession and Regular Meeting; and September 14, 2016 and September 20, 2016 Special Meetings.

The minutes were approved on the consent agenda.

10. Ordinance First Reading

- 10A. [ORD-0327](#) AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A PETITION FOR VOLUNTARY ANNEXATION AND ANNEXING, FOR FULL PURPOSES, APPROXIMATELY 4.819 ACRES OF LAND ADJACENT TO THE CITY LIMITS OF THE CITY OF PFLUGERVILLE, TEXAS, GENERALLY LOCATED NORTH OF MEISTER LANE AND SOUTH OF SH 45 (LOUIS HENNA BOULEVARD), BEING A TRACT OF LAND OUT OF THE WILLIAM BARKER SURVEY NO. 74, ABSTRACT NO. 107, IN WILLIAMSON AND TRAVIS COUNTIES, TEXAS; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; APPROVING A SERVICE PLAN; AND PROVIDING AN EFFECTIVE DATE. (ANX1608-01)

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

11. Other Actions

- 11A. [2016-5168](#) Authorizing the City Manager to execute a Wastewater Easement Agreement with KM Weiss Lane, L.P., and the City of Pflugerville for a wastewater easement associated with the Avalon Phase 17A project.

The item was approved on the consent agenda.

- 11B. [2016-5169](#) Authorizing the City Manager to execute a Water and Wastewater Easement Agreement with KM Avalon, Ltd., and the City of Pflugerville for a water and wastewater easement associated with the Avalon Phase 17A project.

The item was approved on the consent agenda.

- 11C.** [2016-5170](#) Authorizing the City Manager to execute a Wastewater Easement Agreement with KM Avalon, Ltd., and the City of Pflugerville for a wastewater easement associated with the Avalon Phase 17A project.

The item was approved on the consent agenda.

- 11D.** [2016-5210](#) Authorizing the City Manager to execute a Wastewater Pipeline Easement Agreement with O'Reilly Auto Enterprises, LLC and the City of Pflugerville for a wastewater pipeline associated with the Replat of H.E.B./ Pflugerville Subdivision No. 2 generally located at the northwest corner of Pecan Street East and Old Austin-Hutto Road.

The item was approved on the consent agenda.

- 11E.** [2016-5215](#) Approving an agreement with RJN Group, Inc. for professional engineering services associated with the preparation of the first phase of an Inflow and Infiltration Study and authorizing the City Manager to execute the agreement.

The item was approved on the consent agenda.

- 11G.** [2016-5225](#) Approving the Pflugerville Community Development Corporation (PCDC) FY16 budget adjustment.

The item was approved on the consent agenda.

- 11H.** [2016-5228](#) Approving a Memorandum of Property Conveyances between the City of Pflugerville, Laser Manufacturing and the Pflugerville Community Development Corporation (PCDC) and approving the acceptance of a special warranty deed from Laser Manufacturing to the City of Pflugerville and approving the PCDC's conveyance of a special warranty deed to Laser Manufacturing and authorizing the City Manager to execute the documents.

The item was approved on the consent agenda.

- 11I.** [2016-5231](#) Approving a reimbursement request for Mayor Jeff Coleman in the amount of \$1296.61 for business mileage.

The item was approved on the consent agenda.

- 11J.** [2016-5236](#) Approving registration for the Texas Municipal League Annual Conference in Austin, Texas in October 2016 for Councilmember Mike Heath.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

Other Actions Removed from the Consent Agenda

- 11F. [2016-5163](#) Approving a 5-year lease with the Travis County Emergency Services District #2 for the Development Services Center.
- Mr. Peña indicated concern for the increase in the rate. Mr. Heath noted that the ESD has been a great partner in allowing us to use the space and are working with us on a number of projects locally. Mr. Peña stated that he would ask that they reconsider their rates. There was continued discussion. Mr. Cooper made a motion to approve as presented. Ms. Sattler seconded the motion. The vote was: Mr. Cooper-yes, Mr. Marsh-yes, Mr. Peña-no, Ms. Sattler-yes, Mr. Heath-yes. The motion carried.
- 11K. [2016-5216](#) Approving an agreement with Stantec Consulting Services, Inc. in the amount of \$79,350 for professional services associated with the design of two (2) traffic signals for the Heatherwilde Blvd. and Grand Avenue Parkway Traffic Signals Project (Grand Avenue Pkwy. at Black Locust Dr. and Heatherwilde Blvd. at Cheyenne Valley Dr.) and authorizing the City Manager to execute the agreement.
- Mr. Word provided information on the item. Mr. Heath stated that he believes the fee to be \$20,000 over what he would expect for this work. He recommended negotiating a fee with the second company. Mr. Word stated that in the past the design has been included in the construction of the traffic signal. He stated that this is 11-14% of the construction cost which is not out of the realm of what they have been experiencing in the past. He stated that it also includes construction services support, inspection of materials and developing timing plans. Mr. Word answered questions regarding the selection process used. There was continued discussion.
- Mr. Heath made a motion to reject and go to the second company. Mr. Cooper seconded the motion. All voted in favor. The motion carried.
12. **Discuss and consider action**
- 12A. [2016-5217](#) Discuss and consider action to approve an agreement with Stantec Consulting Services, Inc. in the amount of \$76,930 for professional services associated with the design of two (2) traffic signals for the Heatherwilde Blvd. and Grand Avenue Parkway Traffic Signals Project (Heatherwilde Blvd. at Black Locust Dr. and Heatherwilde Blvd. at Pfennig Lane) and authorizing the City Manager to execute the agreement.
- Mr. Word provided information on the item. He stated that they have done warrant studies at these locations and believe they meet minimum volume warrants. He noted that this does not require that we install traffic signals. He stated that staff recommended installation to achieve traffic flow coordination and that Black Locust met the accident warrant. Mr. Heath asked that they remove the right turns and see if it still warrants. Discussion followed

regarding the intersections. Mr. Word stated that he does not have an objection to doing what Mr. Heath is requesting. Mr. Heath stated that he would also like the crash information. Mr. Word stated that regarding the decision to install or not, that meeting warrants is only one step in getting there. He stated that he is happy to get the information. No action was taken on the item.

12B. [RES-0357](#)

Discuss and consider action to approve a resolution for an Advanced Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) affiliated with the East Pflugerville Parkway and SH 130 Intersection Improvements.

Mr. Word provided information on the requirement for an advanced funding agreement with the State to allow the project to go forward. Mr. Hyde provided input. There was discussion on the item. Mr. Word noted that the DBE (Disadvantaged Business Enterprise) program adoption would be a future item. Mr. Cooper made a motion to approve as presented. Mr. Peña seconded the motion. All voted in favor. The motion carried.

12C. [2016-5235](#)

Discuss and consider action to approve a master services and purchasing agreement with Taser International, Inc. for a body-worn camera system.

Chief Hooker introduced the item and the Regional Director of Taser International, Marcus Boehler, who was in attendance to answer any questions. Mr. Boehler answered questions of Mr. Peña. Mr. Peña made a motion to approve the master services and purchasing agreement with Taser International. Mr. Cooper seconded the motion. All voted in favor. The motion carried. Mayor Coleman asked when they would have cameras. Chief Hooker stated approximately 90 days.

12D. [2016-5230](#)

Discuss and consider action to adopt the revised strategic plan.

Mr. Heath made a motion to adopt. Mr. Peña seconded the motion. All voted in favor. The motion carried.

12E. [2016-5220](#)

Discuss and consider action regarding the City Manager's contract and salary package.

Mr. Peña asked what the average salary increase is. Mr. Wade stated 3%. Mr. Peña made a motion to extend Mr. Wade's employment contract an additional 12 months and to provide a 3% salary increase. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

12F. [2016-5221](#)

Discuss and consider action regarding the municipal judge's salary.

Mr. Peña made a motion to provide a 3% increase. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

12G. [2016-5232](#)

Discuss and consider action regarding future agenda items.

None stated.

12H. [RES-0355](#)

1.) Executive Session Item: Discussions regarding deliberations on economic development negotiations pursuant to Chapter 551.087 of

the Texas Government Code, 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 related to Project Hastur and any and all agreements concerning the project. 2.) Open Session Item: Discuss and consider action on a Resolution directing the City Attorney to prepare an economic development agreement for Project Hastur to include certain terms to incentivize and promote the commercial economic development on property located within City of Pflugerville Reinvestment Zone Number One (Falcon Pointe TIRZ) boundaries and authorizing the City Manager to execute the agreement, subject to the approval of the agreement as to form by the City Attorney.

Mayor Coleman announced the City Council was retiring to executive session for discussion on item. He read the item and retired to executive session. The time was 8:48 p.m. Mayor Coleman reconvened in open session at 9:04 p.m. Mayor Coleman read the caption of the resolution to be considered. Mr. Peña made a motion to approve the resolution as read. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

13. Discuss only

13A. [2016-5164](#)

Discussion regarding the proposed Pflugerville Community Development Corporation (PCDC) amended bylaws.

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

13B. [2016-5222](#)

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.

13C. [2016-5223](#)

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.

There was no discussion on the item.

14. Adjourn

Mr. Cooper made a motion to adjourn. Mr. Marsh seconded the motion. The vote was: Mr. Cooper-yes, Mr. Marsh-yes, Mr. Peña-no, Ms. Sattler-yes, Mr. Heath-yes. The motion carried. The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on October 11, 2016.