



City of Pflugerville

Minutes - Final

City Council

Tuesday, May 9, 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 7:15 p.m. Councilmembers Doug Weiss, 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; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Emily Barron, Planning Director; Jennifer Coffey, Library Director; James Wills, Public Works Director; Terri Toledo, Communications Director; Matt Woodard, Utility Superintendent; Cindy Pierce, Development Engineering Director; Amy Good, Finance Director; James Hemenes, Parks Director; Jacquelyn Smith, CIP Program Manager.

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. [2017-5827](#) Proclamation recognizing the Hendrickson Hawks girls soccer team state champions.

Mayor Gonzales read and presented the proclamation to the coaches and team members in attendance.

3B. [2017-5814](#) Proclamation declaring May 2017 as Motorcycle Safety and Awareness Month in the City of Pflugerville.

Mayor Gonzales read and presented the proclamation to the motorcycle enthusiasts in attendance. Tom Kost of Renatus Motorcycle Club and Kathy Reese of Goldwing Road Riders provided comments.

- 3C.** [2017-5838](#) Proclamation declaring May 12 to May 16, 2017 as National Police Week in the City of Pflugerville.
Mayor Gonzales read the proclamation and presented it to the representatives of the Pflugerville Police Department in attendance.
- 3D.** [2017-5844](#) Presentation on Deutschen Pfest to be held May 19, 2017 to May 21, 2017.
Ms. Toledo presented a video on the item.
- 3E.** [2017-5828](#) Proclamation declaring May 21 to May 27, 2017 as National Public Works Week in the City of Pflugerville.
Mayor Gonzales read the proclamation and presented it to Mr. Wills and Mr. Woodard.
- 3F.** [ORD-0345](#) Presentation and discussion about the implementation of a required Cross Connection Control and Prevention Program.
Mr. Word provided information and discussed with Council. Mr. Wade, Mr. Wills and Mr. Woodard provided input in the discussion. Consideration of an ordinance was planned for the regular meeting in four weeks.

4. Public Comment

Ms. Vernagene Mott, Pflugerville Independent School District Board of Trustees President, is expected to provide comments regarding the progress of road construction on East Pecan Street and Weiss Lane.

Ms. Mott expressed appreciation to the city for the improvements to Heatherwilde and Weiss Lane. She stated that she hopes to collaborate and look at infrastructure in the future.

Brian Allen, Commander, American Legion Post 154, is expected to provide comments with appreciation to the City for providing active military and veterans with additional parks and recreation benefits.

Mr. Allen thanked the City for supporting our veterans by providing parks benefits, providing for the placement of a flag at the Recreational Center, coordinating the visiting Vietnam Veterans Wall and providing support during the Veterans Ceremony. He spoke on the contributions of the American Legion Post 154 to the community.

Reading of the Consent Agenda

Items 7B, 8A, 9F and 9G were removed from the consent agenda. Ms. Thompson read the items along with the caption of the ordinances under consideration.

5. Approval of Minutes

- 5A.** [2017-5813](#) Approval of the minutes of the April 22, 2017 Worksession; and April

25, 2017 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

6. Ordinance First Reading

- 6A. [ORD-0354](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE SECOND AMENDMENT TO THE FISCAL YEAR 2017 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

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

7. Ordinances Second Reading

- 7A. [ORD-0346](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE READOPTING CODE OF ORDINANCES TITLE IX GENERAL REGULATIONS, CHAPTER 95 PARKS AND RECREATION SUBCHAPTER 95.50 YOUTH PROGRAMS STANDARDS OF CARE; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.

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

9. Other Actions

- 9A. [2017-5609](#) Authorizing the City Manager to execute an easement purchase agreement and associated conveyance documents between between Allen Vorwerk and the City of Pflugerville for wastewater and temporary construction easements for the Sorento Wastewater Interceptor Project.

The item was approved on the consent agenda.

- 9B. [2017-5821](#) Authorizing the City Manager to Execute a Wastewater Pipeline Easement Agreement with Kelly Lane Water Control and Improvement District No. 2 and the City of Pflugerville for a Wastewater Pipeline Easement associated with the Vine Creek project.

The item was approved on the consent agenda.

- 9C. [2017-5822](#) Authorizing the City Manager to execute a conditional purchase agreement, easement purchase agreement, and associated conveyance documents between Keith Weiss and Durenda Weiss and the City of Pflugerville as necessary to acquire real property interests for the Weiss Lane Transmission Main Phase 1B Project.

The item was approved on the consent agenda.

- 9D. [2017-5823](#) Authorizing the City Manager to execute a Public Utility Easement Agreement to dedicate City property as a public utility and right of way easement located at the southeast corner of Swenson Farms and Pfennig Lane.

The item was approved on the consent agenda.

- 9E. [2017-5829](#) Authorizing the City Manager to execute a Water Meter Easement Agreement with Sorento Holdings, 2012 LLC and the City of Pflugerville for a water meter associated with the Sorento 9 Subdivision generally located at the northwest side of Sorento Phase 9 and east of Weiss Lane.

The item was approved on the consent agenda.

- 9H. [2017-5820](#) Approving an agreement with HVJ Associates, Inc. in the amount of \$78,065 for professional engineering services associated with the design, bidding, construction administration, and material testing for the Grand Avenue Parkway Pavement Maintenance Project and authorizing the City Manager to execute the agreement.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

Ordinance Second Reading - Removed from the Consent Agenda

- 7B. [ORD-0348](#) 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 CHANGING THE ZONING DESIGNATION OF AN APPROXIMATE 5.964 ACRE TRACT OF LAND OUT OF THE JOHN VAN WINKLE SURVEY NO. 14, LOCATED GENERALLY SOUTHEAST OF THE BLACK LOCUST DR. AND GRAND AVE. PKWY INTERSECTION FROM AGRICULTURE/CONSERVATION (A) TO MULTI-FAMILY 10 (MF-10) DISTRICT; TO BE KNOWN AS THE WINDERMERE PARK GARDEN VILLAS SECTION TWO REZONING (REZ1701-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Gonzales read the item to include the caption of the ordinance under consideration. Mr. Weiss stated that this allows for 60 homes on a collector with 100 feet of access and no traffic mitigation plans. Mayor Pro Tem Peña made a motion to approve as presented. Ms. Sattler seconded the motion. The

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

8. Resolution - Removed from the Consent Agenda

- 8A. [RES-0422](#) Approving a resolution with the caption reading: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, REJECTING ALL BIDS RECEIVED FOR THE PFLUGERVILLE ANIMAL WELFARE SERVICES (PAWS) INTAKE BUILDING.
- Mr. Fletcher stated that staff is evaluating the scope to reduce the cost. He indicated plans to bring back a new bid for consideration in 90 days. Mr. Heath requested a presentation to review the scope at a future worksession. Mr Peña made a motion to approve the resolution as presented. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

9. Other Actions

- 9F. [2017-5831](#) Approving budget amendments for the Pflugerville Community Development Corporation fiscal year 2017, 2nd quarter.
- Karla Henderson, Pflugerville Community Development Corporation (PCDC) Finance and Operations Manager, provided an overview of the requested budget amendments and answered questions of the Council. Mr. Weiss, PCDC Boardmember, also provided input. Mr. Weiss made a motion to approve the item as presented. Ms. Sattler seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Ms. Sattler-yes, Mr. Heath-no, Mayor Gonzales-yes. The motion carried.
- 9G. [2017-5811](#) Authorizing the City Manager to approve the purchase of playground equipment and installation of the same for the Stone Hill Park Project from We Build Fun, Inc in the amount of \$154,159.80 utilizing the Texas Association of School Boards (TASB) cooperative purchasing contract (BuyBoard).
- Mr. Hemenes provided information and answered questions of the Council. Mr. Heath made a motion to approve the item as presented. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

10. Discuss and consider action

- 10A. [2017-5819](#) Discuss and consider action to award a construction contract for the Gilleland Creek Trail project to Boretex, LLC, the lowest responsible bidder of ten (10) bids received on April 20, 2017, in the amount of \$289,777.10 and authorizing the City Manager to execute same.
- Ms. Giannini and Mr. Word provided information on the item. Mr. Marsh made a motion to approve the item as presented. Mr. Weiss seconded the motion. All voted in favor. The motion carried.
- 10B. [RES-0411](#) Discuss and consider action to approve a resolution amending rules of order and procedure for City Council meetings. (Requested by City

Council)

Mr. Hyde provided information and discussed with Council. He stated that staff has recommended a start date of June 1, 2017. Mr. Weiss indicated concerns with adding an invocation. Ms. Sattler indicated to agree with Mr. Weiss. Mr. Heath stated that he thinks that it reflects the community and could be reversed if it becomes problematic. Mr. Weiss made a motion to approve the resolution with striking Section 11, removing the invocation and providing a June 1, 2017 effective date. Mr. Peña seconded the motion. The vote was: Mr. Weiss-yes; Mr. Marsh-no; Mayor Pro Tem Peña-yes; Ms. Sattler-yes; Mr. Heath-no; Mayor Gonzales-no. The motion failed. Mr. Heath made a motion to approve as presented with the June 1, 2017 effective date. Mr. Marsh seconded the motion. The vote was: Mr. Weiss-no; Mr. Marsh-yes; Mayor Pro Tem Peña-no; Ms. Sattler-no; Mr. Heath-yes; Mayor Gonzales-yes. The motion failed.

10C. [RES-0416](#)

Discuss and consider action to approve a resolution with the caption reading: RESOLUTION AMENDING RESOLUTION 1473-16-01-16-0289 MODIFYING THE RESOLUTION TO CANCEL THE PROHIBITION OF CONCEALED HANDGUNS AT MEETINGS GOVERNED BY THE TEXAS OPEN MEETINGS ACT. (Requested by Councilmember Doug Weiss)

Mr. Weiss made a motion to approve the resolution as presented. Mr. Heath seconded the motion. Mayor Gonzales indicated concerns for changing to allow concealed carry at Council meetings. Ms. Sattler indicated to agree with Mayor Gonzales. The vote was: Mr. Weiss-yes; Mr. Marsh-yes; Mayor Pro Tem Peña-yes; Ms. Sattler-no; Mr. Heath-yes; Mayor Gonzales-no. The motion carried.

10D. [2017-5840](#)

Discuss and consider action regarding residential and commercial solid waste and recycling services.

Ms. Gillam provided information. She stated that staff would like to negotiate with the current residential provider. Council discussion followed. Staff was to return to Council with the current residential provider's proposal on June 27, 2017. The Council was in agreement to not to make changes to commercial solid waste at this time. Mr. Marsh made a motion to initiate negotiations as discussed and to not include commercial. Mr. Heath seconded the motion. All voted in favor. The motion carried.

10E. [2017-5847](#)

Discuss and consider action to no longer require city council approval for the acquisition, modification or release of easements with a related cost not to exceed \$50,000, thereby allowing for administrative approval by the City Manager.

Mr. Wede provided information. He stated that these items are frequently included on Council agendas but seem to be more administrative in nature. Mr. Weiss stated that there also seems to sometimes be an issue with timeliness. He stated that he is in agreement, but that releases should still come to Council. Mr. Weiss made the motion to approve the item with the amendment to not include releases. Ms. Sattler seconded the motion. The vote was: Mr. Weiss-yes; Mr. Marsh-yes; Mayor Pro Tem Peña-yes; Ms. Sattler-yes; Mr. Heath-no; Mayor Gonzales-yes. The motion carried.

- 10F. [2017-5812](#) Discuss and consider action regarding future agenda items.

Mayor Gonzales requested a presentation at a worksession in June regarding the City's Emergency Management Program. Mr. Heath requested items 2E, 2F and 2G from tonight's worksession be placed at the top of the next worksession agenda. Mr. Hyde asked if they would like item 10B to be placed on an upcoming agenda. There were no requests to bring the item back.

Executive Session

Mayor Gonzales announced that the City Council was retiring to executive session on items 10G, 10H, 11B, 11C, 11D, and 11E. Mayor Gonzales read the items and retired to executive session. The time was 9:08 p.m.

- 10G. [2017-5832](#) 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 First Amendment to the Chapter 380 Economic Development Agreement between the City of Pflugerville, Texas and Living Spaces Furniture, LLC. 2.) Open Session Item: Discuss and consider action to approve a First Amendment to the Chapter 380 Economic Development Agreement between the City of Pflugerville, Texas and Living Spaces Furniture, LLC.

Discussion on the item took place in executive session. No action was taken on the item.

- 10H. [2017-5846](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding the duties of the City Attorney related to long-term legal services needs for the city. 2.) Open session item: Discuss and consider action regarding the duties of the City Attorney related to long-term legal services needs for the city. (Requested by Mayor Victor Gonzales)

Discussion on the item took place in executive session. No action was taken on the item.

11. Discuss only

- 11A. [ORD-0357](#) Discussion regarding Council reimbursement policy. (Requested by Councilmember Jeff Marsh)

The item was discussed during the earlier worksession. There was no discussion on the item at the regular meeting.

- 11B. [2017-5824](#) 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.

- 11C. [2017-5825](#) 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.

- 11D. [2017-5857](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding development of the city's municipal utility district consent policies.

Discussion on the item took place in executive session.

- 11E. [2017-5845](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding the duties of the City Manager.

Discussion on the item took place in executive session.

Executive Session - Closed

Mayor Gonzales reconvened in open session at 11:51 p.m. No action was taken.

12. Adjourn

Mr. Heath made a motion to adjourn. Mr. Marsh seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-no, Mr. Peña-yes, Ms. Sattler-yes, Mr. Heath-yes, Mayor Gonzales-yes. The motion carried. The meeting was adjourned at 11:51 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on May 23, 2017.