



# City of Pflugerville

## Minutes - Final - Draft

### City Council

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Tuesday, September 26, 2017

7:00 PM

100 East Main Street, Suite 500

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#### 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 7:07 p.m. Councilmembers Doug Weiss, Jeff Marsh, Omar Peña, Starlet Sattler and Mike Heath were in attendance. 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; Terri Toledo, Communications Director; Emily Barron, Planning Director; Amy Giannini, City Engineer; James Hemenes, Parks Director; Chad Wood, Senior Transportation Engineer; Amy Good, Finance Director; Jennifer Coffey, Library Director; Cindy Pierce, Development Engineering Director; Rhonda McLendon, Animal Shelter Director; Jessica Robledo, Police Chief; Jason Smith, Assistant Police Chief; Sara Bustilloz, Police Department Public Information Officer; Billy Gibbens, Police Civilian Director; Keith Ritchie, Police Lieutenant.

#### 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. City Council Announcements

Mr. Heath acknowledged the joint worksession with the Pflugerville Independent School District Board of Trustees the previous evening. Mayor Gonzales agreed it was an excellent meeting. Mr. Weiss provided a reminder to the community to visit the Pfarmers Market.

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.

#### 4. Presentations

- 4A. [2017-6133](#) Proclamation declaring September 26, 2017 as Mrs. Janice Heath Day in the City of Pflugerville.

The item was postponed to a future meeting.

- 4B. [2017-6136](#) Presentation of a Mayor's proclamation declaring Pflugerville Pink Pfridays during October 2017 in observation of Breast Cancer Awareness Month.

Mayor Gonzales read the proclamation and presented it to the event participants in attendance. The event organizers provided information. Mr. Heath provided comments.

- 4C. [2017-6196](#) Appreciation presentation to the Finance and Budget Committee for review of the Fiscal Year 2018 budget.

Mayor Gonzales provided comments and recognized the Finance and Budget Committee members: Melody Ryan, Chair; Anthony Ross, Jeff Marsh, Meredith Quick and former member Beatriz Flores. Mr. Marsh recognized City staff for their excellent work on the budget.

#### 5. Public Hearing and Ordinance First Reading

- 5A. [ORD-0370](#) Hold a public hearing and consider approving an ordinance on first and final reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FISCAL YEAR 2018 BUDGET FOR THE CITY OF PFLUGERVILLE, TEXAS.

Mayor Gonzales read the item to include the caption of the ordinance and opened the public hearing. Ms. Gillam provided information. Melody Ryan, Finance and Budget Committee Chair, asked to increase the visibility and to list a total of all department expenses in the front of the budget for utility and general funds. Mr. Heath spoke on the comparative department document created by staff. Anthony Nguyen, 19905 Tree Sap Way, stated that he appreciates the work on the budget. He stated that he is from Michigan and it is the opposite here and we need to manage the growth. He asked the Council to think about the future. He asked that they make lowering the property taxes a priority. There were no additional requests to speak at the public hearing. Mr. Weiss made a motion to close the public hearing. Mr. Heath seconded the motion. All voted in favor. The motion carried.

Mayor Pro Tem Peña made a motion to adopt the fiscal year budget as presented. Mr. Marsh seconded the motion. All voted in favor. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Ms. Sattler-yes, Mr. Heath-yes, Mayor Gonzales-yes. The motion carried.

## 6. Ordinance First Reading

- 6A. [ORD-0365](#) Discuss and consider action to approve an ordinance on first and final reading with the caption reading: TAX LEVY ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS FOR FISCAL YEAR 2018.

Mayor Gonzales read the item to include the caption of the ordinance. Ms. Gillam provided information. Mayor Pro Tem Peña moved that the property tax rate be increased by the adoption of a tax rate of 53.99 cents per \$100 of valuation, which is effectively an 4.3% increase in the tax rate. Ms. Sattler seconded the motion. All voted in favor. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Ms. Sattler-yes, Mr. Heath-yes, Mayor Gonzales-yes. The motion carried. Mayor Pro Tem Peña moved to approve a debt service tax rate of 20.54 cents per \$100 valuation for the 2017 tax year. Mayor Pro Tem Peña asked for clarification regarding 2017 tax year. Ms. Gillam stated that it is the 2017 tax year and 2018 fiscal year. Mayor Pro Tem Peña moved to approve a maintenance and operations tax rate of 33.45 cents per \$100 of valuation for the 2017 tax year. Mr. Marsh seconded the motion. All voted in favor. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Ms. Sattler-yes, Mr. Heath-yes, Mayor Gonzales-yes. The motion carried. Mayor Pro Tem Peña made a motion to approve the Tax Levy Ordinance as presented. Ms. Sattler seconded the motion. All voted in favor. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Ms. Sattler-yes, Mr. Heath-yes, Mayor Gonzales-yes. The motion carried.

## 7. Resolution

- 7A. [RES-0455](#) Discuss and consider action to approve a resolution ratifying the property tax increase reflected in the City's fiscal year 2018 operating budget.

Ms. Gillam provided information. Mr. Weiss made a motion to approve the resolution as presented. Ms. Sattler seconded the motion. Mr. Heath provided comments to reaffirm the intent to provide a high quality of life for the citizens. All voted in favor. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem

Peña-yes, Ms. Sattler-yes, Mr. Heath-yes, Mayor Gonzales-yes. The motion carried.

**8. Public Comment**

There were no requests to speak under public comment item.

**Reading of the Consent Agenda**

Items 12B, 13D, 13E and 13F were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

**9. Approval of Minutes**

- 9A. [2017-6180](#) Approval of the minutes of the September 12, 2017 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

**10. Ordinance First Reading**

- 10A. [ORD-0371](#) 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.

**11. Ordinance Second Reading**

- 11A. [ORD-0363](#) Approving an ordinance on second 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.

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

**12. Resolutions**

- 12A.** [RES-0457](#) Approving a resolution nominating Mr. Rico Reyes as a candidate for the Board of Directors of the Travis Central Appraisal District (TCAD); and authorizing the City Manager to mark and submit the ballot on behalf of the City of Pflugerville.

**The resolution was approved on the consent agenda.**

- 12C.** [RES-0454](#) Approving a RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS REVIEWING AND READOPTING THE INVESTMENT POLICY OF THE CITY OF PFLUGERVILLE, TEXAS.

**The resolution was approved on the consent agenda.**

### **13. Other Actions**

- 13A.** [2017-6178](#) Review of the Quarterly Investment Report for the quarter ending June 30, 2017.

**The item was approved on the consent agenda.**

- 13B.** [2017-6197](#) Approving a \$25 registration fee for Mayor Victor Gonzales to attend the Texas Municipal League Region 10 meeting on September 27, 2017 in Leander, Texas.

**The item was approved on the consent agenda.**

- 13C.** [2017-6194](#) Approving a \$75 registration fee for Mayor Victor Gonzales to attend the Austin Chamber of Commerce regional growth summit "Making Central Texas Work: Regional Growth Solutions" on October 30, 2017 in Austin, Texas.

**The item was approved on the consent agenda.**

- 13G.** [2017-6202](#) Approving an interlocal contract with the Capital Area Emergency Communications District (CAECD) for public safety answering point maintenance, equipment and training and authorizing the City Manager to execute same.

**The item was approved on the consent agenda.**

### **Action on the Consent Agenda**

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

### **Resolutions - Removed from the Consent Agenda**

- 12B.** [RES-0458](#) Approving a resolution with the caption reading: A RESOLUTION OF

THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING A REQUEST FOR THE VOLUNTARY EXPANSION OF THE CITY'S EXTRATERRITORIAL JURISDICTION AND THE ACCEPTANCE OF NON-ANNEXATION DEVELOPMENT AGREEMENT, AS AMENDED AND RESTATED, BY AND BETWEEN THE CITY OF PFLUGERVILLE AND SARVI, LLC, A TEXAS LIMITED LIABILITY COMPANY, YAJAT, LLC, A TEXAS LIMITED LIABILITY COMPANY, SARVI YAJAT PARTNERSHIP, A TEXAS GENERAL PARTNERSHIP (INCORRECTLY REFERRED TO AS SARVI YAJAT PARTNERSHIP, LLC IN THE AGREEMENT DATED JUNE 9, 2017) AND RRE AUSTIN SOLAR, LLC, ITS SUCCESSORS AND ASSIGNS, AFFECTING REAL PROPERTY IN THE CITY'S EXISTING AND EXPANDED EXTRATERRITORIAL JURISDICTION.

**Mr. Fletcher provided information and answered questions of the Council. Mr. Weiss indicated that he is excited to see the project develop. Mr. Weiss made a motion to approve the resolution as presented. Ms. Sattler seconded the motion. All voted in favor. The motion carried.**

### **Other Actions - Removed from the Consent Agenda**

- 13D.** [2017-6199](#) Approving registration fees for Mayor and City Councilmembers to attend any and all monthly Pflugerville Chamber of Commerce luncheon meetings held during fiscal year 2018.

**Mr. Wade provided information on the item. Mr. Marsh indicated concerns for these expenditures and stated that they could be brought to Council each time prior to the event. Mr. Heath made a motion to approve the item. Ms. Sattler seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-no, Mayor Pro Tem Peña-yes, Ms. Sattler-yes, Mr. Heath-yes, Mayor Gonzales-yes. The motion carried.**

- 13E.** [2017-6204](#) Approving registration fees for Mayor and City Councilmembers to attend any and all Texas Municipal League Region 10 meetings held during fiscal year 2018.

**Mr. Wade provided information on the item. Mr. Marsh indicated concerns. Ms. Sattler made a motion to approve the item. Mayor Gonzales seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-no, Mayor Pro Tem Peña-yes, Ms. Sattler-yes, Mr. Heath-yes, Mayor Gonzales-yes. The motion carried.**

- 13F.** [2017-6140](#) Authorizing the City Manager to execute a dedication deed for multiple final platted, public open space lots within the Highland Park development.

**Ms. Barron provided information on the item. Mr. Weiss indicated concern that the maintenance agreement with the homeowners association is not yet finalized. Ms. Barron stated that the agreement would be in place with the acceptance of the deed. Mr. Heath asked why these parcels were identified as parkland. Ms. Barron indicated that it is in accordance with the development agreement. Ms. Barron answered additional Council questions. Mr. Weiss made a motion to approve the item as presented. Mr. Marsh 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.

#### 14. Discuss and consider action

- 14A. [2017-6174](#) Discuss and consider action to award a construction contract for the Grand Avenue Parkway Pavement Repair Project to Austin Materials, the lowest responsible bidder of five (5) bids received on September 12, 2017, in the amount of \$1,162,313.99 and authorizing the City Manager to execute same.

Ms. Giannini provided information on the item and answered questions of the Council. She indicated that the project is under budget, leaving \$160,000. She provided additional information. Mr. Heath made a motion to approve the item. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

- 14B. [2017-6132](#) Discuss and consider action to award a construction contract for the Pflugerville Animal Welfare Services (PAWS) Intake Building to Prime Construction Company Inc., the lowest responsible bidder of five (5) bids received on September 7, 2017, in the total amount of \$2,042,997.00 and authorizing the City Manager to execute the same.

Mr. Fletcher provided information. Mr. Wade provided input stating that he and Mr. Fletcher reviewed the scope of the project and removed the external aspects. He stated that he has reviewed the size of the facility and any decrease would be short-sighted as they would be coming right back requesting an expansion. He stated that he has reviewed it personally page by page. Mr. Fletcher answered questions. Mr. Wade provided input. Discussion followed. Mr. Weiss made a motion to approve the item as presented. Mayor Gonzales asked to call for those requesting to provide public comment. Denny Wagoner, 102 Applewood Drive; Patsy Van Geem, 1704 Lynn Cove; and Elizabeth Hemer, 1225 Town Center Drive; did not wish to speak but asked that the Mayor enter for the record their support for the animal shelter expansion. Mr. Weiss indicated to restate his motion to approve the item as presented. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

- 14C. [2017-6200](#) Discuss and consider action regarding future agenda items.

Mr. Marsh asked for an item in October to make appointments to the Finance and Budget Committee vacant positions. Mr. Weiss asked for an action item concerning the Vilamoura and Kelly Lane intersection. Mr. Heath asked for an update on the corridor overlay at the next meeting.

#### 15. Discuss only

- 15A. [2017-6179](#) Presentation and discussion about the Capital Improvement Program Transportation Project Prioritization.

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

- 15B. [2017-6203](#) Discussion regarding the roadway intersection of Vilamoura Street and

Kelly Lane and installation of a traffic signal at that location.

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

## **Executive Session**

**Mayor Gonzales announced that the Council was retiring to executive session for discussion on items 15C, 15D, 15E, 15F, 15G. He read the items and retired to executive session. The time was 8:20 p.m.**

- 15C.** [2017-6181](#) 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. Project Leonidas
  - B. Project Amazon
  - C. Project North
- Discussion on the item took place in executive session.**
- 15D.** [2017-6120](#) 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. Weiss Lane Roadway Project
- Discussion on the item took place in executive session.**
- 15E.** [2017-6111](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding performance evaluation of the City Attorney.
- Discussion on the item took place in executive session.**
- 15F.** [2017-6112](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding performance evaluation of the City Manager.
- Discussion on the item took place in executive session.**
- 15G.** [2017-6113](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding performance evaluation of the Municipal Judge.
- Discussion on the item took place in executive session.**

## **Executive Session - Closed**



Mayor Gonzales reconvened in open session at 9:29 p.m. No action was taken.

**16. Adjourn**

Mr. Heath made a motion to adjourn. Mr. Marsh seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-no, Ms. Sattler-yes, Mr. Heath-yes, Mayor Gonzales-yes. The motion carried. The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as \_\_\_\_\_ on October 10, 2017.