



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, July 25, 2017

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

The City Council is scheduled to hold a Worksession starting at 6:00 p.m. Please see the Worksession Agenda for a list of items for discussion at the Worksession

1. Call to order

Mayor Victor Gonzales called the regular meeting to order at 7:09 p.m. Councilmembers Doug Weiss, Jeff Marsh, Omar Peña and Mike Heath were in attendance. Councilmember Starlet Sattler was absent. 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; Trey Fletcher, Assistant City Manager; Jennifer Stubbs, Assistant City Secretary; Terri Toledo, Communications Director; Blake Overmyer, Building Official; Jessica Robledo, Police Chief; Sara Bustilloz, Police Department Public Information Officer; James Hemenes, Parks Director; Amy Giannini, City Engineer; Jennifer Coffey, Library Director; Amy Good, Finance Director; Sarah Moody, Budget Analyst; Tracy Hibbs, Utility Business Operations Manager; James Wills, Public Works Director; Matt Woodard, Utility Superintendent; Jacquelyn Smith, CIP Program Manager; Cindy Pierce, Development Engineering Director; Aileen Dryden, Park Development Manager. Amy Madison, Executive Director of the Pflugerville Community Development Corporation (PCDC), attended.

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.

Items were addressed in the order as recorded in the minutes.

3. Presentations

3A. [2017-6016](#) Presentation and discussion about the City's Capital Improvement Program.

**Mr. Word provided a report on the item and answered questions of the Council.
Mr. Wade provided comments.**

3B. [2017-6023](#) 1849 Park project update and discussion.

Mr. Hemenes provided a report on the item and answered questions of the Council.

3C. [ORD-0345](#) Presentation and discussion about the implementation of a required Cross Connection Control and Backflow Prevention Program.

Mr. Word presented on the item and answered questions of the Council. An ordinance was to be brought forward to the next meeting for consideration to add a requirement to require annual inspection and testing of back-flow devices at high health hazard locations as required by the Texas Commission on Environmental Quality (TCEQ).

4. Public Hearings

4A. [RES-0437](#) Conduct the first public hearing regarding the Community Development Block Grant (CDBG) program proposed 2017 Action Plan.

Mayor Gonzales opened the item. Ms. Barron presented on the item to provide CDBG funds for infrastructure improvements to Green Meadows Lane and youth recreation scholarships, with an alternate project for Frost Circle. There were no requests to speak at the public hearing. Mr. Marsh made a motion to close the public hearing. Mr. Heath seconded the motion. All voted in favor. The motion carried. The second public hearing and consideration of adoption was scheduled for August 8, 2017.

5. Public Comment

Kathy Tomasino, 2516 Amen Corner Road, stated that they recently met with Mr. Wade and asked that the city make the Blackhawk Golf Course a municipal golf course and they were told that the city does not have the funds. She stated that she is asking for the Council to appoint a committee to put this on a bond election. She suggested that the course be developed as a Play for All course for special needs and wounded veterans.

Everett Wood, 19213 Sea Island Drive, did not wish to speak, but asked that the Mayor enter for the record his request to "stay the course to keep the course. Save Blackhawk Golf Course. "

Donna McKay, 19105 Sotogrande Drive, stated that she is the Chair of the action committee to save the Blackhawk Golf Course. She stated that they have come before the Council to ask for consideration for the city to purchase the golf course and would like an item on the agenda. She stated a need to open the conversation on this in this forum. She stated that they don't seem to be making headway.

Reading of the Consent Agenda

Items 8A and 9A were removed from the consent agenda. Ms. Thompson read the items along with the caption of the ordinance under consideration.

6. Approval of Minutes

- 6A. [2017-6005](#) Approval of the minutes of the July 11, 2017 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

7. Ordinances First Reading

- 7A. [ORD-0360](#) 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 (SWENSON FARMS 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.

9. Resolutions

- 9B. [RES-0436](#) Approving a resolution with the caption reading, RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS SELECTING DAVIS, KINARD & CO, PC TO PERFORM THE INDEPENDENT AUDIT OF THE CITY OF PFLUGERVILLE FOR FISCAL YEAR 2017.

The resolution was approved on the consent agenda.

Action on the Consent Agenda

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

8. Ordinances Second Reading - Removed from Consent Agenda

- 8A. [ORD-0359](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE THIRD AMENDMENT TO THE FISCAL YEAR 2017 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN

EFFECTIVE DATE.

Ms. Gillam provided information, stating that the budget amendment is for a fund balance transfer in the amount of \$800,000 to provide funding for street overlay projects for 2017 to include Grand Avenue Parkway and Lynn Cove as approved at the January 24, 2017 Council meeting. Mr. Heath made a motion to approve the ordinance on second reading. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

Resolutions - Removed from Consent Agenda

- 9A. [RES-0431](#) Approving a resolution authorizing the City of Pflugerville, Texas request for athletic field lighting at 1849 Park, located at 16430 Cameron Road, to be in excess of 60 feet in height and with a duration past 10:00 pm.

Mr. Marsh indicated concern for the neighbors to the property. Ms. Barron stated that illumination would not occur past the property line. Mr. Heath requested that staff make sure that the lights comply with the Code. Mr. Hemenes provided information and answered questions regarding lighting and duration. Ms. Debbie Krueger stated that she is a next door neighbor to the park and is trying to understand what the park will be like. She asked if there will be large tournaments. Mr. Hemenes stated that the primary need is practice. Mr. Heath stated that it will be used for tournaments. Mr. Hemenes stated that there is the potential for tournaments, but the reason for the development of the park was practice space. There was continued discussion of Mr. Hemenes and the Council. Mayor Gonzales made a motion to approve the item. Mr. Weiss seconded the motion. The vote was: Mr. Heath-yes, Mr. Marsh-no, Mayor Pro Tem Peña-no, Mr. Weiss-yes, Mayor Gonzales-yes. The motion carried.

10. Discuss and consider action

- 10A. [2017-5961](#) Discuss and consider action to appoint a member to the Planning and Zoning Commission for a term ending December 31, 2017.

Mayor Gonzales stated that they have applications from Mark Schnabel and Karen Duncan. Mr. Schnabel was not in attendance. The Council conducted an interview with Ms. Duncan. Mr. Marsh made a motion to appoint Karen Duncan. Mr. Heath seconded the motion. All voted in favor. The motion carried.

- 10B. [2017-5951](#) Discuss and consider action to approve an agreement with Freese and Nichols, Inc. in the amount of \$158,911 for professional engineering services associated with the development of flow projections and siting study for the New Sweden Wastewater Treatment Plant Project and authorizing the City Manager to execute the agreement.

Ms. Giannini provided information. Mr. Heath indicated concerns for the labor rates and who is doing what on the project and discussed with Ms. Giannini. Mr. Heath recommended that they postpone action on the item. Discussion followed. Ms. Giannini stated that they are happy to go look at it again if that is the direction. Mr. Heath stated that it is a great firm and they do great work, but this agreement does not get us where we want to be. There was further discussion. Mr. Heath made a motion to table. Mr. Marsh seconded the motion.

The vote was: Mr. Heath-yes, Mayor Gonzales-yes, Mayor Pro Tem Peña-no, Mr. Marsh-yes, Mr. Weiss-no. The motion carried.

10C. [2017-6022](#)

Discuss and consider action regarding an interlocal agreement between the Capital Area Council of Governments (CAPCOG) and the City of Pflugerville for continuation and support of the CAPCOG Regional Air Quality Program.

Andrew Hoekzema of CAPCOG provided information on their request for a pro rata share of funding in the amount of \$6,769 to support the Regional Air Quality program through 2018. He answered questions of Council. Mayor Pro Tem Peña made a motion to approve. Mr. Weiss seconded the motion. Mr. Heath asked for a friendly amendment to table until Finance can identify a funding source. Mayor Pro Tem Peña was in agreement to amend his motion. Mr. Marsh seconded the amended motion to table. The vote was: Mr. Heath-yes, Mayor Gonzales-yes, Mayor Pro Tem Peña-yes, Mr. Marsh-yes, Mr. Weiss-no. The motion carried.

10D. [2017-6025](#)

Discuss and consider action to initiate amendments to the Unified Development Code regarding the establishment of zoning districts and the preservation of open space. (Requested by Councilmember Doug Weiss)

Mr. Weiss made a motion to initiate amendments to the Unified Development Code regarding the establishment of zoning districts and preservation of open space. Mr. Marsh seconded the motion. Mr. Heath was absent from the dais. All present voted in favor. The motion carried.

10F. [2017-6003](#)

Discuss and consider action to approve registration and hotel costs for the Texas Municipal League (TML) annual conference in Houston, Texas in October 2017 for Mayor and City Councilmember attendance.

Mayor Gonzales provided information on the conference. Mr. Heath requested to register as a city official but to pay out of his pocket. Mr. Hyde stated no action is required for Mr. Heath to register as a city official and to pay for himself. Mr. Marsh stated that he had reviewed the conference agenda and does not see great benefit. Mr. Weiss indicated plans to attend the conference. Mr. Wade stated that he finds the TML Annual Conference to be useful and he encourages city officials to attend. Mayor Gonzales provided additional comments regarding the benefits of attendance. Mr. Marsh stated concern for the costs to be incurred. Discussion followed. Mr. Weiss stated that he thinks the city should cover the registration costs. Mr. Marsh stated that he is willing to approve the registration fee. Mr. Hyde provided information on the Charter supporting payment or reimbursement of costs associated with the fulfillment of duties. Mayor Pro Tem Peña suggested tabling until August 8, 2017, when an attendee list could be defined and legal could define any liability. He indicated that as a motion. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

10E. [2017-6024](#)

Discuss and consider action regarding zoning and land use of property within the State Highway 130 and State Highway 45 Corridors. (Requested by Councilmember Mike Heath)

Mr. Heath indicated a need to review the uses. Mr. Wade recommended having the Planning and Zoning Commission review and recommend amendments. Mr. Heath noted a need for corporate campus as a use and minimum building heights to be reviewed, and stated that the area zoned CL4 looks more appropriate for CL5. Discussion followed. Mr. Fletcher provided information. He noted that this corridor was established prior to SH130 opening. Council discussion followed with Mr. Fletcher and Mr. Wade. Mayor Pro Tem Peña asked how long it would take. Mr. Fletcher estimated six months. Mr. Wade asked how they move forward. Mr. Fletcher stated that staff would put a schedule together. Mr. Heath made a motion to revisit the 45/130 corridor to intensify the land use codes and building requirements and for city staff to develop that with the Planning and Zoning Commission and bring back in three months. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

10G. [2017-6009](#)

Discuss and consider action to provide direction to the City Manager regarding the fiscal year 2018 budget and/or strategic plan update.

Mr. Heath stated to recommend the tax rate of .5399. Mr. Marsh indicated to support that and provided comments. Mr. Heath stated that the rate of .5399 supports the GO bond debt approved by the voters. Mr. Wade stated that he is prepared to implement a tax rate of .5399. He stated that he would bring back alternative cuts to support the tax rate of .5399. Mr. Wade asked if they would like to go through the budget items line by line. Mr. Weiss and Mr. Gonzales indicated interest. Discussion followed. Mr. Wade stated that he understands the Council's direction is for him to prepare a budget with a tax rate of 53.99 cents, and to review the line items at a special meeting on Saturday, August 5, 2017 at 9:00 a.m. Mr. Marsh stated so moved. Mr. Heath seconded the motion. All voted in favor. The motion carried.

Anthony Nguyen, 19905 Tree Sap Way, stated that he was upset with the rollback rate, but now that the Council is proposing to keep the tax rate the same as last year, he is satisfied. He stated that assessments are up, so they will still be paying more taxes. He stated that he thinks this is probably fair and that he understands that the bonds were issued. He stated that he has talked to the school board and he will be at their next meeting. He stated that he thinks keeping the city tax rate the same is a good compromise and maybe they could hire eight new employees instead of 16.

10H. [2017-6004](#)

Discuss and consider action regarding future agenda items.

Mayor Pro Tem Peña asked for an item to consider attorney services at the August 5, 2017 special meeting. Mr. Weiss asked for a future item to discuss the Animal Shelter policies and procedures and fee schedules. Mr. Heath asked to discuss Sorento lighting, traffic impact fees, field use policy and requested a one-time invocation on August 22, 2017.

11. Discuss only**11A.** [2017-6039](#)

Discuss a proposed interlocal agreement with the City of Austin, City of Round Rock, Williamson County, Travis County and the Housing Authorities of Austin, Georgetown, Round Rock, Taylor and Travis County for the procurement of consulting services for an Assessment

of Fair Housing (AFH) and authorizing the City Manager to execute the same.

Mr. Wade provided an introduction, stating this is a requirement of the CDBG program funds. He stated that he asked that this be placed on the agenda for presentation and discussion prior to consideration on August 8, 2017. Ms. Barron presented on the item.

- 11B. [ORD-0363](#)** Discuss proposed water and wastewater rates.

Discussion on the item took place during the earlier worksession.

Executive Session

Mayor Gonzales announced that the Council was retiring to executive session on items 11C and 11D. He read the items and retired to executive session. The time was 9:43 p.m.

- 11C. [2017-6006](#)** 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 related to:
- A. Cottonwood Basin Wastewater Property
 - B. Pfennig Lane Right of Way

Discussion on the item took place in executive session.

- 11D. [2017-6007](#)** 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. Project Ag
 - B. Project Next Step

Discussion on the item took place in executive session.

Executive Session - Closed

Mayor Gonzales reconvened in open session at 10:34 p.m. No action was taken.

12. Adjourn

Mr. Heath made a motion to adjourn. Mr. Marsh seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on August 8, 2017.