



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, November 22, 2016

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, Jeff Marsh, Omar Peña, Starlet Sattler and Mike Heath were in attendance. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Karen Thompson, City Secretary; Lauri Gillam, Assistant City Manager; Tom Word, Assistant City Manager; Emily Barron, Planning Director; James Hemenes, Parks Director; Blake Overmyer, Building Official; Cindy Pierce, Development Engineering Director; Amy Good, Finance Director; Dan Griffith, Police Corporal; Pam Cosel, Special Events Coordinator. Amy Madison, Executive Director of the Pflugerville Community Development Corporation was in attendance. Victor Gonzales, Mayor Elect; and Doug Weiss, Councilmember Elect were 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.**

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.** [2016-5286](#) Presentation on the Pfestival of Lights and Parade in downtown Pflugerville.

Ms. Cosel presented on the item.

**3B.** [2016-5346](#) Police Department presentation on the City of Pflugerville Blue Santa program.

Cpl. Griffith presented on the item. He announced that the National Night Out results had come in and the City of Pflugerville was ranked first in the state for cities 50,000-100,000. He stated that the City of Pflugerville was ranked tenth in the nation.

#### 4. Public Comment

Hunter Pope, 19308 Orts Lane, spoke regarding concerns for the City's holiday decorations. He stated that people his age do not know where downtown is and he would like the Council to focus on downtown.

#### 5. Resolutions

- 5A. [RES-0360](#) Discuss and consider action to approve a resolution canvassing the votes of the November 8, 2016 General Election.

Mayor Coleman announced the results of the November 8, 2016 General Election, with Victor Gonzales elected as Mayor and Doug Weiss elected as Councilmember Place 1. The candidates for Mayor received the following votes: Phil Osars-Emia - 807 votes, Victor Gonzales - 8,692 votes, Brad Marshall - 7,673 votes. The candidates for Councilmember Place 1 received the following votes: Doug Weiss - 11,350 votes; Victor To - 4,541 votes. Mr. Peña made a motion to approve the resolution canvassing the votes of the November 8, 2016 General Election. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

- 5B. [RES-0359](#) Discuss and consider action to approve a resolution canvassing the votes of the November 8, 2016 Special Election for consideration of amendments to the City Charter.

Mayor Coleman announced the results of the November 8, 2016 Special Election for consideration of amendments to the City's Charter. Each proposition received votes as follows:

**PROPOSITION NO. 1 (Passed)**

Shall the City of Pflugerville amend its Charter to change the structure of the City Council from six to seven members, allow the Mayor to vote on all matters and remove the preparation of City Council agendas from the Mayor's rights and responsibilities?

Yes-11,526

No- 5,719

**PROPOSITION NO. 2 (Failed)**

Shall the City of Pflugerville amend its Charter to clarify that the Municipal Judge does not have to be a resident of the City?

Yes- 4,665

No- 12,694

**PROPOSITION NO. 3 (Passed)**

Shall the City of Pflugerville amend its Charter to require the Municipal Judge be a resident of the City?

Yes-13,048

No-4,346

**PROPOSITION NO. 4 (Passed)**

Shall the City of Pflugerville amend its Charter to change the Parks and Recreation Commission to a project specific advisory board which reports to the City Manager and provide for a process to appoint seven regular board members?

Yes-11,263

No-5,476

**PROPOSITION NO. 5 (Passed)**

Shall the City of Pflugerville amend its Charter to provide that an affirmative vote of a majority of the voting members of the city council shall be required to terminate a city manager?

Yes-14,093

No-2,805

**PROPOSITION NO. 6 (Passed)**

Shall the City of Pflugerville amend its Charter to provide that a violation of the prohibition to interfere with the Administration by a City Council member be grounds for removal from office?

Yes-12,895

No-3,565

**PROPOSITION NO. 7 (Passed)**

Shall the City of Pflugerville amend its Charter to add as grounds for removal from office as a City Councilmember violation of the nepotism provision of the Charter?

Yes-13,714

No-2,707

**PROPOSITION NO. 8 (Passed)**

Shall the City of Pflugerville amend its Charter to specify a hearing process and procedure for removal from office as a City Council member?

Yes-14,493

No-2,166

**PROPOSITION NO. 9 (Passed)**

Shall the City of Pflugerville amend its Charter to change the prohibition on holding other compensated appointive city office or employment to prohibit all other compensated and/or contracted services and extend the prohibition time period from one year to two years after the expiration of a term of office?

Yes-10,993

No-5,189

**PROPOSITION NO. 10 (Passed)**

Shall the City of Pflugerville amend its Charter to change the requirement of how often it meets with boards and commissions from "at least once a year" to an "as needed basis"?

Yes-9,323

No- 7,136

**PROPOSITION NO. 11 (Failed)**

Shall the City of Pflugerville amend its Charter to clarify its process whereby the City Council may approve an ordinance without the need to consider and vote to approve the ordinance at two separate meetings, as provided by the

**City Charter?**

Yes-7,485

No-8,529

**PROPOSITION NO. 12 (Passed)**

Shall the City of Pflugerville amend its Charter to clarify that an emergency ordinance can be considered for adoption, amendment, and rejection at the same meeting?

Yes-11,469

No-4,629

**PROPOSITION NO. 13 (Passed)**

Shall the City of Pflugerville amend its Charter to require the City Manager to become a resident of the city within 180 days after appointment?

Yes-13,994

No-2,471

**PROPOSITION NO. 14 (Failed)**

Shall the City of Pflugerville amend its Charter to provide that Acting City Managers are appointed by the city manager rather than the City Council?

Yes-5,374

No-10,724

**PROPOSITION NO. 15 (Passed)**

Shall the City of Pflugerville amend its Charter to provide that the City Manager shall annually submit a five-year capital improvement plan to the city council at least one hundred and twenty days before the beginning of the budget year listing projects in order of preference and with a recommendation of the year of construction for each project?

Yes-14,086

No-2,099

**PROPOSITION NO. 16 (Passed)**

Shall the City of Pflugerville amend its Charter to reduce the required number of petition signatures for initiatives, referendums and nonbinding referendums from 20% to 15% of qualified voters of the City?

Yes-8,245

No-7,858

**PROPOSITION NO. 17 (Passed)**

Shall the City of Pflugerville amend its Charter to allow a signatory to a petition to provide their date of birth or their voter registration number?

Yes-10,174

No- 5,881

**PROPOSITION NO. 18 (Passed)**

Shall the City of Pflugerville amend its Charter to extend the response time of the City Secretary to issue petition certificate copies from immediately to the next business day?

Yes-11,865

No-3,995

**PROPOSITION NO. 19 (Passed)**

Shall the City of Pflugerville amend its Charter to change the powers of the

planning commission to include zoning proposals in its recommendations to City Council; to revise meeting requirements; and to include parks, transportation and utilities in its five year capital improvement plan?

Yes-12,983

No-2,808

**PROPOSITION NO. 20 (Passed)**

Shall the City of Pflugerville amend its Charter to reduce the number of alternates for the zoning board of adjustment from four to two?

Yes-8,212

No-7,386

**PROPOSITION NO. 21 (Failed)**

Shall the City of Pflugerville amend its Charter to reduce the required number of meetings of the zoning board of adjustment from one each quarter to one annually?

Yes- 5,082

No-10,698

**PROPOSITION NO. 22 (Passed)**

Shall the City of Pflugerville amend its Charter to require the City Manager to meet quarterly with the representatives of the police association regarding working conditions and compensation?

Yes-12,789

No-3,095

**PROPOSITION NO. 23 (Passed)**

Shall the City of Pflugerville amend its Charter to change the Charter Review Commission to hold a minimum of six (6) and a maximum of eight (8) meetings, two (2) of which shall be held jointly with the City Council?

Yes-12,053

No- 3,408

**PROPOSITION NO. 24 (Passed)**

Shall the City of Pflugerville strike portions of its Charter due to repetitiveness with Texas law regarding general powers of the city; eminent domain; zoning; actions which require an ordinances; and city elections?

Yes-11,141

No-4,396

**PROPOSITION NO. 25 (Passed)**

Shall the City of Pflugerville amend its Charter to allow for annexation and disannexation consistent with Texas law?

Yes-12,123

No-3,494

**PROPOSITION NO. 26 (Passed)**

Shall the City of Pflugerville amend its Charter to provide a process for filling a vacancy on the City Council consistent with the Texas Constitution?

Yes-13,422

No-2,231

**PROPOSITION NO. 27 (Passed)**

Shall the City of Pflugerville amend its Charter to provide that the City Council

determines by resolution the uniform election date for city elections instead of on a date closest to the second Saturday in May as allowed by Texas law?

Yes-10,694

No-4,729

**PROPOSITION NO. 28 (Passed)**

Shall the City of Pflugerville amend its Charter to be consistent with Texas law as to who may request alternates to attend a zoning board of adjustment meeting?

Yes-12,393

No-3,052

Mr. Cooper made a motion to approve the resolution canvassing the votes of the November 8, 2016 Special Election. Mr. Peña seconded the motion. All voted in favor. The motion carried. Mayor Coleman provided comments and noted that the Mayor would now vote on all matters and the City Manager would set the agenda.

**5C. [RES-0364](#)**

Discuss and consider action to approve a resolution establishing City Council Place 6; integrating City Council Place 6 into the City Council Election Cycle; establishing a vacancy in City Council Place 6; and providing for the appointment to fill the vacancy in City Council Place 6.

Mr. Cooper made a motion to table the item until the new Council is in place. Ms. Sattler seconded the motion. The vote was: Mr. Cooper-yes, Mr. Marsh-yes, Mr. Peña-yes, Ms. Sattler-yes, Mr. Heath-no, Mayor Coleman-yes. The motion carried.

## Reading of the Consent Agenda

Items 7A, 7B and 9G 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. [2016-5364](#)**

Approval of the minutes of the November 8, 2016 Worksession and Regular Meeting and November 15, 2016 Quorum.

The minutes were approved on the consent agenda.

## 8. Ordinances Third Reading

**8A. [ORD-0331](#)**

Approving an ordinance on third and final reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, BY AMENDING TITLE XV TITLED LAND USAGE, BY AMENDING CHAPTER 154, TITLED SIGNS, SECTION 154.002 TITLED APPLICABILITY; EFFECT, SECTION 154.003 TITLED DEFINITIONS AND INTERPRETATIONS, SECTION 154.103 TITLED SIGNS EXEMPT FROM REGULATION UNDER THIS CHAPTER AND SECTION

154.108 TITLED SIGNS IN THE PUBLIC RIGHT-OF-WAY; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A PENALTY OF UP TO \$500; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT WITH THE AMENDED SECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

## 9. Other Actions

- 9A. [2016-5291](#) Cancelling the December 27, 2016 City Council Worksession and Regular Meeting.  
The item was approved on the consent agenda.
- 9B. [2016-5242](#) Authorizing the City Manager to execute a Water Easement Agreement with Overman Properties VII, LLC, and the City of Pflugerville for a water easement associated with the Children's Lighthouse project.  
The item was approved on the consent agenda.
- 9C. [2016-5365](#) Authorizing the City Manager to execute a Water Easement Agreement with Frank Ismail, and the City of Pflugerville for a water easement associated with the Children's Lighthouse project.  
The item was approved on the consent agenda.
- 9D. [2016-5366](#) Authorizing the City Manager to execute a Water Easement Agreement with 735 Henna, LLC, and the City of Pflugerville for a water easement associated with the Children's Lighthouse project.  
The item was approved on the consent agenda.
- 9E. [2016-5358](#) Authorizing the City Manager to execute a Special Warranty Deed accepting the conveyance of real property from Sorento Holdings 2012 LLC to the City of Pflugerville, to be dedicated as public right of way, legally described as Tract 2, a strip of land containing 1.243 acre, a tract of land out of the remnant portion of a called 237.56 acre tract recorded in document no. 2012164042 of the official Public Records of Travis County, Texas, and situated in the John C. Bray, Survey No. 10, Abstract 73 in the City of Pflugerville, in Travis County, Texas.  
The item was approved on the consent agenda.
- 9F. [2016-5369](#) Authorizing the City Manager to execute two Special Warranty Deeds accepting the conveyance of real property from Sorento Holdings 2012, LLC to the City of Pflugerville legally described as a 4.63-acre tract out of a called 10.0-acre tract conveyed to Sorento Holdings 2012 LLC recorded in Document No. 2013132325 of the Official Public

Records of Travis County, Texas situated in the John C Bray Survey No. 10, Abstract 73, in the City of Pflugerville, Travis County, Texas, and a 0.27-acre tract out of a called 10.0-acre tract conveyed to Sorento Holdings 2012 LLC recorded in Document No. 2013132325 of the Official Public Records of Travis County, Texas situated in the John C Bray Survey No. 10, Abstract 73, in the City of Pflugerville, Travis County, Texas.

**The item was approved on the consent agenda.**

- 9H. [2016-5325](#) Authorizing the City Manager to execute a contract for crack sealing services to Stripe It Up, the lowest responsible bidder of two bids, in the amount of \$119,293.04.

**The item was approved on the consent agenda.**

- 9I. [2016-5347](#) Authorize the City Manager to execute a contract for sludge hauling and disposal with Sheridan Environmental, LLC in the amount of \$495 per load.

**The item was approved on the consent agenda.**

### **Action on the Consent Agenda**

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

### **7. Ordinances Second Reading - Removed from Consent Agenda**

- 7A. [ORD-0330](#) 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 2016 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

**Mr. Heath stated that he removed the item from the consent agenda because he wanted to highlight the good things in the City like the Gilleland Creek trail project. Mr. Heath made a motion to approve the ordinance on second and final reading. Mr. Peña seconded the motion. All voted in favor. The motion carried.**

- 7B. [ORD-0332](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE AMENDING SECTION 4 OF 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 PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

**Mr. Heath asked for additional information. Mr. Word provided information stating that the purpose of the ordinance amendment is to protect downstream properties during the development process and to add that each has to retain**

or to participate in regional detention. There was discussion. Mr. Word answered questions and Mr. Wade and Mr. Hyde provided input. Mr. Heath made a motion to approve the ordinance on second and final reading. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

### **Other Actions - Removed from Consent Agenda**

- 9G.** [2016-5401](#) Approving the Fifth Amendment to the Development Agreement Regarding Bohls North and PCDC Tracts (also known as Sorento) and authorizing the City Manager to execute the amendment.

**Ms. Barron provided information and answered questions of the Council. There was discussion on the item. Mayor Coleman made a motion to approve the item. Mr. Cooper seconded the motion. All voted in favor. The motion carried.**

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

- 10A.** [RES-0363](#) Discuss and consider action to approve a resolution designating Mayor Elect Victor Gonzales as the City of Pflugerville representative on the Capital Area Metropolitan Planning Organization (CAMPO) Transportation Policy Board.

**Mayor Coleman provided information. Mr. Cooper made a motion to approve the resolution designating Mayor Elect Victor Gonzales as the City of Pflugerville representative on the CAMPO Transportation Policy Board. Ms. Sattler seconded the motion. Council discussion followed. All voted in favor. The motion carried.**

- 10B.** [2016-5356](#) Discuss and consider action to change City of Pflugerville representation on the Capital Area Council of Governments (CAPCOG) General Assembly.

**There was discussion on the item. Mayor Coleman made a motion to select Mayor-Elect Victor Gonzales for the Executive Committee with Mr. Gonzales, Mr. Heath and Mr. Peña to serve as the General Assembly representatives. Mr. Cooper seconded the motion. All voted in favor. The motion carried.**

- 10C.** [RES-0367](#) Discuss and consider action to adopt a Resolution approving a Pflugerville Community Development Corporation (PCDC) Performance Agreement with LDDF (TESCOM) (Project Gauge).

**The item was to be considered after executive session.**

- 10D.** [RES-0369](#) Discuss and consider action to adopt a Resolution and approving the First Amendment to the Pflugerville Community Development Corporation (PCDC) Performance Agreement with Lightwater Hospitality No. 1 LTD., Ramran Holding, LLC, DBA Pflugerville Hospitality (Best Western).

**Ms. Amy Madison provided information. Mr. Cooper provided comments. There was discussion on the item. Mr. Overmyer answered questions**

regarding the sign ordinance. Mr. Cooper made a motion to approve the item as presented. Mr. Peña seconded the motion. The vote was: Mr. Cooper-yes, Mr. Marsh-no, Mr. Peña-yes, Ms. Sattler-yes, Mr. Heath-no, Mayor Coleman-yes. The motion carried.

**10E.** [2016-5392](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning enabling legislation to give effect to Charter amendments approved by the voters on November 8, 2016. 2.) Discuss and consider action concerning enabling legislation to give effect to Charter amendments approved by the voters on November 8, 2016.

There was no discussion or action on the item.

**11. Discuss only****N11C** [2016-5402](#)

Discussion regarding responsibilities of the Mayor concerning appointments.

Mayor Coleman provided information regarding the Personnel Appeal Board and Reinvestment Zone One (Falcon Pointe TIRZ) appointments that are made by the Mayor with approval by the City Council and he noted that the Mayor makes three appointments to the Charter Review Commission with the Councilmembers each making two appointments. He stated that the TIRZ ordinance could be amended to provide a different appointment process. Mr. Marsh stated a need to make sure there is no conflict of interest now that the Mayor votes. He indicated an interest in looking at anything that may pertain. Discussion followed.

Mr. Cooper provided comments on this being his last meeting. He expressed appreciation and stated that it has been a great nine and one-half years and the City has come a long way. Mayor Coleman stated that it has been an incredible responsibility and honor to serve as Mayor of the City of Pflugerville. He stated that Pflugerville is a unique and beautiful and wonderful place to live where people feel connected to the local government. He thanked the city staff and the citizens.

**Executive Session**

Mayor Coleman announced that the City Council was retiring to executive session for possible discussion on items 11A and 11B. He read the items and retired to executive session. The time was 8:12 p.m.

**11A.** [2016-5361](#)

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.

- 11B. [2016-5362](#) 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.

**Executive Session - Closed**

Mayor Jeff Coleman reconvened in open session at 10:55 p.m.

**10. Discuss and consider action**

- 10C. [RES-0367](#) Discuss and consider action to adopt a Resolution approving a Pflugerville Community Development Corporation (PCDC) Performance Agreement with LDDF (TESCOM) (Project Gauge).
- Mr. Cooper made a motion to approve item 10C as presented. Mr. Heath seconded the motion. All voted in favor. The motion carried.

**12. Adjourn**

Mr. Cooper made a motion to adjourn. Mayor Coleman seconded the motion. The vote was: Mr. Cooper-yes, Mr. Marsh-yes, Mr. Peña-no, Ms. Sattler-yes, Mr. Heath-yes, Mayor Coleman-yes. The motion carried. The meeting was adjourned at 10:55 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as \_\_\_\_\_ on December 13, 2016.