



City of Pflugerville

Minutes - Final

City Council

Tuesday, December 13, 2016

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 7:03 p.m. Councilmembers Doug Weiss, Jeff Marsh and Mike Heath were in attendance. Councilmembers Omar Peña and Starlet Sattler were absent. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Christa Deamer, Deputy City Secretary; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Amy Good, Finance Director; Emily Barron, Planning Director; James Hemenes, Parks Director; Amy Giannini, City Engineer; Terri Toledo, Public Information Officer; Jennifer Coffey, Library Director; Jim McLean, Interim Police Chief; Amy Madison, Executive Director of the Pflugerville Community Development Corporation was also in attendance.

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.

Members of Cub Scouts Pack 406 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.

Members of Cub Scouts Pack 406 led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

3. Presentation

- 3A [2016-5448](#) Pflugerville Animal Welfare Services (PAWS) hosts Homes for the Holidays.

Ms. Toledo presented a video on the Homes for the Holidays program.

4. Public Hearing and Ordinance First Reading

4A. [ORD-0333](#)

Conduct a public hearing and consider an ordinance on first 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 APPROVING A SPECIFIC USE PERMIT FOR AN OFFICE/WAREHOUSE USE ON A PORTION OF A 60.16 ACRE TRACT OF LAND CURRENTLY ZONED CORRIDOR URBAN LEVEL 4 DISTRICT (CL4) SITUATED IN THE THOMAS G. STUART SURVEY, SECTION NO. 6, ABSTRACT 689, LOCATED IN PFLUGERVILLE, TRAVIS COUNTY, TEXAS, TO BE KNOWN AS THE LIVING SPACES SPECIFIC USE PERMIT (SUP1611-01); PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A NON-SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Gonzales opened the public hearing and read the item to include the caption of the ordinance under consideration. Ms. Barron provided information and answered questions from Council. There were no requests to speak at the public hearing. Mr. Weiss motioned to close the public hearing. Mr. Heath seconded the motion. All voted in favor. The motion carried.

Mr. Weiss made a motion to approve the ordinance on first reading. Mayor Gonzales second the motion. All voted in favor. The motion carried.

5. Public Hearing and Resolution**5A. [RES-5409](#)**

Conduct a public hearing and consider approving a Resolution with the caption reading: RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR PROGRAM YEAR 2015.

Ms. Barron provided information and answered questions from Council. Mr. Weiss motioned to close the public hearing. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

Mr. Heath made a motion to approve the resolution as presented. Mayor Gonzales second the motion. All voted in favor. The motion carried.

6. Public Comment

Gary Robertson, 3351 Killingsworth Ln. #530, stated that he wanted to thank the Council for all they've done for the seniors in the community, especially the new bus.

Steve Shannon of Waste Connections, 9904 FM 812, Austin, invited the Council to tour the recycling facility and attend a rotary meeting during which he would be speaking on the history of solid waste management. He also stated that their employees had purchased and assembled 266 bicycles to donate to the Pflugerville Police Department's Blue Santa program.

Reading of the Consent Agenda

Items 9A and 10D were removed from the consent agenda. Ms. Deamer read the items along with the captions of the ordinances under consideration.

7. Approval of Minutes

- 7A. [2016-5422](#) Approval of the minutes of the November 22, 2016 Worksession and Regular Meeting; November 28, 2016 Special Meeting; and November 29, 2016 Quorum.

The minutes were approved on the consent agenda.

8. Ordinances First Reading

- 8A. [ORD-0334](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO TEXAS DISPOSAL SYSTEMS, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; 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 first reading on the consent agenda.

- 8B. [ORD-0335](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO PROGRESSIVE WASTE SOLUTIONS FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; 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 first reading on the consent agenda.

- 8C. [ORD-0336](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO CENTRAL TEXAS REFUSE, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; 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 first reading on the consent agenda.

- 8D. [ORD-0337](#) Approving an ordinance on first reading with the caption reading: AN

ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO WASTE MANAGEMENT OF TEXAS, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; 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 first reading on the consent agenda.

- 8E. [ORD-0338](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO REPUBLIC SERVICES, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; 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 first reading on the consent agenda.

10. Other Actions

- 10A. [2016-5285](#) Authorizing the City Manager to execute an Easement & Right of Way Agreement between Oncor Electric Delivery Company LLC and the City of Pflugerville for the construction associated with the Weiss Lane Roadway Project.

The item was approved on the consent agenda.

- 10B. [2016-5416](#) Authorizing the City Manager to Execute a Temporary Drainage Easement Agreement between AHV Guardian Legacy, LLC, and the City of Pflugerville associated with the Village on Legacy project located generally northeast of the intersection of Pfennig Ln. and Swenson Farms Blvd.

The item was approved on the consent agenda.

- 10C. [2016-5441](#) Approving registration, hotel and business related expenses for Mayor Victor Gonzales' attendance at the Texas Municipal League's 2017 Texas Association of Mayors, Councilmembers and Commissioners (TAMCC) Elected Official's Conference in Allen, Texas February 16 - 18, 2017.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

9. Resolution - Removed from the Consent Agenda

- 9A.** [RES-0371](#) Approving a resolution of the City of Pflugerville, Texas appointing representatives to the Technical Advisory Committee of the Capital Area Metropolitan Planning Organization Transportation Policy Board.
- Mr. Heath recognized Mr. Word's accomplishments and past contributions on the committee while he was with the City of Round Rock and suggested Mr. Word to be the representative for the City of Pflugerville. There was discussion between staff and Council. Mr. Heath made a motion to approve the resolution as amended for Mr. Word to be the primary representative with Mr. Fletcher as the alternate. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

Other Actions - Removed from Consent Agenda

- 10D.** [2016-5424](#) Approving the Mayor's appointment of Ms. Michele Walty and Ms. Lorena DeZeeuw to the Personnel Appeal Board for three-year terms beginning January 1, 2017.
- Mr. Heath noted that it is customary for applicants to be given the opportunity to be introduced. Ms. Walty introduced herself and told the Council about her qualifications. Ms. DeZeeuw was not in attendance. Mayor Gonzales spoke about Ms. DeZeeuw and her qualifications. Mr. Heath made a motion to approve the appointments. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

11. Discuss and consider action

- 11B.** [RES-0366](#) Discuss and consider action to approve a resolution appointing Director Position 1, as chairman of Reinvestment Zone No. One (Falcon Pointe TIRZ) for a one-year term beginning January 1, 2017.
- Mr. Marsh, who was requesting reappointment, introduced himself, gave information and answered questions from Council. Mayor Gonzales recommended the reappointment of Mr. Marsh. Mayor Gonzales motioned to reappoint Mr. Marsh to the Director Position 1, as chairman of Reinvestment Zone No. One (Falcon Pointe TIRZ). Mr. Heath seconded the motion. All voted in favor. The motion carried.
- 11A.** [RES-0365](#) Discuss and consider action to approve a resolution appointing Directors to Position 1, Position 3, and Position 5 of the City of Pflugerville Reinvestment Zone No. One (Falcon Pointe TIRZ) Board of Directors for two-year terms beginning January 1, 2017.
- Mayor Gonzales gave information. Scott Williams, Jeffrey Thompson, who were requesting reappointment, were not in attendance. Paul Weitkemper introduced himself and answered questions from Council. Mayor Gonzales recommended the appointment of Mr. Weitkemper and Scott Williams as motion. There was no second. The motion failed.
- Mr. Heath nominated Scott Williams and Jeffrey Thompson for reappointment.

Mayor Gonzales accepted the nominations. Mr. Weiss motioned to reappoint Scott Williams and Jeffrey Thompson. Mr. Heath seconded the motion. All voted in favor. The motion carried.

11C. [2016-5430](#)

Discuss and consider action to authorize the City Manager to execute Change Order #2 in the amount of \$382,681.50 with Patin Construction Company, Inc. for additional work associated with the 1849 Park Project Phase 1 Package A.

Amy Giannini presented information and answered questions from Council. Mr. Weiss made a motion to approve the item. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

11D. [2016-5427](#)

Discuss and consider action to authorize the City Manager to execute a contract for valve and hydrant maintenance with R&M Service Solutions, the sole bid received in the amount of \$141,646.00.

Mr. Word presented information and answered questions from Council. Mr. Marsh made a motion to approve the item. Mr. Heath seconded the motion. All voted in favor. The motion carried.

11E. [2016-5418](#)

Discuss and consider action to approve the award of a construction contract for the Stone Hill Park and Pflugger Park Restroom Project to The Barr Company, the best value contractor for the City of five (5) proposals received on December 2, 2016, in the amount of \$2,026,871.98 and authorizing the City Manager to execute same.

Mr. Hemenes presented information and answered questions from council. Drew Botkin of Prime Construction, 20907 Martin Lane, expressed concern and disagreement with the selection criteria and process. He stated that the selection of the recommended awardee was contrary to the language in the RFP. Mr. Heath moved to table the item until January. Mr. Weiss seconded the motion. Mr. Heath then withdrew his motion in favor of further discussion.

Mr. Heath motioned to break the restroom project and the park project into two separate bids to be rebid and awarded to lowest responsible bidders. Mr. Marsh seconded the motion. There was further discussion among Council and staff. Mr. Wade cautioned the Council against postponing or rebidding the projects. Mr. Botkin gave further comments regarding the calculation of the bid items. The votes for the motion to break the restroom project and the park project into two separate bids to be rebid and awarded to lowest responsible bidders were: Mr. Weiss – No, Mr. Marsh – No, Mr. Heath - Yes, Mr. Gonzales – No. The motion failed.

Mr. Weiss moved to approve a contract with Prime Construction for the Volume 2 bid only. No one second the motion. The motion failed.

Mr. Heath made a motion to go into Executive Session for consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code. Mr. Marsh second the motion. All voted in favor. The motion carried. City Council retired into executive session at 9:11pm.

Mr. Marsh made a motion to close the Executive Session Mr. Heath seconded the motion. All voted in favor. The motion carried. The City Council reconvened in Open Session at 9:32 pm.

Mr. Weiss motioned to approve the item as presented. Mr. Gonzales seconded

the motion. The votes were: Mr. Weiss – Yes, Mr. Marsh – Yes, Mr. Gonzales – Yes, Mr. Heath – No. The motion carried.

11F. [2016-5216](#)

Discuss and consider action to approve an agreement with Kimley-Horn and Associates, Inc. in the amount of \$71,000 for professional services associated with the design of two (2) traffic signals for the Heatherwilde Blvd. and Grand Avenue Parkway Traffic Signals Project (Grand Avenue Pkwy. at Black Locust Dr. and Heatherwilde Blvd. at Cheyenne Valley Dr.) and authorizing the City Manager to execute the agreement.

Mr. Word presented information and answered questions from Council. Mr. Heath made a motion to approve the agreement. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

11G. [RES-0364](#)

Discuss and consider action to approve a resolution establishing City Council Place 6; integrating City Council Place 6 into the City Council Election Cycle; establishing a vacancy in City Council Place 6; and providing for the appointment to fill the vacancy in City Council Place 6.

Mr. Hyde presented information and answered questions from Council. Mr. Marsh moved to approve the resolution with the following amendments: to establish Place 6 declaring it open, integrating Place 6 into the City Council November 2017 election cycle and declaring the Place vacant on July 4, 2017. Mayor Gonzales seconded the motion. Melody Ryan, 1012 Ripley Castle Cove, had submitted a request to speak on the item but declined when called upon indicating that she was in favor of the motion that was made. All voted in favor. The motion carried.

11H. [2016-5425](#)

Discuss and consider action regarding scheduling and scope of City Council retreat worksessions for 2017.

Mr. Wade recommended February 4, 2017 and April 22, 2017 for City Council retreat worksessions, presented information and answered questions from Council. Mr. Weiss motioned to approve the February 4, 2017 and April 22, 2017 to schedule City Council worksessions. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

Mayor Gonzales announced that the City Council was retiring to executive session on items 12C and 12E. He read the items and retired to executive session. The time was 9:54 p.m.

12. Discuss only

12A. [2016-5403](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding the City of Pflugerville's legislative agenda.

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

- 12B.** [2016-5420](#) 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.
- There was no discussion on the item.**
- 12C.** [2016-5421](#) 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.
- There was discussion on the item in executive session.**
- 12D.** [2016-5423](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning enabling legislation to give effect to Charter amendments approved by the voters on November 8, 2016.
- Discussion on the item took place in executive session during the worksession. There was no discussion on the item during the regular meeting.**
- 12E.** [2016-5453](#) 1.) Executive Session Item: Deliberations regarding economic development negotiations pursuant to Sections 551.071, 551.072 and 551.087 of the Texas Government Code to discuss economic development negotiations which may include the sale, purchase or lease of real property and financial information received from business to expand in or near the City of Pflugerville and to seek legal advice regarding such projects, incentives and negotiations, including related Consent Agreements, Assignments, Economic Development Agreements, Ground Leases, Operating Agreements, and Sales Contracts for Projects Edesia, Hawaiian Falls and Casa.
- There was discussion on the item in executive session.**

Executive Session - Closed

Mr. Marsh move to end the Executive Session. Mr. Heath seconded the motion. All voted in favor. The motion carried. The City Council reconvened in open session at 11:35 p.m.

13. Adjourn

Mr. Heath made a motion to adjourn. Mr. Marsh seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 11:35 p.m.

Respectfully submitted,

Christa Deamer
Deputy City Secretary

Approved as _____ on January 10, 2017.