



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, August 8, 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 7:03 p.m. Councilmembers Doug Weiss, Jeff Marsh and Starlet Sattler were in attendance. Councilmembers Omar Peña and Mike Heath were absent. City employees attending: Brandon Wade, City Manager; Charles Zech, City Attorney; Karen Thompson, City Secretary; Jennifer Stubbs, Assistant City Secretary; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Amy Good, Finance Director; Terri Toledo, Communications Director; James Hemenes, Parks Director; Blake Overmyer, Building Official; Jennifer Coffey, Library Director; Amy Giannini, City Engineer; Jessica Robledo, Police Chief; Billy Gibbens, Police Civilian Director; Tracy Hibbs, Utility Business Operations Manager; Cindy Pierce, Development Engineering Director. Christian Kurtz, Director of Business Development; Karla Henderson, Operations/Administrative Manager; Amy Madison, Executive Director; and Boardmembers A.K. Brewer, Ken Dalfonso, Victor Johnson and Doug Weiss 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. [2017-6035](#) Pflugerville Community Development Corporation (PCDC) presentation of a video update on Typhoon Texas.
Ms. Madison presented a video and provided comments.
- 3B. [2017-6036](#) Presentation regarding activities at the Pflugerville Public Library celebrating the Solar Eclipse.
Ms. Coffey and Ms. Bette McDowell, Librarian, provided information.

4. Public Hearing and Resolution

- 4A. [RES-0437](#) Conduct the second public hearing and consider adoption of the resolution providing approval of the Community Development Block Grant (CDBG) program proposed 2017 Action Plan.
Ms. Barron provided information. There were no requests to speak at the public hearing. Mr. Weiss made a motion to close the public hearing. Ms. Sattler seconded the motion. All voted in favor. The motion carried. Mayor Gonzales made a motion to approve the resolution. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

5. Public Comment

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

Reading of the Consent Agenda

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

6. Approval of Minutes

- 6A. [2017-6059](#) Approval of the minutes of the July 25, 2017 Worksession and Regular Meeting.
The minutes were approved on the consent agenda.

7. Ordinances First Reading

- 7B. [ORD-0361](#) 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 (WOLF PACK DRIVE) 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.

- 7C. [ORD-0362](#) Approving an ordinance on first reading with a caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING TITLE XV, LAND USAGE, OF THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, BY AMENDING CHAPTER 154, SIGNS, SECTION 154.112 TITLED CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS; PROVIDING A CUMULATIVE CLAUSE AND 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 first reading on the consent agenda.

8. Ordinance Second Reading

- 8A. [ORD-0360](#) Approving an ordinance on second 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 second and final reading on the consent agenda.

9. Other Actions

- 9C. [2017-6053](#) Approving the selection of CP&Y, Inc. for professional engineering services associated with the SH 130 and SH 45 Water and Wastewater Extensions project and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

7. Ordinances First Reading - Removed from the Consent Agenda

- 7A. [ORD-0345](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE AMENDING CHAPTER 53 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES, TITLED WATERS AND SEWERS, BY ADOPTING SECTIONS 53.003 THROUGH 53.014 ESTABLISHING A CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION PROGRAM; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000; AND PROVIDING AN EFFECTIVE DATE.

Mayor Gonzales read the item to include the caption of the ordinance under consideration. Mr. Word provided information. Mr. Weiss confirmed that this ordinance is due to Texas Commission on Environmental Quality (TCEQ) requirements. Mr. Marsh made a motion to approve the ordinance on first reading. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

9. Other Actions

- 9A. [2017-6022](#) Approving 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.

Mr. Fletcher provided information. He explained that the city's portion is \$6769 and \$2500 would be allocated from this year's budget and the rest from next year's budget. Mr. Weiss made a motion to approve. Ms. Sattler seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-no, Mayor Gonzales-yes, Ms. Sattler-yes. The motion carried.

- 9B. [2017-6039](#) Approving an 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.

Mayor Gonzales confirmed that this is a part of CDBG program requirements and asked for information. Ms. Barron provided information. Mayor Gonzales made a motion to approve the item. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

10. Ordinances First Reading

- 10A. [ORD-0357](#) Discuss and consider action to approve an ordinance on first reading with the caption reading: AN ORDINANCE AMENDING CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE III BY REPLACING CHAPTER 35.22 REGARDING TRAVEL AND EXPENSE POLICY; ADOPTING AN ACCOUNTABLE PLAN PURSUANT TO IRC SEC. 162 AND RELEVANT IRS REGULATIONS AND PROCEDURES, REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A

SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.

Mayor Gonzales read the item to include the caption of the ordinance under consideration. Mr. Wade provided information. Mr. Weiss made a motion to approve the ordinance on first reading. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

10B. [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 read the item to include the caption of the ordinance under consideration. Ms. Gillam provided information and answered questions of the Council. Mr. Marsh made a motion to approve the ordinance on first reading. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

10C. [ORD-0364](#)

Discuss and consider action to approve an ordinance on first 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.

Mayor Gonzales read the item to include the caption of the ordinance under consideration. Ms. Gillam provided information on the franchise ordinance extending an exclusive franchise and approving the agreement for residential garbage and recycling services for a five-year term beginning February 1, 2018 with the current provider. Mr. Steve Shannon and Mr. Jimmy Esparza of Progressive Waste Solutions/Waste Connections answered questions. Ms. Gillam provided additional information. Mr. Weiss made a motion to approve the ordinance on first reading. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

11. Discuss and consider action**11A.** [2017-6052](#)

Discuss and consider action to award a construction contract for the East Pflugerville Parkway and SH 130 intersection improvements project to Cox Commercial Construction, LLC, the lowest responsible bidder of six (6) bids received on June 22, 2017, in the amount of \$1,518,110.80 and authorizing the City Manager to execute same.

Ms. Giannini provided information. Mr. Weiss made a motion to approve the item as presented. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

11B. [2017-6056](#)

Discuss and consider action to approve budget amendments for the

Pflugerville Community Development Corporation (PCDC) fiscal year 2017 budget, 4th quarter.

Ms. Karla Henderson of the PCDC provided information. Mr. Marsh made a motion to approve as presented. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

11C. [2017-6057](#)

Discuss and consider action to provide direction regarding zoning and land use of property within the State Highway 130 and State Highway 45 Corridors and proposed schedule for updating the Unified Development Code.

Ms. Barron provided information on the Planning and Zoning discussion that took place at their meeting on August 7, 2017. She stated that the Planning and Zoning Commission will hold a worksession in September and will provide a recommendation to be presented to the Council during the first Council meeting in October. No action was taken.

11D. [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 comments on his TML participation over the past 10 years. He stated that he thinks the Council's attendance at TML events is important and is a great educational experience. He recommended that new Councilmembers attend the conference. Mr. Wade recommended that all Councilmembers attend. He stated that it is an exceptional educational opportunity. Mr. Marsh indicated concern with the cost. He stated that he is happy to consider providing the registration cost. Mr. Marsh made a motion to approve the registration fee for any Councilmember to attend, but not hotel cost. Mr. Weiss seconded the motion. Mayor Gonzales provided comments that he believes they would be remiss in not covering registration and hotel costs. Ms. Sattler stated agreement. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Gonzales-no, Ms. Sattler-no. The motion failed. Mr. Weiss asked the City Attorney about the expense policy that was just approved under item 10A. Mr. Zech stated that he would need to review the policy. He noted that it is not fully approved in that the ordinance has not been signed and requires two readings.

Mr. Weiss made a motion to approve the registration and hotel. Ms. Sattler seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-no, Mayor Gonzales-yes, Ms. Sattler-yes. The motion carried.

11E. [RES-0439](#)

Discuss and consider action to approve a resolution requesting the Travis County and Williamson County delegations to the Texas State Legislature assist the City with specific legislative proposals of interest. (Requested by Mayor Victor Gonzales)

Mayor Gonzales stated that the City of Round Rock had recently adopted a resolution and he thought this was important to bring up. Two draft resolutions were provided in the Council packet. Mayor Gonzales distributed an additional resolution on the dais provided by the city's lobbyist and read the resolution.

Ms. Manda, 801 Smoke Signal Pass, spoke regarding her concerns for the

removal of the city's heritage tree ordinance by the State of Texas and spoke on the importance of old pecan trees.

Mr. Anthony Nguyen, 19905 Tree Sap Way, spoke regarding his opposition to the city's proposed resolution. He stated he would argue that it is about giving people a say over the things that the city has had a say over in the past, such as property tax. He stated it is to give control to the people so local control is not out of control.

Mr. Jim McDonald, 1014 Duke Cove, stated that he is also passionate about this issue to allow local control. He stated that individuals understand what is best for them, but local controls are for the public good and that controls are already in place for property tax with the roll back rate. He stated that he supports the resolution with the specific items.

Ms. Omega Baker, 805 Pigeon Forge, stated that she feels strongly about the resolution and is proud that Mayor Gonzales has brought it forward. She stated that she is all for it. She stated that there are 50 other cities that have tree ordinances and that we realize how important they are.

Mayor Gonzales provided further comments. Mr. Weiss asked regarding annexation. Ms. Barron provided information on the city's annexation process. Mr. Zech provided information on how citizens rights are protected in the current process. There was continued discussion.

Mr. Weiss stated that he would like to approve the resolution (from the city's lobbyist) but to remove "City Manager, City Attorney and City staff members" from those authorized to testify in Section 2. Mr. Marsh stated that he would like to approve a more aggressive resolution. Discussion continued.

Mayor Gonzales made a motion to approve the resolution (from the city's lobbyist) as amended (to remove "City Manager, City Attorney and City staff members" from those authorized to testify in Section 2.) Ms. Sattler seconded the motion. All voted in favor. The motion carried.

11F. [2017-6043](#) Discuss and consider action to provide direction to the City Manager regarding the fiscal year 2018 budget and/or strategic plan update.

Ms. Good distributed a general fund department comparable summary requested by Mr. Heath, a health insurance summary requested by Mayor Gonzales and a development activity report requested by Mr. Heath. Mr. Wade reported that he is working to trim the budget to the current proposed tax rate and will provide that to the Council at the next meeting.

11G. [2017-6061](#) Discuss and consider action to provide direction to the City Manager regarding placement of invocation on City Council agendas.

Mr. Wade asked for direction from the Council on the item as it is not a regular item of business to be placed on a council agenda. Mayor Gonzales ask Mr. Zech if two Councilmembers could place an invocation on the agenda. Mr. Zech stated that the Council would need to address the rules as a group. Mr. Marsh made a motion to table the item. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

11H. [2017-6047](#) Discuss and consider action regarding future agenda items.

Mr. Marsh requested an item regarding downtown to consider expanding the downtown subcommittee and to receive a basic general cost estimate for public infrastructure improvements. Mayor Gonzales asked for an item to consider naming a room at the library in memory of Britta Herzog. Mr. Weiss asked for an item to discuss street markings for traffic congestion relief.

12. Discuss only

- 12A. [2017-6060](#) Discussion regarding Sorento lighting and any other street lighting considerations. (Requested by Councilmember Mike Heath)

Mayor Gonzales made a motion to table the item. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

Supplemental Agenda Item

1. Resolution

- 1A. [RES-0420](#) Resolution ordering a General Election for November 7, 2017 for the election of Councilmembers for Place 2, Place 4, and Place 6.

Ms. Thompson stated that this is a routine item to order the November General Election. Mayor Gonzales made a motion to approve the resolution. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

12. Discuss only - Executive Session

Mayor Gonzales announced that the City Council was retiring to executive session for discussion on items 12B and 12C. He read the items and retired to executive session. The time was 8:55 p.m.

- 12B. [2017-6044](#) 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. Weiss Lane Roadway Project

Discussion on the item took place in executive session.

- 12C. [2017-6045](#) 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. Costco
B. Leonidas

Discussion on the item took place in executive session.

12D. [2017-6063](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code and discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding duties of the Police Chief.

There was no discussion on the item in executive session during the regular meeting. Discussion on the item took place in executive session during the earlier worksession.

Executive Session - Closed

Mayor Gonzales reconvened in open session at 10:23 p.m. No action was taken.

13. Adjourn

Mr. Marsh made a motion to adjourn. Ms. Sattler seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 10:23 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on August 22, 2017.