



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, February 13, 2018

7:00 PM

100 East Main Street, Suite 500

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 7:00 p.m. Councilmembers Doug Weiss, Jeff Marsh, Omar Peña, Rudy Metayer, Mike Heath and Jim McDonald were in attendance. City employees attending: Trey Fletcher, Acting City Manager; Charles Zech, City Attorney; Scott Tschirhart, Assistant City Attorney; Lauri Gillam, Assistant City Manager; Karen Thompson, City Secretary; Jennifer Stubbs, Assistant City Secretary; Jennifer Coffey, Library Director; Terri Toledo, Communications Director; Caroline Davis, Associate Municipal Judge; Jason Smith, Assistant Police Chief; Robert Polanco, Building Official; Amy Good, Finance Director; James Hemenes, Parks Director; Amy Giannini, City Engineer; Jacquelyn Smith, Capital Improvement Program Manager; Mayo Neyland, Police Commander; James Wills, Public Works Director; Wiley Webb, Utility Superintendent; Patricia Davis, Engineer; Emily Barron, Planning Director; Rhonda McLendon, Animal Welfare Services Director; Cindy Pierce, Development Engineering Director.

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.

Representatives from Boy Scout Troop 685 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.

Representatives from Boy Scout Troop 685 led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

C. Moment of Silence.

Mayor Gonzales observed a moment of silence.

3. City Council Announcements

Mayor Gonzales introduced Robert Polanco, the City's new Building Official. Mr. Heath acknowledged Congressman Bill Flores for last night's flag presentation to the Kerlin-Lyerly American Legion Auxiliary Unit 154 and Mayor Gonzales and Mr. Weiss for supporting the community with their attendance.

4. Presentations

- 4A. [2018-6511](#) Proclamation declaring Remember the Historic Colored Addition Cemetery Day in the City of Pflugerville.

Mayor Gonzales indicated that Black Pflugerville has been instrumental in the maintenance and upkeep of the cemetery as well as Mr. McDonald. He read the proclamation and presented it to Alicia Jackson and James Ware, representatives from Black Pflugerville

- 4B. [2018-6529](#) Presentation and discussion about the Central Wastewater Treatment Plant Expansion (WWTP) Project.

Ms. Giannini stated that Freese and Nichols is currently doing the preliminary engineering and preparing the permit submission for the expansion. Mr. Kendall King presented on their evaluation and recommendations and discussed with Council. The City Council indicated interest in looking at additional capacity for the project to maximize benefit. Mr. King stated that they could expand further with another technology or continue with the planned expansion with the current or similar technology. There was continued discussion. Mr. Wills, Mr. Fletcher and Ms. Giannini provided input in the discussion.

Council asked if a delay of item 11A for two weeks to allow for additional evaluation would be detrimental. Ms. Giannini stated that they could also bring back information on the land use assumptions associated with demand. She explained that they would be updating the wastewater master plan and would make these changes if given a different direction.

5. Public Comment

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

Reading of the Consent Agenda

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

6. Approval of Minutes

- 6A. [2018-6512](#) Approval of the minutes of the January 12, 2018 Quorum, January 18, 2018 Worksession, January 23, 2018 Worksession and Regular Meeting, January 27, 2018 Special Meeting, and February 1, 2018 Quorum.

The minutes were approved on the consent agenda.

7. Ordinances First Reading

- 7A. [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.)

The ordinance was approved on first reading on the consent agenda.

- 7B. [ORD-0398](#) 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 STONE HILL TOWN CENTER; 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.

The ordinance was approved on first reading on the consent agenda.

8. Ordinances Second Reading

- 8A. [ORD-0392](#) 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 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 second and final reading on the consent agenda.

8B. [ORD-0396](#)

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 (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.

(Establishing the speed limit of 40 mph on Pflugger Farm Lane)

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

10. Other Actions

10A. [2018-6515](#)

Approving conference registration and hotel expenses for Mayor Victor Gonzales to attend the Elected Officials Conference for Texas Mayors, Councilmembers, and Commissioners March 8-10, 2018 in San Antonio.

The item was approved on the consent agenda.

10E. [2018-6525](#)

Approving Change Order No. 2 in the amount of \$173,324 and extending the completion date by an additional 45 work days for the Pflugerville Animal Welfare Services - Intake Building project.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

9. Resolutions - Removed from the Consent Agenda

Mayor Gonzales opened items 9A and 9B for consideration.

9A. [RES-0492](#)

Approving a resolution authorizing the City Manager to apply for and to accept, if awarded, a Justice Assistance - Byrne Grant Program award in the amount of \$191,248.00 from the Office of the Governor for the purchase of equipment and training.

Mayor Pro Tem Peña commended the Police Department and Mr. Billy

Gibbens for these efforts to receive grants for these very important items. Mayor Pro Tem Peña made a motion to approve the resolution. Mr. Heath seconded the motion. All voted in favor. The motion carried.

- 9B. [RES-0494](#) Approving a resolution authorizing the City Manager to apply for and to accept, if awarded, a Body-Worn Camera Grant Program award in the amount of \$121,172.00 from the Office of the Governor for the purchase of equipment.
- Mayor Pro Tem Peña commended the Police Department and Mr. Billy Gibbens for these efforts to receive grants for these very important items. Mayor Gonzales made a motion to approve the resolution. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

Other Actions - Removed from the Consent Agenda

- 10B. [2018-6521](#) Approving a Storm Water Facilities Maintenance Covenant, License and Agreement in the Pecan District development, located southwest of the intersection of Pecan Street and Old Austin Pflugerville Road, and authorizing the City Manager to execute the agreement.

Mayor Gonzales opened items 10B, 10C and 10D for consideration. Ms. Pierce provided information on item 10B stating that this is an agreement concerning MS4 to fulfill a TCEQ requirement. She stated that items 10C and 10D are to provide agreements to allow for developer maintenance of landscaping within the right of way. Mr. Heath made a motion to approve items 10B, 10C and 10D. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

- 10C. [2018-6530](#) Approving a Right of Way Encroachment License Agreement in the Pecan District development, located southwest of the intersection of Pecan Street and Old Austin Pflugerville Road, and authorizing the City Manager to execute the agreement.

Mayor Gonzales opened items 10B, 10C and 10D for consideration. Ms. Pierce provided information on item 10B stating that this is an agreement concerning MS4 to fulfill a TCEQ requirement. She stated that items 10C and 10D are to provide agreements to allow for developer maintenance of landscaping within the right of way. Mr. Heath made a motion to approve items 10B, 10C and 10D. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

- 10D. [2018-6531](#) Approving a Right of Way Maintenance Agreement in the Pecan District development, located southwest of the intersection of Pecan Street and Old Austin Pflugerville Road, and authorizing the City Manager to execute the agreement.

Mayor Gonzales opened items 10B, 10C and 10D for consideration. Ms. Pierce provided information on item 10B stating that this is an agreement concerning MS4 to fulfill a TCEQ requirement. She stated that items 10C and 10D are to provide agreements to allow for developer maintenance of landscaping within the right of way. Mr. Heath made a motion to approve items 10B, 10C and 10D. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

11. Discuss and consider action

- 11A.** [2018-6485](#) Discuss and consider action to approve a Supplemental Agreement #1 with Freese and Nichols, Inc. in the amount of \$3,442,165 for professional engineering services associated with the plant expansion final design and bid phase services for the Central Wastewater Treatment Plant.
- Mr. Heath made a motion to table the item. Mr. Metayer seconded the motion. Mayor Pro Tem Peña was absent from the dais and did not vote on the item. All others voted in favor. The motion carried.**
- 11B.** [2018-6523](#) Discuss and consider action to award a construction contract for the Central Wastewater Treatment Plant (WWTP) Expansion Interim Improvements to Central Road and Utility, LTD, the lowest responsible bidder of six (6) bids received on January 25, 2018, in the amount of \$832,142.30 and authorizing the City Manager to execute same.
- Ms. Giannini provided information, stating that the item is needed to address capacity concerns and to allow for TCEQ compliance within the interim prior to completion of the plant expansion. Mr. Weiss made a motion to approve the item. Mr. Marsh seconded the item. Mr. McDonald was absent from the dais and did not vote on the item. All others voted in favor. The motion carried.**
- 11C.** [2018-6519](#) Discuss and consider action to award a construction contract for the Heatherwilde/Windermere Subdivision Streets Project to Aaron Concrete Contractors, LP, the lowest responsible bidder of seven (7) bids received on January 23, 2018, in the amount of \$2,835,225.25 and authorizing the City Manager to execute same.
- Ms. Giannini provided information on the item. Ms. Davis provided information on the project. Council discussion with Ms. Davis and Ms. Giannini followed. Mr. Heath made a motion to approve. Mr. Marsh seconded the motion. All voted in favor. The motion carried.**
- 11D.** [2018-6524](#) Discuss and consider action to authorize the City Manager to execute Change Order #1 for the 1849 Park Phase 1B Project to Denucci Contractors, LLC., an overall deduction from the contract in the amount of \$388,045.00.
- Mr. Hemenes provided information. He explained that the item is for a deduction to create capacity for sports lighting, parking and playgrounds. Mr. Hemenes answered questions of the Council and discussed the project. Mr. Marsh made a motion to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.**
- 11E.** [RES-0495](#) Discuss and consider action to adopt a resolution approving a Performance Agreement for economic development incentives between the Pflugerville Community Development Corporation (PCDC) and Live

Oak LLC, aka Project Flack.

Ms. Amy Madison, Executive Director of the PCDC, provided information and answered questions of the Council. Mr. Fletcher and Ms. Barron also provided input. Mr. Heath stated that this seems like a light use for this location and he would prefer a multi-story facility. Mr. Fletcher explained that this addresses a need for campus industrial. He provided information on water and wastewater extensions to be provided through the site. Ms. Madison provided additional information. Mr. Weiss stated that he thinks that it opens up development opportunities on the north side of SH 45. Ms. Madison spoke on the interest and demand for this product. Mr. Heath mentioned the interest in a multi-story project. There was continued discussion. Scott of Live Oak, LLC, provided comments on their consideration of the project due to the location. He indicated that they are delivering the first phase of what the City intended to do and bringing good companies. Mr. Weiss made a motion to approve the resolution. Mr. Marsh seconded the item. All voted in favor. The motion carried.

Executive Session

Mayor Gonzales announced that the City Council was retiring to executive session for discussion on items 12A and 12B. He read the items and retired to executive session. The time was 9:07 p.m.

- 11F. [2018-6516](#) 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. 2.) Discuss and consider action to appoint an interim Municipal Judge.

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

- 11G. [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 appoint an interim City Manager.

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

Executive Session - Closed

Mayor Gonzales reconvened in open session at 9:51 p.m.

- [2018-6516](#) 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. 2.) Discuss and consider action to appoint an interim Municipal Judge.

Mr. Heath made a motion to appoint Caroline Davis as Interim Municipal Judge with a stipend of \$1,000 a month to extend 2 months after a new Municipal Judge is appointed. Mayor Pro Tem Peña seconded the motion. All voted in

favor. The motion carried.

11G. [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 appoint an interim City Manager.

Mr. Heath made a motion to appoint Trey Fletcher as Interim City Manager with a stipend of \$2,000 a month to extend 2 months after a new City Manager is appointed. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

11H. [2018-6534](#)

Discuss and consider action regarding future agenda items.

Mr. Heath asked for an item for Councilmember McDonald's conference report, for city staff to work with the candidate in advance of transportation projects, and for an item to consider a market absorption study for the SH 130 and SH 45 corridors. Mr. Metayer asked to hold a joint worksession with the Travis County Emergency Services District No. 2 Board. Mr. McDonald asked for an item for to consider the travel and expense policy as discussed during the worksession. Mayor Gonzales indicated his approval for the item. Mr. Fletcher stated that Mr. McDonald has requested an item to consider the city taking over the maintenance of the Colored Addition Cemetery. Mr. Metayer indicated his support for the item.

12. Discuss only

12A. [2018-6506](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding the city ordinance prohibiting donation containers.

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

12B. [2018-6559](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code regarding pending or contemplated litigation regarding *Elliott Martin d/b/a E&J Amusement v. City of Pflugerville*, *Jefferson Schaefer v. City of Pflugerville*, and *Jane Doe v. City of Pflugerville, et al.*"

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

12C. [2018-6514](#)

Discussion regarding travel and expense policy. (Requested by Councilmember Jim McDonald)

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

13. Adjourn

Mr. Marsh made a motion to adjourn. Mr. Heath seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-no, Mr. Metayer-yes, Mr. Heath-yes, Mr. McDonald-yes. The motion carried. The meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on February 27, 2018.