



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, September 12, 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 7:00 p.m. Councilmembers Omar Peña, Doug Weiss, Jeff Marsh, and Mike Heath were in attendance. Councilmember Starlet Sattler was absent. City employees attending: Brandon Wade, City Manager; Charles Zech, City Attorney; Jennifer Stubbs, Assistant City Secretary; Karen Thompson, City Secretary; Trey Fletcher, Assistant City Manager; Lauri Gillam, Assistant City Manager; Tom Word, Assistant City Manager; Amy Giannini, City Engineer; Emily Barron, Planning Director; James Hemenes, Parks Director; Terri Toledo, Communications Director; Amy Good, Finance Director; Tracy Hibbs, Utility Business Operations Manager; Jessica Robledo, Police Chief; Sara Bustilloz, Police Department Public Information Officer; Billy Gibbens, Police Civilian Director; Jason Smith, Police Commander; Keith Ritchie, Police Lieutenant; Jennifer Coffey, Library Director; Rose Cobb, Marketing Specialist; Wade Manes, Videography Multimedia Specialist; Rhonda McLendon, Animal Welfare Services Director. PCDC staff in attendance: Amy Madison, PCDC Executive Director; Christian Kurtz, Director of Business Development.

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.** [2017-6143](#) Presentation recognizing Hurricane Harvey-related relief and recovery efforts by city of Pflugerville employees and volunteers.

Mayor Gonzales recognized the Law Enforcement Association of Pflugerville (LEAP) for initiating a collection drive at the Pflugerville Justice Center to collect items for Hurricane Harvey relief, which were delivered to the Austin Disaster Relief Network headquarters. Sgt. Oscar Lopez, Sgt. Jared Bruno and COP Volunteer Michelle Simik were instrumental in organizing the donations. Mayor Gonzales also recognized city departments that participated in the monitoring of conditions at the Emergency Operations Center and the Pflugerville police officers that volunteered to go to Houston to aid the Houston Police Department.

- 3B. [2017-6077](#) Presentation of national and statewide Communications Awards.

Terri Toledo presented the state and national awards given to the Communications Department at the City of Pflugerville. Mayor Gonzales recognized Ms. Toledo, Sara Bustilloz, Wade Manes, and Rose Cobb from the Communications Department.

4. Public Hearings

- 4A. [ORD-0365](#) Conduct the first of two public hearings on an ordinance with the caption reading: TAX LEVY ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS FOR FISCAL YEAR 2018.

Mayor Gonzales read the item and opened the public hearing. Ms. Gillam provided information. There were no requests to speak at the public hearing. Mr. Weiss made a motion to close the public hearing. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

5. Ordinances First Reading

- 5A. [ORD-0363](#) Discuss and consider action to approve an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING RATES, CHARGES AND FEES FOR WATER, WASTEWATER AND SOLID WASTE UTILITY SERVICE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Gonzales opened and read the item to include the caption of the ordinance under consideration. Mr. Wade and Ms. Gillam provided information on the item. Mr. Wade addressed concerns indicated at the last meeting by Mayor Pro Tem Peña regarding commercial water rates and Mr. Heath's request for a ten-year proforma. Mr. Heath provided comments and discussion followed. Mr. Wade stated that this ordinance is for a rate increase in wastewater in year one. He explained that there is a timing issue in that the certificates of obligation are bundled and the City needs to move forward with those tonight. Mayor Pro Tem Peña made a motion to approve the ordinance on first reading. Mr. Weiss seconded the motion. The vote was: Mr. Weiss-yes; Mr. Marsh-yes; Mayor Pro Tem Peña-yes; Mr. Heath-no; Mayor Gonzales-yes. The motion carried.

6. Public Comment

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

Reading of the Consent Agenda

Items 9A, and 10B were removed from the consent agenda. Ms. Stubbs read the items to include the caption of the ordinance under consideration.

7. Approval of Minutes

- 7A. [2017-6117](#) Approval of the minutes of the August 22, 2017 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

8. Ordinances Third Reading

- 8A. [ORD-0364](#) Approving an ordinance on third reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING AN EXCLUSIVE FRANCHISE AGREEMENT FOR THE COLLECTION, HAULING, RECYCLING AND DISPOSAL OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS TO PROGRESSIVE WASTE SOLUTIONS OF TX, INC; 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 third and final reading on the consent agenda.

9. Resolutions

- 9B. [RES-0452](#) Consideration and action with respect to "RESOLUTION DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF PFLUGERVILLE, TEXAS COMBINATION TAX AND LIMITED REVENUE CERTIFICATES OF OBLIGATION, SERIES 2017A AND OTHER MATTERS RELATED THERETO." (Utility - wastewater capital improvements)

The resolution was approved on the consent agenda.

- 9C. [RES-0449](#) Consideration and action with respect to "RESOLUTION DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF PFLUGERVILLE, TEXAS COMBINATION TAX AND LIMITED REVENUE CERTIFICATES OF OBLIGATION, SERIES 2017B AND OTHER MATTERS RELATED THERETO." (TIRZ developer reimbursement)

The resolution was approved on the consent agenda.

- 9D. [RES-0450](#) Consideration and action with respect to "RESOLUTION DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF PFLUGERVILLE, TEXAS COMBINATION TAX AND LIMITED REVENUE CERTIFICATES OF OBLIGATION, TAXABLE SERIES 2017C AND OTHER MATTERS RELATED THERETO." (City TIRZ reimbursement)

The resolution was approved on the consent agenda.

- 9E. [RES-0453](#) Consideration and action with respect to "RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES."

The resolution was approved on the consent agenda.

10. Other Actions

- 10A. [2017-6137](#) Authorizing the City Manager to execute a conditional purchase agreement and associated conveyance documents between Warren Richter and Carol Ann Richter and the City of Pflugerville as necessary to acquire real property interests for the Pfennig Lane Roadway Improvements Project.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

- 9A. [RES-0446](#) Approving a resolution authorizing submission of the grant application for the Pflugerville Police Department - Ballistic Vest Project to the Office of the Governor.

Chief Robledo provided information on the grant which could equip 77 of the 85 officers with Level 4 vests. Mr. Gibbens and Lt. Richie provided additional information. Mayor Pro Tem Peña made a motion to approve the resolution. Mr. Heath seconded the motion. All voted in favor. The motion carried.

- 10B. [2017-6151](#) Approving a professional expense reimbursement agreement by and between the City of Pflugerville and The Commons at Heatherwilde & Pecan, LP and authorizing the City Manager to execute the agreement.

Mr. Fletcher provided information. Mr. Heath made a motion to approve the item. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

11. Discuss and consider action

- 11A. [2017-6129](#) Discuss and consider action to award a construction contract for

streetlights at various locations throughout the City to Austin Traffic Signal Construction Company, Inc., the lowest responsible bidder of four (4) bids received on August 31, 2017, in the amount of \$81,820.00 and authorizing the City Manager to execute same.

Ms. Giannini provided information and answered questions of the Council. Mr. Heath made a motion to approve 11A as presented. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

11B. [RES-0447](#)

Discuss and consider action to approve a resolution with the caption reading: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AUTHORIZING ACCEPTANCE OF THE SPECIAL COMMISSIONERS' AWARD AND DIRECTING THE CITY MANAGER AND CITY ATTORNEY, OR THEIR RESPECTIVE DESIGNEES TO TAKE ALL NECESSARY ACTIONS TO COMPLETE EMINENT DOMAIN PROCEEDINGS, INCLUDING RATIFYING THE ISSUANCE OF A CHECK IN THE AMOUNT OF THE AWARD AND DEPOSITING THE SAME WITH THE TRAVIS COUNTY COURT CLERK FOR THE ACQUISITION OF 0.8442 ACRES OF LAND IN FEE-SIMPLE FOR RIGHT OF WAY PURPOSES AND 0.1688 ACRES OF LAND FOR A PERMANENT PUBLIC UTILITY EASEMENT, CONSISTING OF FOUR PARCELS, OUT OF THE GEORGE M. MARTIN SURVEY NO. 9, ABSTRACT NO. 529, TRAVIS COUNTY, TEXAS AND BEING OUT OF THOSE TRACTS OF LAND DESCRIBED IN DOCUMENTS NOS. 2008040026 AND 2008040028 IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; PROPERTY OWNED AND CLAIMED BY JACK AND JACKIE PAYNE; AND PROVIDING AN EFFECTIVE DATE.

Ms. Giannini provided information and answered questions of the Council. Mr. Marsh made a motion to approve the resolution. Mayor Gonzales seconded the motion. The vote was: Mr. Weiss-yes; Mr. Marsh-yes; Mayor Pro Tem Peña-no; Mr. Heath-yes; Mayor Gonzales-yes. The motion carried. Mr. Heath provided comments stating that they try to resolve these in good faith without condemnation. Mr. Weiss agreed and added that unfortunately it was necessary in this case.

11C. [2017-6119](#)

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

Mr. Wade stated that staff has prepared a budget at the current tax rate of \$0.5399 at Council's direction. He provided information. Mr. Heath complimented staff on the great job they did on the comparative analysis. He stated that he will want to continue to review that in upcoming budgets. Discussion followed. Ms. Gillam noted that the Finance and Budget Committee had met and took action to support the budget with the tax rate of \$0.5399. Mayor Gonzales complimented the work of the Finance and Budget Committee. Mr. Marsh noted that the Finance and Budget Committee will resume in October.

11D. [2017-6118](#)

Discuss and consider action regarding future agenda items.

Mr. Heath asked for a Pflugerville Community Development Corporation (PCDC) presentation on a three-month projection of activities and jobs and businesses; a corridor overlay update; a recognition of the Finance and Budget Committee, and a 10-year proforma. Mayor Gonzales asked for an ordinance to consider animal shelter fees as discussed at the worksession. Mr. Marsh asked for an engineering cost estimate for downtown.

12. Discuss only

12A. [2017-6121](#)

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 regarding:

A. Amending Carmel Development Agreement, Travis County Municipal Utility Districts No. 23 and 24.

B. Project Amazon

Mayor Gonzales announced that the City Council was retiring to executive session for discussion on the item. He read the item and retired to executive session. The time was 7:43 p.m. Mayor Gonzales reconvened in open session at 8:22 p.m. No action was taken.

13. City Council Announcements

Mayor Gonzales noted that he had placed this item on the agenda and would move it ahead of presentations next time. Mr. Weiss announced that the Pflugerville Education Foundation and Rotary Club annual golf tournaments are coming up. Mr. Heath invited the citizens to participate in these events.

Pursuant to Texas Government Code Sec. 551.0415, a member of the governing body may make an announcement about items of community interest during a meeting of the governing body without having given notice of the subject of the announcement.

"Items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
- (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

14. Adjourn

Mr. Marsh made a motion to adjourn. Mr. Heath seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 8:24 p.m.

Respectfully submitted,

**Karen Thompson
City Secretary**

Approved as presented on September 26, 2017.