



# City of Pflugerville

## Minutes - Final - Draft

### City Council

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Tuesday, August 22, 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 7:02 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; Amy Giannini, City Engineer; Emily Barron, Planning Director; James Hemenes, Parks Director; Terri Toledo, Communications Director; Amy Good, Finance Director; Jessica Robledo, Police Chief; Sara Bustilloz, Police Department Public Information Officer; Billy Gibbens, Police Civilian Director; Jason Smith, Police Commander; Jennifer Coffey; Library Director. Pflugerville Community Development Corporation Boardmembers Victor Johnson, Jim Swanzy, Jeff Thompson; A.K. Brewer, and Doug Weiss, and staff: Amy Madison, Executive Director; Christian Kurtz, Business Retention Specialist; Karla Henderson, Operations/Administrative Manager; and Crystal Connally, Executive Assistant; attended the meeting.

#### 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 Texas State Flag.

#### 3. Presentations

- 3A.** [2017-6110](#) Presentation of invocation by Councilmember Mike Heath. (Requested by Councilmember Mike Heath and Mayor Victor Gonzales)

Mr. Heath presented an invocation under the item.

- 3B. [2017-6027](#) Special Olympics presentation to the Pflugerville Police Department.

Coach Amy Wiesenhutter, Special Olympics Coach, stated that this is the first team that has competed in the state basketball competition. She thanked the Police Chief and staff for their send off and presented them with a team photo.

#### 4. Public Comment

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

### Reading of the Consent Agenda

Items 6C, 6F, 8A, 8B, and 8E were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

#### 5. Approval of Minutes

- 5A. [2017-6083](#) Approval of the minutes of the August 5, 2017 Special Meeting and August 8, 2017 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

#### 6 Ordinances Second Reading

- 6A. [ORD-0357](#) Approving an ordinance on second 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.

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

- 6B. [ORD-0345](#) Approving an ordinance on second 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.

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

- 6D. [ORD-0361](#) 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 (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 second and final reading on the consent agenda.

- 6E. [ORD-0362](#) Approving an ordinance on second 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 second and final reading on the consent agenda.

## 7. Resolutions

- 7A. [RES-0440](#) Approving a resolution terminating an economic development agreement between the City of Pflugerville and Titus Systems L.P. d/b/a Co Com Cabling.

The resolution was approved on the consent agenda.

## 8. Other Actions

- 8C. [2017-6096](#) Authorizing the City Manager to execute a conditional purchase agreement and associated conveyance documents between Franklin Stiba and Ruby M. Stiba and the City of Pflugerville as necessary to acquire real property interests for the Pfennig Lane Roadway Improvements Project.

The item was approved on the consent agenda.

- 8D. [2017-6097](#) Authorizing the City Manager to execute conditional purchase agreements and associated conveyance documents between Guy G. Mathews and Barbara P. Mathews and the City of Pflugerville as necessary to acquire real property interests for the Pfennig Lane Roadway Improvements Project.

The item was approved on the consent agenda.

#### Approval of the Consent Agenda

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

### 6. Ordinances Second Reading - Removed from Consent Agenda

- 6C. [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.

Mayor Gonzales opened and read the item to include the caption of the ordinance under consideration. Ms. Gillam provided information. Mr. Heath requested a 10-year project proforma. Mayor Pro Tem Peña explained that he has done a comparison of other cities' water rates and thinks this warrants a bigger discussion. He indicated on residential that we are better than some, but on commercial, we are worse than some. He explained he would like to look at commercial rates in order to support economic development. Ms. Gillam stated that with this ordinance the rates are only being increased for wastewater in order to support wastewater projects; that they are only increasing this year and that staff would look at it again next year. Discussion continued. Mr. Heath requested a 10-year proforma. Mr. Wade stated that they could do a 10-year project proforma, but it would impact the fee study which was prepared on a five-year project proforma, which is the industry standard. There was continued discussion. Ms. Weiss made a motion to approve item 6C. Mayor Gonzales seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Ms. Sattler-yes, Mayor Pro Tem Peña-no, Mr. Heath-no, Mayor Gonzales-no. The motion failed. Mr. Heath asked that staff bring back the 10-year proforma for consideration. Mr. Wade indicated that the ordinance would start over and be brought back to the Council for consideration on first reading on September 12, 2017.

- 6F. [ORD-0364](#) Approving an ordinance on second 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 opened and read the item to include the caption of the ordinance under consideration. Ms. Gillam provided information. Progressive Waste Solutions representatives in attendance: Steve Shannon, Chris Thompson, Gerry Rieger and Buddy Hyden. Ms. Gillam answered questions of the Council. Mr. Shannon provided information regarding fuel cost adjustments. There was continued discussion of the Council with Ms. Gillam. Mr. Heath made a motion to approve the item. Mr. Marsh seconded the motion. All voted in favor. The motion carried. The City Council will consider the ordinance on third and final reading on September 12, 2017.

## 8. Other Actions - Removed from the Consent Agenda

- 8A. [2017-6109](#) Approving the Pflugerville Community Development Corporation (PCDC) fiscal year 2018 budget.

Mr. Heath suggested since they have just added a fourth staff member, to not add the fifth until they know their staff. Mr. Heath also asked that they control costs and see how they can be effective moving forward. Mr. Heath asked the PCDC Board to do pre-approval of conferences, prior to attending and to attend strategically.

Amy Madison asked Council if they would like a budget presentation. Mayor Gonzales stated that there is no need for a full presentation, just to address Mr. Heath's questions. Ms. Madison provided information. Mr. Heath asked Mr. Swanzy if they would consider requiring pre-approval prior to attending conferences. Mr. Swanzy stated that the Board supports the budget and he does not have any issues with asking for pre-approval of conferences for staff. Council discussion continued with Ms. Madison and Mr. Swanzy.

Mayor Pro Tem Peña made a motion to approve item 8A as presented. Ms. Sattler seconded the motion. Mr. Heath asked for a friendly amendment to reduce the budget by one full time employee (FTE). Mr. Weiss explained that he thinks that the additional FTE is appropriate at this time. Mayor Pro Tem Peña declined the friendly amendment. All voted in favor of the original motion. The motion carried.

Mr. Swanzy stated appreciation and reported that communications of the PCDC, city staff and City Council have been great.

- 8B. [2017-6095](#) Authorizing the City Manager to enter into an agreement with Texas Longhorn Aquatics (TXLA) for rental of the Gilleland Creek and Windermere Pools.

Mr. Hemenes provided information and answered questions of Council. Mr. Heath asked if there is a program to provide funds for those who would like to participate but are unable to afford it. Mr. Hemenes stated that they could see if that is something that could be included in the Community Development Block Grant Program (CDBG). Mr. Heath made a motion to approve as presented. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

- 8E. [2017-5951](#) Approving an agreement with Freese and Nichols, Inc. in the amount of

\$150,103.00 for professional engineering services associated with the development of flow projections and siting study for the New Sweden Wastewater Treatment Plant Project and authorizing the City Manager to execute the agreement.

Mr. Heath encouraged the city manager to look at negotiating harder on the rates and not using the lump sum rates. Ms. Giannini stated that staff is comfortable with the scope and recommend approval. She provided information. Mr. Heath made a motion to approve. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

## 9. Discuss and consider action

- 9A. [2017-6090](#) Discuss and consider action to provide direction to the City Manager regarding the fiscal year 2018 budget and/or strategic plan update.
- Mr. Wade stated that he heard a consensus from Council to set the tax rate at \$0.5399. Mr. Wade stated that he has a list of cuts to get them to \$0.5399 and has received requests for cuts and a few adds. He stated that tonight under item 9B, staff is asking Council to set the maximum tax rate of \$0.5399. He stated that the Finance and Budget Committee will meet on Thursday and then on Friday staff will publish a revised draft budget with the tax rate of \$0.5399. Mr. Wade provided additional information on the budget schedule. Mr. Marsh requested the revised add sheet. There was continued discussion. Ms. Melody Ryan, Finance and Budget Committee Chair, stated that she would like to get to a rate of \$0.5308. There was continued discussion regarding property tax and sales tax revenue projections.
- 9B. [RES-0443](#) Discuss and consider action to approve a resolution specifying a proposed fiscal year 2018 property tax rate of \$0.5399/\$100 valuation and scheduling the dates for the public hearings.
- Ms. Gillam stated that the resolution will set the maximum tax rate at \$0.5399. She stated that the Council will adopt a tax rate on September 26, 2017 and could adopt a rate at or lower than \$0.5399, but not higher than that amount. Mr. Marsh made a motion to approve the resolution as presented. Ms. Sattler seconded the motion. Mr. Heath asked if Mr. Marsh would consider a friendly amendment to set the maximum tax rate at \$0.5398. Mr. Marsh declined. All voted in favor of the original motion. The motion carried.
- 9C. [RES-0445](#) Discuss and consider action to approve a resolution authorizing a 203-day extension for the resolution approved on September 27, 2016 and extended on March 21, 2017 directing the City Attorney to prepare an economic development agreement in support of the proposed Costco project (formerly known as Project Hastur) to include certain terms to incentivize and promote the commercial economic development on property located within City of Pflugerville Reinvestment Zone Number One (Falcon Pointe TIRZ) boundaries and authorizing the City Manager to execute the agreement, approved as to form by the City Attorney.
- Mr. Fletcher and Mr. Wade provided information and discussed with the Council. Mr. Zech provided input. David Mellenbruch provided information on

the need for additional time. He stated that they are going as quickly as they can. Ms. Sattler made a motion to approve 9C as presented. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

- 9D. [2017-6107](#) Discuss and consider action to expand the downtown subcommittee and to define a project scope for public infrastructure improvements downtown in order to receive cost estimates. (Requested by Councilmember Jeff Marsh)

Mr. Marsh stated that he has received requests from businesses and neighbors in the downtown area that would like to participate. He explained that he would like to see a basic scope cost estimate for improvements such as period style lighting and signage, paver-style streets, promenade sidewalks, iron tree wells and underground utilities from Railroad to 3rd on Main Street. Mr. Wade was to bring forward a proposed scope for consideration. Discussion followed regarding expanding the subcommittee. The subcommittee was to include Mr. Marsh, Mr. Weiss, Mayor Gonzales, three business representatives and three residents. An application for the downtown subcommittee was to be made available and appointments considered by the Council at a future meeting.

- 9E. [2017-6061](#) Discuss and consider action to provide direction to the City Manager regarding placement of invocation on City Council agendas.

Mr. Wade stated that the item was tabled at the last meeting and he has placed the invocation as a presentation item on the agenda this time at the request of the Mayor Gonzales and Councilmember Heath. He stated that he needs direction if they would like to continue that practice or to look at the rules of order again. Discussion followed. Mr. Marsh stated that there would be an additional councilmember in a couple of months and they could review the rules of order again at that time when they have seven members. Mr. Wade stated that if requested by two councilmembers, he would continue to place invocation on the agenda as a presentation item.

- 9F. [2017-6088](#) Discuss and consider action regarding future agenda items.

Mr. Weiss asked if the Council needs to revisit the Municipal Utility District (MUD) policy item. Mr. Wade indicated plans to discuss again in December or January. The Council discussed setting a joint worksession with the Pflugerville Independent School District Board of Trustees. A date was not yet determined.

## 10. Discuss only

- 10A. [2017-6060](#) Discussion regarding Sorento lighting and any other street lighting considerations. (Requested by Councilmember Mike Heath)

Mr. Heath noted his concerns for the street lights in Sorento. Mr. Fletcher indicated that the developer worked with the City to make alterations to the light fixtures which did not meet the current standards. Discussion followed.

## Executive Session



Mayor Gonzales announced that the Council was retiring to executive session on item 11A, 12A and 12B. He read the items and retired to executive session. The time was 8:51 p.m.

## 11. Discuss and consider action

- 11A. [RES-0444](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding Master Services and Purchasing Agreement with Taser International, Inc. 2.) Open Session Item: Discuss and consider action to approve a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS ON THE NON-APPROPRIATION OF FUNDS FOR THE MASTER SERVICES AND PURCHASING AGREEMENT WITH TASER INTERNATIONAL, INC.

Discussion on the item took place in executive session. Action on the item was taken on the item in open session later in the meeting.

## 12. Discuss only

- 12A. [2017-6091](#) 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
  - C. Project Unicorn

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

- 12B. [2017-6092](#) 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. Project Link

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

## Executive Session - Closed

Mayor Gonzales reconvened in open session at 9:22 p.m. Mayor Pro Tem Peña and Councilmembers Sattler and Heath were in attendance. Councilmembers Weiss and Marsh were absent from the dais.

- [RES-0444](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding Master Services and Purchasing Agreement with Taser International, Inc. 2.)



Open Session Item: Discuss and consider action to approve a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS ON THE NON-APPROPRIATION OF FUNDS FOR THE MASTER SERVICES AND PURCHASING AGREEMENT WITH TASER INTERNATIONAL, INC.

Mr. Marsh and Mr. Weiss were absent from the dais. Mr. Heath made a motion to approve the resolution as presented. Ms. Sattler seconded the motion. All present voted in favor. The motion carried.

**13. Adjourn**

Mr. Heath made a motion to adjourn. Ms. Sattler seconded the motion. All present voted in favor. The motion carried. The meeting was adjourned at 9:23 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as \_\_\_\_\_ on September 12, 2017.