



# City of Pflugerville

## Minutes - Final - Draft

### City Council

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Tuesday, March 27, 2018

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 5:00 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 7:00 p.m. Mayor Pro Tem Omar Peña and Councilmembers Doug Weiss, Jeff Marsh, Rudy Metayer, Mike Heath and Jim McDonald were in attendance. City employees attending: Trey Fletcher, Interim City Manager; Charlie Zech, City Attorney; Lauri Gillam, Assistant City Manager; Karen Thompson, City Secretary; Jennifer Stubbs, Assistant City Secretary; Trista Neeley, Assistant City Secretary; Amy Good, Finance Director; Terri Toledo, Communications Director; Amy Giannini, City Engineer; Robert Polanco, Building Official; Emily Barron, Planning Director; James Hemenes, Parks Director; Jennifer Coffey, Library Director; Helena Wright, Police Public Information Officer; Jason Smith, Assistant Police Chief; James Wills, Public Works Director; Wayne Granger, Field Operations Superintendent; David Bunch, Chief Information Officer.

#### 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.

#### C. Moment of Silence

Mayor Gonzales announced that a candlelight vigil was being held for bombing victim Draylen Mason in Austin tonight. He observed a moment of silence.

### 3. City Council Announcements

Mr. McDonald announced that the American Legion and Pflugerville Council of Neighborhood Associations (PfCONA) would hold a school board candidate forum on April 9, 2018. Mayor Gonzales commented that during the past week a number of individuals and businesses came together, including Pflugerville Taco House and Brotherton BBQ that provided food to the first responders. Mr. Heath stated that he would also like to recognize the Police Department and the community and stated that he is proud of this community. Mr. Metayer stated to agree and provided comments.

### 4. Presentations

4A. [2018-6586](#) Pflugerville's annual clean up day is Saturday, April 7, 2018.

Mr. Wills provided information and answered questions of the Council.

4B. [2018-6633](#) Presentation and discussion about the Community Gardens.

Mr. Wills provided information regarding the existing and future wastewater and public works facilities at the site and plans to use roughly half of the community gardens for needed public works parking. Mr. Hemenes provided information on the existing community gardens and possible opportunities to relocate the community gardens to Wilbarger Park or Murchison Park. Discussion with Council followed. Mr. Wills stated that they would not impact the community gardens until a new location is set.

Cathy Stephens, 611 Middleway, stated that she has been at the community gardens since 2009. She thanked the Council for supporting parks and recreation during the city's growth. She stated that she is concerned regarding the community gardens in plans to reduce the plot size. She stated that people are using the community garden for an affordable and fresh and healthy food source. She encouraged the city to offer a mix of plot sizes.

Randy Tressler, 1018 Pine Creek Drive, stated that he has been at the gardens for a couple of years and he appreciates it. He stated that the current gardens are located on Blackland Prairie soil and he is not sure how suitable the soil will be at a new location. He stated that 5 ft x 5 ft plots would be worthless and they should instead double the size of the current 20 ft x 20 ft plots. He stated that there is usually a waiting list at the gardens and he thinks the city needs to plan for expansion and to buy the available land out there; that 2 acres will not be enough.

R. Michael Clinkscales, 1400 Sweet William, stated that he has been there since the beginning and that the gardeners have spent thousands of dollars building up the soil in their plots. He explained that he has also placed two bee hives at the location to provide for the plants and if they are moving the gardens less than a mile away, he will only be able to move the bee hives 3 ft each day. He stated that there is a lot more about that property and they have a lot invested there.

Boyer LeMeilleur, 1504 Silene Court, stated that it is his first year gardening

there, and he is not in the elderly or low-income category but that he enjoys growing his own food. He stated that he is doing research on community gardens and would be willing to give that to the Council. He stated that he would endorse not reducing the size of the plots, and he thinks the city should advertise and get more of the community involved.

Ed Mustoe, 1002 Parkview Drive, thanked the city for providing parks and recreation amenities. He stated that these make our city a good place to live.

Thomas Theis, 1400 Sweet William Lane, did not wish to speak and indicated that he would not like to see the plots downsized or the bees moved, that he would prefer it be improved and more plots added.

Ahmed Sai, 1515 Campanula Ct, did not wish to speak and indicated that he does not want the gardens to be reduced in size or moved, that it is important for the community to keep it.

Michelle Bolner stated that she has researched runoff and there could be health concerns for the parking facility next to the gardens with runoff. She stated that they should think about the lower income citizens that are utilizing the gardens for a food source, if they will be able to use the gardens in the future at another location.

Mayor Gonzales thanked them for their comments. He stated that Mr. Wills and Mr. Hemenes would be reviewing and studying and the city would keep the community posted.

## 5. Public Comment

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

## Reading of the Consent Agenda

Items 8A and 8C were removed from the consent agenda. Ms. Thompson read the items along with the caption of the ordinance under consideration.

## 6. Approval of Minutes

- 6A. [2018-6638](#) Approval of the minutes of the March 13, 2018 Quorum, Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

## 7. Ordinances Second Reading

- 7A. [ORD-0399](#) 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, BY AMENDING TITLE VII (TITLED TRAFFIC CODE), CHAPTER 71 (TITLED PARKING REGULATIONS), SECTION 71.05 (TITLED PARKING PROHIBITED IN CERTAIN DESIGNATED AREAS) BY

ESTABLISHING AN ADDITIONAL NO PARKING ZONE ON KINGSTON LACY BOULEVARD; PROVIDING A VIOLATION OF SECTION 71.05 IS A CLASS C MISDEMEANOR PUNISHABLE BY 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. (Kingston Lacy Boulevard)

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

## **8. Resolutions**

- 8B.** Approving a resolution with the caption reading: A RESOLUTION BY THE CITY OF PFLUGERVILLE, TEXAS ("CITY"), APPROVING A REDUCTION IN RATES CHARGED BY ATMOS ENERGY CORPORATION, MID-TEX DIVISION ("ATMOS") AND AUTHORIZING CONSENT TO A REDUCTION IN RATES CHARGED BY ATMOS PIPELINE TEXAS ("APT"), ALL RELATED TO THE REDUCTION IN THE FEDERAL CORPORATE TAX RATE; FINDING THE REDUCTION IN ATMOS' RATES TO BE JUST AND REASONABLE; FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THE RESOLUTION TO THE COMPANY AND SPECIAL COUNSEL.

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

## **9. Other Actions**

- 9A.** [2018-6631](#) Review of the Quarterly Investment Report for the quarter ending December 31, 2017.  
**The item was approved on the consent agenda.**
- 9B.** [2018-6640](#) Approving an interlocal agreement for Pflugerville Police Department connectivity to Austin Police Department Automated Palm and Fingerprint Identification System (APFIS) and authorizing the City Manager to execute same.  
**The item was approved on the consent agenda.**
- 9C.** [2018-6662](#) Authorize the City Manager to execute a contract for contractual mowing services for specific park areas with Abescape Group, LLC, the lowest responsible bidder of six (6) bids received on March 19, 2018, in the amount of \$214,375.10.  
**The item was approved on the consent agenda.**

## Action on the Consent Agenda

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

## Resolutions - Removed from the Consent Agenda

- 8A. [RES-0503](#) Approving a resolution accepting the fiscal year 2017 audit.

Mr. Heath stated that the unqualified opinion in the audit shows that the Finance Department is doing an excellent job. Ms. Gillam provided comments and stated that the Finance and Budget Committee had also thoroughly reviewed the audit and recommended approval. Mr. Heath provided appreciation to Mr. Marsh and the Finance and Budget Committee for their efforts. Mr. Heath made a motion to approve. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

- 8C. [RES-0506](#) Approving a resolution in support of Regional Transportation Improvements.

Mr. Fletcher stated that the resolution calls on the Texas Transportation Commission to authorize the widening of SH 130 and the construction of the direct connect from SH 130 to US 290 as was planned and indicated that staff recommends approval. He answered questions of the Council. Mr. Weiss provided comments. Mr. Metayer stated it would be a disservice to the city if they do not move forward. Mr. Weiss made a motion to approve. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

## 10. Discuss and consider action

- 10A. [2018-6546](#) Discuss and consider action to approve purchase agreements with WatchGuard for the purchase of 49 in-car video camera systems and 2 motorcycle systems in the amount of \$270,010.50; CapFleet Upfitters for the installation of 49 in-car camera systems in the amount of \$70,970.00; and, GTS Technology Solutions in the amount of \$192,175.97 for five year data storage equipment for the in-car camera systems for the Pflugerville Police Department and authorizing the Interim City Manager to execute same. These agreements total \$533,156.47.

Assistant Chief Smith reported on failures of the current in-car camera systems and stated that 80% are at end of life and the current system is no longer serviceable. He stated that they evaluated three systems and WatchGuard was determined best to fit their needs. He answered questions of Council. He estimated four months for completion of set up. Mr. Weiss asked regarding the funding.

- 10B. [ORD-0400](#) Discuss and consider action to approve an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FIRST AMENDMENT TO

THE FISCAL YEAR 2018 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE (budget amendment for police in-car and motorcycle camera systems and video storage).

During discussion regarding item 10A, Mr. Weiss asked regarding the funding. Mayor Gonzales opened item 10B and read the item to include the caption of the ordinance under consideration. Ms. Gillam stated that after discussion with Development Services, it was decided that the long range planning items could be postponed to provide \$500,000 of the funding and that the other \$35,000 was allocated from the Police Department from the recruiting budget. Discussion followed. Mr. Fletcher indicated regarding the long range plans that it was thought that deferring the Comp plan due to the interim City Manager situation and with the current wastewater master planning and CAMPO as well, to wait to see what happens with those. Ms. Gillam stated that the intent would be to put the long range planning funding in the fiscal year 2019 budget. Council discussion followed regarding the need to move forward with the Comp Plan and the Master Transportation Plan.

**10A.** [2018-6546](#)

Discuss and consider action to approve purchase agreements with WatchGuard for the purchase of 49 in-car video camera systems and 2 motorcycle systems in the amount of \$270,010.50; CapFleet Upfitters for the installation of 49 in-car camera systems in the amount of \$70,970.00; and, GTS Technology Solutions in the amount of \$192,175.97 for five year data storage equipment for the in-car camera systems for the Pflugerville Police Department and authorizing the Interim City Manager to execute same. These agreements total \$533,156.47.

**Mayor Pro Tem Peña made a motion to approve item 10A as read. Mr. Heath seconded the motion. All voted in favor. The motion carried.**

**10B.** [ORD-0400](#)

Discuss and consider action to approve an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FIRST AMENDMENT TO THE FISCAL YEAR 2018 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE (budget amendment for police in-car and motorcycle camera systems and video storage).

Discussion followed regarding the budget amendment ordinance item 10B. Mayor Pro Tem Peña recommended to approve with the stipulation that they come back to the next meeting with other funding options. Mr. Heath recommended that they table the item. Ms. Gillam stated that they can look for other funding options and bring the budget amendment ordinance back. Mr. McDonald stated that he also thinks that the \$35,000 is important for the police recruiting budget. A revised ordinance was to be brought back to the next meeting. No action was taken on the budget amendment ordinance.

**10C.** [2018-6629](#)

Discuss and consider action on a request for two pole signs for the Living Spaces development located at the southwest corner of Heatherwilde Boulevard and SH45.

Ms. Barron provided information on the request for a sign variance to establish a 75 ft pole sign and a 35 ft pole sign on the Living Spaces property. Mark Chavez with Sign Industries, applicant, discussed the request with the Council. Mr. Metayer asked why the size they are requesting. Mr. Chavez stated that they have done similarly in other cities across the country. Mr. Marsh asked why the city got rid of pole signs. Mr. Fletcher stated that historically the city has supported the use of monument signs. There was continued discussion. Mr. Weiss asked if the variance is approved, if it would preclude other monument signs on the property. Ms. Barron stated no. Brian Saltikov with Living Spaces provided information on their request for pole signs to provide visibility on SH 45. He stated that they do have options to go to a 55 ft pole sign and a 25 ft pole sign. Discussion followed. Mayor Pro Tem Peña made a motion to approve the 55 ft pole sign and the 25 ft pole sign. The vote was: Mr. Weiss-yes, Mr. Marsh-no, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.

- 10D. [2018-6592](#) Discuss and consider action to approve an agreement with Freese and Nichols, Inc. in the amount of \$299,410 for professional engineering services associated with the preparation of a water master plan update.

Mayor Pro Tem Peña stepped down from the dais due to a conflict of interest in that his brother-in-law has a substantial interest in the company. Ms. Giannini provided information and answered questions of Council. Mr. Fletcher provided input. Ms. Giannini indicated plans to bring forward the land assumptions for review before they move forward. Mr. Marsh made a motion to approve. Mr. Metayer seconded the motion. All present voted in favor. Mayor Pro Tem Peña did not participate in the discussion or vote on the item. The motion carried.

- 10E. [2018-6634](#) Discuss and consider action to award a construction contract for the Helios Way Water Line Extension to the Wastewater Treatment Plant (WWTP) project to Patin Construction, LLC, the lowest responsible bidder of twelve (12) bids received on March 8, 2018, in the amount of \$254,137.50 and authorizing the City Manager to execute same.

Ms. Giannini provided information and answered questions of Council. Mr. Heath made a motion to approve item 10E as presented. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

- 4C. [2018-6632](#) Presentation and discussion about the professional services procurement process for capital improvement projects.

Ms. Giannini provided information regarding different contract types and the FAR (Federal Acquisition Regulation) rate. She reviewed the city's process to look at overall project cost comparable to others and how it aligns historically and with expectations. Mr. Heath indicated concerns for contracts with too much profit. He stated that a FAR audit system establishes what the base rate should be and he thinks that is reasonable to get fees where they should be. He stated that it may be time to consider that process.

- 10F. [2018-6649](#) Discuss and consider action regarding a presentation of a preliminary report for City Hall Needs Assessment.

Mr. Fletcher provided information. He noted that the costs to be shown do not include land acquisition. Cris Ruebush, PGAL Architects, presented the preliminary report finding current city halls needs at 47,000 sq. ft. and 53,500 sq. ft at 100,000 population and 69,000 sq. ft. needed at the city's ultimate population. The cost of the 69,000 sq. ft. facility was estimated at \$33.3 million in 2018 dollars. Discussion followed. Mr. Heath suggested discussing this further at the strategic planning worksession. Mr. Marsh suggested paring down the facility a little. Mr. Metayer suggested appointing a subcommittee. No action was taken.

**10G.** [2018-6637](#) Discuss and consider action regarding future agenda items.

Mr. McDonald requested an item to consider a building subcommittee. Mr. Metayer requested an item to consider the feasibility of streaming meetings on Facebook.

## **11. Discuss only**

**11A.** [2018-6655](#) Discussion regarding setting proposed dates for a joint worksession with the Travis County Emergency Services District No. 2 Board of Commissioners.

Council suggested joining the ESD before or at the beginning of one of their regular board meetings.

**11B.** [2018-6656](#) Discussion regarding setting dates for a strategic planning worksession.

Council set June 8-9, 2018 for the worksession.

**11C.** [2018-6587](#) Mayor Victor Gonzales report on attendance of the Elected Officials Conference for Texas Mayors, Councilmembers, and Commissioners March 8-10, 2018 in San Antonio.

Mayor Gonzales provided a report under the item.

## **Executive Session**

Mayor Gonzales announced that the City Council was retiring to executive session for discussion on items 11D, 11E, 11F, 11G and 11H. He read the items and retired to executive session. The time was 10:09 p.m.

**11D.** [2018-6608](#) 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 the Highland Park Elementary School wastewater line easement. 2.) Open Session Item: Discussion regarding the purchase, exchange, lease, transfer and/or sale of real property related to the Highland Park Elementary School wastewater line easement.



**Discussion on the item took place in executive session. There was no discussion on the item in open session.**

**11E. [2018-6636](#)**

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 City Manager. 2.) Open Session Item: Discussion regarding the search and selection of a City Manager.

**Discussion on the item took place in executive session. There was no discussion on the item in open session.**

**11F. [2018-6579](#)**

1.) Executive Session Item: Discussion pursuant to Texas Government Code SEC . 551.074. PERSONNEL MATTERS to discuss role of the municipal prosecutor. 2.) Open Session Item: Discussion regarding role of municipal prosecutor.

**Discussion on the item took place in executive session. There was no discussion on the item in open session.**

**11G. [2018-6667](#)**

1.) Executive Session Item: Discussion pursuant to Texas Government Code SEC . 551.074. PERSONNEL MATTERS to deliberate the evaluation and duties of the City Attorney. 2.) Open Session Item: Discussion regarding evaluation and duties of the City Attorney.

**Discussion on the item took place in executive session. There was no discussion on the item in open session.**

**11H. [2018-6665](#)**

1.) Executive Session Item: Discussion pursuant to Texas Government Code SEC . 551.074. PERSONNEL MATTERS to deliberate the evaluation and duties of the Interim City Manager in regards to communications during emergency situations. 2.) Open Session Item: Discussion regarding the evaluation and duties of the Interim City Manager in regards to communications during emergency situations.

**Discussion on the item took place in executive session. There was no discussion on the item in open session.**

### **Executive Session - Closed**

**Mayor Gonzales reconvened in open session at 10:59 p.m. Councilmembers Weiss, Metayer and Heath were in attendance. Mayor Pro Tem Peña and Councilmembers Marsh and McDonald were absent from the dais.**

### **12. Adjourn**

**Mr. Weiss made a motion to adjourn. Mr. Heath seconded the motion. Mayor Gonzales and Councilmembers Weiss, Metayer and Heath were in attendance. Mayor Pro Tem Peña and Councilmembers Marsh and McDonald were absent from the dais and did not vote. All present voted in favor. The motion carried. The meeting was adjourned at 10:59 p.m.**

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as \_\_\_\_\_ on April 10, 2018.