



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, January 23, 2018

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

The City Council is scheduled to hold a Worksession starting at 5:30 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 7:02 p.m. Councilmembers Doug Weiss, Jeff Marsh, Omar Peña, Rudy Metayer, Mike Heath and Jim McDonald were in attendance. City employees attending: Trey Fletcher, Assistant City Manager; Lauri Gillam, Assistant City Manager; Charles Zech, City Attorney; Karen Thompson, City Secretary; Jennifer Stubbs, Assistant City Secretary; Emily Barron, Planning Director; Elizabeth Taplin, Human Resources Manager; Billy Gibbens, Police Civilian Director; Jessica Robledo, Police Chief; Jason Smith, Assistant Police Chief; Jennifer Coffey, Library Director; Terri Toledo, Communications Director; Cindy Pierce, Development Services Director; Amy Giannini, City Engineer; Chad Wood, Senior Transportation Engineer; James Hemenes, Parks Director; Jacquelyn Smith, Capital Improvement Program Manager; Amy Good, Finance Director.

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

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. Weiss announced the upcoming Pflugerville Education Foundation Gala on February 3, 2018. Mayor Gonzales congratulated the First Texas Bank for 120 years of service. Mr. McDonald announced that the Pflugerville Education Foundation Gala theme is superheroes and villains and he will be the

Wolverine. He announced that he is a deputy voter registrar. Mr. Metayer congratulated the community, particularly the young people, for a variety of different services, during Martin Luther King Jr. Day. Mayor Pro Tem Peña invited the community to Coffee with a Cop, next Friday, February 2nd at the Whataburger at Stonehill Town Center.

4. Presentations

- 4A. [2018-6423](#) Presentation of Employee Service Awards.

Mayor Gonzales presented employee service awards for five, ten, fifteen, twenty and twenty-five years.

- 4B. [2018-6456](#) Presentation of Government Finance Officers Association awards to the City of Pflugerville.

Mayor Gonzales presented the following awards to the Finance staff: Distinguished Budget Presentation Award for the 2017 fiscal year budget; Certificate of Achievement for Excellence in Financial Reporting (CAFR) for the fiscal year ended September 30, 2016; and Popular Annual Financial Report (PAFR) for the fiscal year ended September 30, 2016.

- 4C. [2017-6353](#) Highlights of Pflugerville's Year in Review 2017.

Ms. Toledo presented on the item.

- 4D. [2018-6479](#) Presentation and discussion about the City's Capital Improvement Program.

Ms. Giannini provided a quarterly report on CIP roadway, traffic signal, street light, water and wastewater utility projects and utility and animal shelter facilities, trails and the 1849 Phase A project. She answered questions of the Council. Mr. Wood provided information on the wait for electricity for the traffic signal at Cheyenne Drive and Heatherwilde Drive and coordination with Oncor Electric. Mr. Hemenes provided a quarterly report on tree plantings and parks CIP projects. He answered questions of the Council.

5. Public Comment

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

Reading of the Consent Agenda

Items 7B, 7C, 9A, 9B, 9C, and 10B were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

6. Approval of Minutes

- 6A. [2018-6491](#) Approval of the minutes of the January 6, 2018 Quorum, January 9, 2018 Worksession and Regular Meeting, and January 13, 2018 Quorum.

The minutes were approved on the consent agenda.

7. Ordinances First Reading

- 7A. [ORD-0392](#) 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 TITLE VII TITLED TRAFFIC CODE, CHAPTER 71 TITLED PARKING REGULATIONS, SECTION 71.05 TITLED PARKING PROHIBITED IN CERTAIN DESIGNATED AREAS BY ADDING ADDITIONAL TEMPORARY NO PARKING ZONES REQUIRED BY CONSTRUCTION; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 71 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$200.00; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; 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.

8. Ordinances Second Reading

- 8A. [ORD-0386](#) Approving an ordinance on second reading with the 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 LOTS 1 AND 2 HANKINS SUBDIVISION CONSISTING OF APPROXIMATELY 1.94 ACRES OF LAND LOCALLY ADDRESSED AS 405 AND 407 FM 685 FROM GENERAL INDUSTRIAL (GI) TO GENERAL BUSINESS 2 (GB2) DISTRICT; TO BE KNOWN AS THE HANKINS SUBDIVISION REZONING (REZ1711-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

- 8B. [ORD-0388](#) Approving an ordinance on second reading with the 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 TWO TRACTS OF LAND OUT OF THE SEFRIN EISLIN SURVEY NO. 1 ABSTRACT NO. 265 CONSISTING OF APPROXIMATELY 5.02 ACRES OF LAND LOCALLY ADDRESSED AS 701 FM 685 FROM GENERAL INDUSTRIAL (GI) TO GENERAL BUSINESS 1 (GB1) DISTRICT; TO BE KNOWN AS THE NORTH FOREST OFFICE SPACE REZONING (REZ1710-02); PROVIDING FOR REPEAL OF

CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

- 8C.** [ORD-0391](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING THE CONVEYANCE OF A 2.0 ACRE TRACT OF LAND, BEING A PORTION OF A 72.883 ACRE TRACT OF LAND SITUATED IN THE SUMNER BACON SURVEY NO. 62, ABSTRACT 63, IN TRAVIS COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN A DEED TO THE CITY OF PFLUGERVILLE, OF RECORD IN DOCUMENT NO. 2008130172 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; PROVIDING FOR CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

- 8D.** [ORD-0393](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FOURTH AMENDMENT TO THE FISCAL YEAR 2017 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

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

9. Resolutions

- 9D.** [RES-0489](#) Approving a resolution to provide a public utility easement at the City's Wastewater Treatment Plant located at 15500 Sun Light Near Way and authorizing the City Manager to execute the public utility easement agreement.

The resolution was approved on the consent agenda.

- 9E.** [RES-0490](#) Approving a resolution authorizing the City Manager to apply for and to accept, if awarded, a Homeland Security Grant Program (HSBP) award in the amount of \$244,190.00 from the Office of the Governor for the purchase of technology equipment for the Pflugerville Police Department Emergency Operations Center Renovations Project.

The resolution was approved on the consent agenda.

10. Other Actions

- 10A.** [2018-6494](#) Authorizing the City Manager to execute a contract for crack sealing with

FYL Enterprises, the lowest responsible bidder of four bids received on December 14, 2017, in the amount of \$71,692.65.

The item was approved on the consent agenda.

10C. [2018-6495](#)

Authorizing the City Manager to execute a contract for concrete sidewalk removal and replacement services to Xevex Construction, the lowest responsible bidder of three bids, in the amount of \$6.50/sq.ft.

The item was approved on the consent agenda.

Approval of the Consent Agenda

Mayor Gonzales stepped down from the dais during the reading of the consent agenda at 8:02 p.m. Mayor Pro Tem Peña presided. Mr. McDonald made a motion to approve the consent agenda. Mr. Heath seconded the motion. All present voted in favor. Mayor Gonzales was absent from the vote. The motion carried.

7. Ordinances First Reading - Removed from the Consent Agenda

7B. [ORD-0395](#)

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, BY AMENDING TITLE VII (TITLED TRAFFIC CODE), CHAPTER 72 (TITLED TRAFFIC SCHEDULES), SCHEDULE III (TITLED STOP SIGNS ON PUBLIC STREETS) BY ESTABLISHING ADDITIONAL STOP SIGNS LOCATIONS IN THE WINDERMERE SUBDIVISION; PROVIDING FOR A VIOLATION OF CHAPTER 72 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$200.00; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Establishing an all-way stop at the intersection of Edgemere Drive and Knottingham Drive.)

Mayor Pro Tem Peña read the item to include the caption of the ordinance under consideration. Mr. Fletcher stated that revision is needed and no action is requested this evening. No action was taken.

7C. [ORD-0396](#)

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 (PFLUGER FARM LANE) 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.

Mayor Pro Tem Peña read the item to include the caption of the ordinance under consideration. Mr. Wood stated that this item is to put an official speed limit on the books for Pfluger Farm Lane. He stated that they evaluated the speeds in November and recommend a speed limit of 40 mph. Mr. Weiss stated that the data does not look correct to his experience, that a speed limit of 45 mph is more common. Discussion followed. Mr. Heath indicated to support the recommendations of Mr. Wood and made a motion to approve the ordinance on first reading. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

Resolutions - Approved on the Consent Agenda

- 9A.** [RES-0479](#) Approving a resolution providing policy direction governing the expansion of Lakeside MUD 5 and / or the creation of an additional district or districts generally located between Cele Road, Hodde Lane, Melber Lane and Rowe Lane.
- Mr. Fletcher stated that they have provided an amended resolution on the dais. He reviewed the changes to what was provided in the Council packet. Mr. Zech explained that the resolution is a non-binding resolution. Mr. Fletcher explained that they are looking for the Council's statement of support for this direction and they will bring back an agreement for consideration when it is ready. He stated that Mr. Tiemann is requesting an aggressive timeline for approval. Mr. Weiss made a motion to approve the revised resolution. Mr. Marsh seconded the motion. All voted in favor. The motion carried.
- 9B.** [RES-0487](#) Approving a resolution clarifying extraterritorial jurisdiction status for property subject to a non-annexation development agreement on Cele Road.
- Mr. Fletcher explained that this only affects MUD No. 5 and that the landowner wants certainty that the activities with Mr. Tiemann won't trigger annexation of his property. This resolution and agreement is to provide the assurance to the landowner that it will not happen. He stated that the resolution was removed from the consent agenda to fill in the term of the agreement which is to end July 31, 2018. Mr. Weiss noted that there were other changes to the agreement. Mr. Fletcher asked to postpone the item until later in the meeting to allow staff to look into it.
- 9C.** [RES-0483](#) Approving a resolution amending rules of order and procedure for City Council meetings.
- Mr. Heath requested to add an invocation to the rules of order and procedure or a moment of silence to prepare them in the frame of mind of service. Mr. Heath made a motion to approve 9C with the addition of an optional invocation or moment of silence. Mayor Gonzales seconded the motion. Mr. McDonald spoke in opposition, stating that he thinks that it is unnecessary. Mr. Weiss spoke in opposition, stating that he thinks that doing the Pledge of Allegiance to the Flags of the United States and of Texas is appropriate. Mayor Pro Tem Peña stated that this could be more far reaching than intended. Mr. Metayer stated that he thinks a moment of silence is a good balance. Mayor Gonzales stated that he has recently visited some schools which do the Pledge of Allegiance and have a moment of silence. He stated that it is not unusual. Mr.

McDonald explained that Mr. Heath's motion included an invocation or moment of silence. Discussion followed. Mr. Metayer stated that he would like to amend Mr. Heath's motion to only be a moment of silence. Mr. Heath indicated his approval of the amendment. Mayor Gonzales seconded the amendment. Mr. McDonald indicated he would like to change the rules of procedure to make it where they do not have to approve every small Council expenditure. Ms. Thompson stated that they could consider amending the travel and expense policy in the future. Mayor Gonzales called for the vote on the item to approve the rules of order and procedure as amended to include a moment of silence. The vote was: Mr. Weiss-no; Mr. Marsh-yes; Mayor Pro Tem Peña-yes; Mr. Metayer-yes; Mr. Heath-yes; Mr. McDonald-no, Mayor Gonzales-yes. The motion carried.

10. Other Actions - Removed from the Consent Agenda

- 10B. [2018-6449](#) Authorizing the City Manager to execute a contract for sidewalk raising and repair services with Concrete Raising of Austin, the lowest responsible bidder of three bids, in the amount of \$4.15/sq. ft.

Ms. Gillam provided an introduction to the item. Mr. Weiss asked regarding the lower bid that did not meet the material specifications. Mr. Granger explained that past experience has shown that the foam materials did not hold up. He provided information on the areas selected for repair. He answered questions of the Council. Mr. Granger recommended approval as presented as the best cost option. Mr. Weiss made a motion to approve the item as presented. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

Resolutions - Removed from the Consent Agenda

- 9B. [RES-0487](#) Approving a resolution clarifying extraterritorial jurisdiction status for property subject to a non-annexation development agreement on Cele Road.

Mr. Fletcher indicated that the other amendment was made to remove language that was not needed in this item but was needed in the previous item, 9A. Mr. Weiss made a motion to approve the resolution as amended. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

11A. Discuss only

- 11A. [2018-6480](#) Discuss developer / contractor stakeholder meetings.

Mr. Fletcher provided information on a series of developer and contractor meetings with Councilmember Marsh that have been held to establish a communication channel with the City Manager's office regarding stakeholder issue of concerns. Mr. Marsh provided information on this opportunity for openness and communication. He stated that he believes that he thinks it will grow and move forward in the future. Mr. Weiss asked what changes they expect to make from these discussions. Mr. McDonald suggested also including the local business owners. Discussion followed. Mr. Heath asked to work with the landowners and developers for the specific desired outcomes of the city. He asked how they should formalize it at least on a quarterly basis, with an

agenda established. Mr. Fletcher recommended participating with the Pflugerville Community Development Corporation (PCDC). Mr. Marsh stated that originally it came out of a need for the builders and developers to be heard, just an open dialogue. It was always a two-way communication and allows the opportunity to expand and grow on both sides. Mr. McDonald stated that he would like to see an opportunity for local business owners to open a dialogue. Mr. Marsh suggested a separate meeting for them. Mr. Metayer spoke on the need to make that happen as well. Mr. Fletcher stated that they can accomplish that.

Executive Session

Mayor Gonzales announced that the City Council was retiring to executive session on items 11B, 11C, and 12A. He read the items to be discussed and retired to executive session. The time was 9:24 p.m.

- 11B.** [2018-6499](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding the search and selection of a Municipal Judge and the interim process.

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

- 11C.** [2018-6424](#) 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
 - B. Central Wastewater Plant Expansion

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

Executive Session - Closed

Mayor Gonzales reconvened in open session at 10:45 p.m. No action was taken.

12. Discuss and consider action

- 12A.** [2018-6493](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding search and selection of a City Manager and the interim process to include interview of potential interim city manager candidate(s). 2.) Open Session Item: Discuss and consider action to name an interim City Manager.

- 12B.** [2018-6490](#) Discuss and consider action regarding future agenda items.

Mr. Weiss requested to discuss the community garden. Mr. Heath indicated agreement. Mayor indicated a need for an item to discuss municipal court administrative and procedural processes.

13. Adjourn

Mr. Marsh made a motion to adjourn. Mr. Metayer seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 10:46 p.m.

Respectfully submitted,

**Karen Thompson
City Secretary**

Approved as presented on February 13, 2018.