



City of Pflugerville

Minutes - Final

City Council

Tuesday, January 10, 2017

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Victor Gonzales called the regular meeting to order at 7:02 p.m. Councilmembers Doug Weiss, Jeff Marsh, Omar Peña, and Starlet Sattler were in attendance. Councilmember Mike Heath 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; James Hemenes, Parks Director; Jennifer Coffey, Library Director; Terri Toledo, Public Information Officer; Amy Giannini, City Engineer; Amy Good, Finance Director; Cindy Pierce, Development Engineering Director; Blake Overmyer, Building Official; Wayne Granger, Field Operation Superintendent. Amy Madison, Executive Director of the Pflugerville Community Development Corporation, was 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.

Mayor Gonzales 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 Gonzales led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

3. Presentations

3A. [2017-5294](#) Presentations of appreciation to former Chief of Police Chuck Hooker.

Mayor Gonzales provided comments expressing his appreciation to Chuck Hooker. Brian Simon of Congressman Bill Flores' office presented a U.S. flag and letter of appreciation to Chuck Hooker on behalf of Congressman Flores.

3B. [2017-5483](#) Recognition presentations for incoming and outgoing members of the Finance and Budget Committee, Parks and Recreation Commission, Planning and Zoning Commission, Library Board, Board of

Adjustment, Pflugerville Community Development Corporation (PCDC) Board, Personnel Appeal Board, and Pflugerville Reinvestment Zone No. One (Falcon Pointe TIRZ).

Mayor Gonzales presented a certificate of appreciation and small gift to the outgoing member in attendance: Beatriz Flores. Mayor Gonzales presented certificates of appointment to the incoming members in attendance: Beatriz Flores, Victor Johnson, Michele Walty and Lorena DeZeeuw.

- 3C.** [2017-5454](#) Proclamation declaring January 2017 as School Board Recognition Month in the City of Pflugerville.
- Mayor Gonzales read the proclamation and presented it to Vernagene Mott, President of the Pflugerville ISD School Board. Ms. Mott provided comments.**
- 3D.** [2017-5456](#) Proclamation for the It's Time Texas community challenge.
- Ms. Toledo provided information. Mayor Gonzales read the proclamation and encouraged the community to participate.**
- 3E.** [2017-5319](#) Pflugerville's Year in Review 2016.
- Ms. Toledo presented a video under the item.**

4. Public Comment

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

Reading of the Consent Agenda

Ms. Thompson read the items, to include the captions of the ordinances under consideration.

5. Approval of Minutes

- 5A.** [2017-5484](#) Approval of the minutes of the December 6, 2016 Special Meeting; December 13, 2016 Worksession and Regular Meeting; and December 15, 2016 and December 28, 2016 Special Meetings.
- The minutes were approved on the consent agenda.**

6. Ordinances First Reading

- 6A.** [ORD-0340](#) Approving an ordinance on first 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 (EAST PECAN STREET) TO ESTABLISH PRIMA FACIE MAXIMUM SPEEDS; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 72 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$200.00; REPEALING

ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.

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

- 6B. [ORD-0339](#) Approving an ordinance on first 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 (HEATHERWILDE BOULEVARD) TO ESTABLISH PRIMA FACIE MAXIMUM SPEEDS; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 72 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$200.00; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

- 6C. [ORD-0341](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO DUMP IT, LLC FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

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

7. Ordinances Second Reading

- 7A. [ORD-0333](#) Approving an ordinance on second reading with a 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 APPROVING A SPECIFIC USE PERMIT FOR AN OFFICE/WAREHOUSE USE ON A PORTION OF A 60.16 ACRE TRACT OF LAND CURRENTLY ZONED CORRIDOR URBAN LEVEL 4 DISTRICT (CL4) SITUATED IN THE THOMAS G. STUART SURVEY, SECTION NO. 6, ABSTRACT 689, LOCATED IN PFLUGERVILLE, TRAVIS COUNTY, TEXAS, TO BE KNOWN AS THE LIVING SPACES SPECIFIC USE PERMIT (SUP1611-01); PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A NON-SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

- 7B. [ORD-0334](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO TEXAS DISPOSAL SYSTEMS, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was approved on second reading on the consent agenda. A third reading is required for final approval of this ordinance.

- 7C. [ORD-0335](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO PROGRESSIVE WASTE SOLUTIONS FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was approved on second reading on the consent agenda. A third reading is required for final approval of this ordinance.

- 7D. [ORD-0336](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO CENTRAL TEXAS REFUSE, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was approved on second reading on the consent agenda. A third reading is required for final approval of this ordinance.

- 7E. [ORD-0337](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO WASTE MANAGEMENT OF TEXAS, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was approved on second reading on the consent agenda. A third reading is required for final approval of this ordinance.

- 7F. [ORD-0338](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO REPUBLIC

SERVICES, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was approved on second reading on the consent agenda. A third reading is required for final approval of this ordinance.

8. Resolutions

- 8A.** [RES-0375](#) Approving a resolution directing City staff to initiate annexation proceedings and to adopt a schedule for annexation for tracts of land along East Pflugerville Parkway, east of SH 130, and west of Weiss Lane, owned by Cactus Commercial South, LP, publish notice of two public hearings in accordance with Chapter 43 of the Texas Local Government Code, and prepare an annexation ordinance and a service plan for the annexation.
- The resolution was approved on the consent agenda.**
- 8B.** [RES-0378](#) Approving a resolution authorizing the sale of approximately 1.5 acres of land owned by the Pflugerville Community Development Corporation (PCDC) in the One-Thirty Commerce Center described as Renewable Energy Park, Renewable Energy Park Lot 1C to MW Builders, Inc.
- The resolution was approved on the consent agenda.**
- 8C.** [RES-0381](#) Discuss and consider accepting a release of a reversionary interest held by Tack Development, Ltd. And Hagn and Timmerman, Ltd. on approximately 2.56 acres of property conveyed to the City in 1985, as more specifically described in a Warranty Deed to the City in the real property records of Travis County, Texas, at Volume 9236, Page 954 as Instrument No. 03934975
- The resolution was approved on the consent agenda.**

9. Other Actions

- 9A.** [2017-5457](#) Authorizing the City Manager to Execute a Public Utility Easement Agreement with Bastrop Investment Group, LP and the City of Pflugerville for a public utility easement associated with the Paradise Cove project on Lot 1 of the plat of the KP Brothers Subdivision located northwest of the intersection of Black Locust Drive and West Pfennig Lane.
- The item was approved on the consent agenda.**
- 9B.** [2017-5458](#) Authorizing the City Manager to Execute a Water Pipeline Easement

Agreement with the Board of Trustees of the Pflugerville Independent School District and the City of Pflugerville for a water pipeline easement associated with the Village on Legacy project generally located northeast of the intersection of Swenson Farms Boulevard and West Pfennig Lane.

The item was approved on the consent agenda.

9C. [2017-5459](#)

Authorizing the City Manager to Execute a Wastewater Pipeline Easement Agreement with the Board of Trustees of the Pflugerville Independent School District and the City of Pflugerville for a wastewater pipeline easement associated with the Village on Legacy project generally located northeast of the intersection of Swenson Farms Boulevard and West Pfennig Lane.

The item was approved on the consent agenda.

9D. [2017-5460](#)

Authorizing the City Manager to Execute a Drainage Easement Agreement with the Board of Trustees of the Pflugerville Independent School District and the City of Pflugerville for a public drainage easement associated with the Village on Legacy project generally located northeast of the intersection of Swenson Farms Boulevard and West Pfennig Lane.

The item was approved on the consent agenda.

9E. [2017-5464](#)

Authorizing the City Manager to execute a conditional purchase agreement, an easement purchase agreement, and associated conveyance documents between Cactus Commercial South, LP and the City of Pflugerville as necessary to acquire real property interests for the Weiss Lane Roadway Project.

The item was approved on the consent agenda.

9F. [2017-5465](#)

Authorizing the City Manager to execute an Easement & Right of Way Agreement between Oncor Electric Delivery Company LLC and the City of Pflugerville for the construction associated with the Sorento/Carmel Lift Station and Force Main Project.

The item was approved on the consent agenda.

9G. [2017-5469](#)

Authorizing the City Manager to execute conditional purchase agreements, easement purchase agreements, and associated conveyance documents between H.L. Weiss, Jr. and Merle A. Weiss and the City of Pflugerville as necessary to acquire real property interests for the Weiss Lane Roadway Project.

This item was approved on the consent agenda.

9H. [2017-5471](#)

Authorizing the City Manager to execute a conditional purchase agreement, an easement purchase agreement, and associated

conveyance documents between Neal E. Weiss and Barbara A. Weiss and the City of Pflugerville as necessary to acquire real property interests for the Weiss Lane Roadway Project.

This item was approved on the consent agenda.

- 9I. [2017-5472](#) Authorizing the City Manager to execute a conditional purchase agreement and associated conveyance documents between James R. Bohls and Barbara Bohls and the City of Pflugerville as necessary to acquire real property interests for the Weiss Lane Roadway Project.

This item was approved on the consent agenda.

- 9J. [2017-5489](#) Authorize the City Manager to execute a contract for contractual mowing services for specific rights-of-way with Rios Tree Services, the lowest responsive bidder of two (2) bids received on November 28, 2016, in the amount of \$98,001.65.

This item was approved on the consent agenda.

- 9K. [2017-5490](#) Authorize the City Manager to execute a contract for contractual mowing services for specific park areas with Rios Tree Services, the lowest responsive bidder of four (4) bids received on November 28, 2016, in the amount of \$83,000.17

This item was approved on the consent agenda.

Action on the Consent Agenda

Mayor Gonzales made a motion to approve the consent agenda. Mr. Peña seconded the motion. All voted in favor. The motion carried.

10. Discuss and consider action

- 10A. [2017-5487](#) Discuss and consider action to provide direction to the City Manager regarding downtown initiatives and infrastructure opportunities within the downtown area.

Mr. Wade asked for direction regarding the Council's vision for downtown and how to proceed. Discussion followed.

Mayor Gonzales invited Adeline Bui, owner of Hanover's Draught Haus, to speak regarding downtown. Ms. Bui stated that she has learned that you have to take risk in order to succeed. She stated that she is excited about having an entertainment district downtown. She stated that it takes funding, planning and a lot of logistics. She stated that there are a lot of people involved and a lot of opinions. She stated that you have to keep going or it fades.

Mr. Marsh stated he likes the entertainment on Main Street, with the next block retail and outside of that, residents and daytime businesses. Mr. Peña asked what it would require financially and stated that he thinks there could be opportunity with tax increment reinvestment zone (TIRZ) financing. Mr. Hyde noted that it could take significant time with the rezoning of areas, as

non-conforming uses would remain in place. Mr. Marsh stated that he would like architectural styles to look historical.

Mr. Wade suggested a motion to direct the City Manager and City staff to bring back short-term and long-term plans regarding the potential development of downtown. Mr. Weiss made a motion to direct the City Manager and City staff to bring back short-term and long-term plans regarding the potential development of downtown to include infrastructure. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

10B. [2016-5164](#)

Discuss and consider action regarding the proposed Pflugerville Community Development Corporation (PCDC) amended bylaws.

Ms. Madison provided information. Mr. Weiss indicated to support the approval of the amended PCDC bylaws. Mr. Weiss made a motion to approve the amended PCDC bylaws. Mr. Peña seconded the motion. All voted in favor. The motion carried.

10C. [2016-5425](#)

Discuss and consider action regarding scheduling and scope of City Council retreat worksessions for 2017.

There was discussion on the item. The worksession scheduled for February 4, 2017 was to start at 8:00 a.m. and end by 2:00 p.m.

10D. [2017-5479](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding the City of Pflugerville's legislative agenda. 2.) Open Session Item: Discuss and consider action regarding the City of Pflugerville's legislative agenda.

Mayor Gonzales stated that he believes that the Council was in agreement to support the proposed legislative agenda with the addition of an addendum that open government/social media be added to items for staff to monitor. Mr. Peña made a motion to approve the legislative agenda with the addition. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

11. Discuss only

11A. [2017-5488](#)

Discuss ZIP Code Boundary realignment request for Verona Subdivision located southeast of Cele Road and Weiss Lane.

Mr. Fletcher provided information and Mr. Wade provided input on the item. This was an informational item. No action was taken.

Executive Session

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

11B. [2017-5481](#)

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.

11C. [2017-5482](#)

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 Gonzales reconvened in open session at 9:50 p.m.

12. Adjourn

Ms. Sattler made a motion to adjourn. Mr. Marsh seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mr. Peña-no, Ms. Sattler-yes; Mayor Gonzales-yes. The motion carried. The meeting was adjourned at 9:51 p.m.

Respectfully submitted,

**Karen Thompson
City Secretary**

Approved as presented on January 24, 2017.