



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, January 24, 2017

7:00 PM

100 East Main Street, Suite 500

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#### Regular Meeting

#### 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, Starlet Sattler and Mike Heath were in attendance. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Karen Thompson, City Secretary; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Jennifer Coffey, Library Director; Emily Barron, Planning Director; James Hemenes, Parks Director; Blake Overmyer, Building Official; Amy Good, Finance Director; Amy Giannini, City Engineer; Rhonda McLendon, Animal Welfare Services Director; Caroline Davis, Municipal Court Administrator; Jessica Robledo, Interim Police Chief; Jacquelyn Smith, CIP Program Manager; 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.

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. Presentations

##### 3A. [2017-5486](#)

Introduction of the City of Pflugerville Interim Police Chief, Jessica Robledo.

Mr. Wade provided comments and introduced Interim Police Chief Jessica Robledo. Interim Chief Robledo provided comments. Mayor Gonzales provided comments.

##### 3B. [2017-5473](#)

Presentation of Employee Service Awards.

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

- 3A.**    [2017-5486](#)            Introduction of the City of Pflugerville Interim Police Chief, Jessica Robledo.
- Interim Chief Robledo announced a reorganization of the Police Department and introduced her command staff: Assistant Police Chief Jim McLean, Commander Jason Smith, Lieutenant William Edwards, Lieutenant Bill Anderson, Lieutenant Keith Ritchie, Lieutenant Daryl Wilkes, and Pflugerville ISD Police Chief Patrick Petherbridge (pending confirmation by Pflugerville ISD).
- 3C.**    [2017-5521](#)            Pflugerville Animal Welfare Services (PAWS) hosts Pfat Cat Pfest on Saturday, January 28, 2017.
- Ms. McLendon presented on the item.
- 3D.**    [2017-5513](#)            Presentation and discussion about the City's Capital Improvement Program.
- Mr. Word presented the quarterly update and answered questions of the Council.

#### **4.     Public Comment**

Lenette Peterson, 2709 Auburn Chestnut Lane, spoke regarding her concerns that there is no safe place to ride a bike in Pflugerville. She stated she would like traffic signals to be more accommodating for cyclists and to have safe routes for cyclists.

#### **Reading of the Consent Agenda**

Item 8A was removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

#### **5.     Approval of Minutes**

- 5A.**    [2017-5516](#)            Approval of the minutes of the January 3, 2017 Special Meeting; January 6, 2017 Quorum; and January 10, 2017 Worksession and Regular Meeting.
- The minutes were approved on the consent agenda.

#### **6.     Ordinances Second Reading**

- 6A.**    [ORD-0340](#)            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 (EAST PECAN STREET) 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.

**6B. [ORD-0339](#)**

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 (HEATHERWILDE BOULEVARD) 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.

**6C. [ORD-0341](#)**

Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO DUMP IT, LLC 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 second reading on the consent agenda. A third reading is required for final approval of this ordinance.

**7. Ordinances Third Reading**

**7A. [ORD-0334](#)**

Approving an ordinance on third 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 third and final reading on the consent agenda.

**7B. [ORD-0335](#)**

Approving an ordinance on third 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 third and final reading on the consent agenda.**

- 7C.**     [ORD-0336](#)     Approving an ordinance on third 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 third and final reading on the consent agenda.**

- 7D.**     [ORD-0337](#)     Approving an ordinance on third 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 third and final reading on the consent agenda.**

- 7E.**     [ORD-0338](#)     Approving an ordinance on third 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 third and final reading on the consent agenda.**

## **9.     Other Actions**

- 9A.**     [2017-5509](#)     Approving budget amendments for the Pflugerville Community Development Corporation (PCDC) for FY17 and providing an effective date.

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

- 9B.**    [2017-5532](#)        Authorizing the City Manager to execute a General Warranty Deed accepting the conveyance of real property from Travis County Municipal Utility District No. 15 to the City of Pflugerville, on which the Falcon Pointe Lift Station No. 4 is located, legally described as Lot 16, Block BB, Falcon Pointe - Section Twelve Final Plat, a subdivision located in Travis County, Texas, according to the map and plat thereof recorded under Document Number 201100163, in the Official Public Records of Travis County, Texas.
- The item was approved on the consent agenda.
- 9C.**    [2017-5547](#)        Approving the appointment of Mr. Kenneth Kidd as a regular member of the Board of Adjustment for a term ending December 31, 2018.
- The item was approved on the consent agenda.
- 9D.**    [2017-5519](#)        Authorizing the City Manager to execute a conditional purchase agreement, easement purchase agreement, and associated conveyance documents between Don Lee Weiss and Gladys O. Weiss and the City of Pflugerville as necessary to acquire real property interests for the Weiss Lane Roadway Project.
- The item was approved on the consent agenda.
- 9E.**    [2017-5520](#)        Authorizing the City Manager to execute a conditional purchase agreement, easement purchase agreement, and associated conveyance documents between Joe Weiss and Mary Emily Weiss and the City of Pflugerville as necessary to acquire real property interests for the Weiss Lane Roadway Project.
- The item was approved on the consent agenda.

#### **Approval of the Consent Agenda**

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

#### **8. Resolutions - Removed from the Consent Agenda**

- 8A.**    [RES-0382](#)        Approving a resolution with the caption reading: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING THE USE OF THE FUNDS DRAWN FROM THE \$3,000,000 IRREVOCABLE LETTER OF CREDIT (ILOC) RELATED TO THE ARISTA PROJECT AS AN ADVANCE OF THE PFLUGERVILLE COMMUNITY DEVELOPMENT CORPORATION'S DEBT REIMBURSEMENT PAYMENTS TO THE CITY.
- Mr. Hyde provided information and stated that this resolution documents the allocation of funds of the Arista Data Center project economic development project ILOC. Mr. Heath indicated that he just wanted the public to know the details and that he appreciates the summary. Mr. Heath made a motion to

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approve the resolution as presented. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

## 10. Discuss and consider action

- 10A. [2017-5515](#) Discuss and consider action to award a construction contract for the Weiss Lane Roadway project to Cash Construction, the lowest responsible bidder of five (5) bids received on January 12, 2017, in the amount of \$18,076,985.00 and authorizing the City Manager to execute same.

Ms. Giannini provided information and answered questions of the Council. She stated that staff recommends awarding the contract for the Weiss Lane Roadway project to Cash Construction, the lowest responsible bidder, in the amount of \$18,076,985.00 with add alternate No. 2 in the amount of \$131,551.00 and add alternate No. 3 in the amount of \$72,857.00, for a total of \$18,281,393.00. Mr. Weiss made a motion to award the construction contract for the Weiss Lane Roadway project to the lowest responsible bidder, Cash Construction, in the amount of \$18,281,393.00 to include the base bid and add alternates No. 2 and No.3. Mr. Heath seconded the motion. All voted in favor. The motion carried.

- 10B. [2016-5417](#) Presentation and discuss and consider action to provide direction to the City Manager regarding the City's Pavement Maintenance Projects for 2017.

Mr. Word provided information regarding the pavement maintenance program and the three-year cracksealing cycle. He recommended allocating this year's funding of \$1.6 million for repair of Grand Avenue Parkway and Lynn Cove and presented some alternatives. Mr. Heath recommended increasing the maintenance budget to provide the need for less reconstruction in the future and cost savings over time. Mr. Heath asked for a programmatic solution to be presented on February 4, 2017. Mr. Marsh suggested this be provided in April. Mr. Heath suggested that a framework be provided on February 4, 2017. Discussion followed. Mr. Heath made a motion to approve the \$1.6 million (as recommended by staff) and ask city staff to bring forward a skeleton as far as a programmatic means to maintain our roadways on an annual basis similar to the 3-year cycle throughout the city, or whatever cycle makes sense, to obtain a consistent performance index that was reflected in the 2015 pavement index report along with the \$1.6 million that had been presented tonight. Mr. Heath explained that it is a directive to staff for discussion and a future council action in April. Mr. Marsh seconded the motion. Mayor Gonzales stated that they have the \$1.6 million and framework. Mr. Marsh seconded the motion. The vote was: Mr. Weiss-no, Mr. Marsh-yes, Mr. Peña-yes, Ms. Sattler-yes, Mr. Heath-yes; Mayor Gonzales-yes. The motion carried.

- 10C. [2017-5537](#) Discuss and consider action to provide direction to the City Manager regarding Pflugerville's role in regional transportation planning.

Mr. Wade stated that they discussed this at the worksession and this item has been provided for Council direction. Mr. Heath stated that the road development cycle needs to be looked at in a larger area. He stated that they have an opportunity to participate in a larger CAMPO study so they can have a plan of action of which roadways to focus on. He stated that one of those

alternatives will be Mokan but at this time they have an opportunity to partner with TxDOT, CAMPO, Travis County, the State Representative's office and Williamson County to make sure we have a cohesive plan. He stated that the city wants to have a seat at the table. He asked if they were willing to cost participate. He stated a need to have an active role and citizen participation. Mr. Marsh asked if it would be beneficial to have our own study. Discussion followed. Mayor Gonzales stated that there are many pieces to this puzzle and he thinks the initial approach for staff would be to come up with a plan that would fall in line with addressing the CAMPO challenge and to present a program and funding match for the city's approach. Mayor Gonzales stated that Mr. Fletcher has been participating with CAMPO for sometime now and he can assist. Mr. Fletcher asked what the direction is. He asked if it is to pursue funding sources with CAMPO and state our level of interest. Mayor Gonzales indicated yes and Mr. Heath added to coordinate a match, get a scope, identify projects and prioritize those projects, and to development a plan to move forward and to identify the responsible agency and the short-term and long-term plan. Mr. Weiss stated that he wants to be sure they address Mokan. Mr. Heath stated that Mokan is an alternative and this time we get to have participation with our residents and hear from our residents on what alternatives are acceptable. He spoke regarding growth and stated that we need to be ahead of it and we are not. Mr. Weiss stated that we need to be realistic regarding the expectations of our citizens. Mr. Heath stated that we need to see what elements are important to the citizens to protect their quality of life. He stated let's reach out and talk to the citizens. Mr. Weiss stated a need for a holistic approach. Mr. Peña stated that we are just going to give staff direction. Mr. Peña made a motion to participate in a plan and get a bigger chair at the CAMPO table and take into consideration the comments of Mr. Heath and Mr. Weiss and get more citizen input. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

**10D. [RES-0384](#)**

- 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 concerning the "North Pointe" Development by Green Island Investments Group, LLC.
- 2.) Open Session Item: Discuss and consider action to approve a resolution in support of economic development of the "North Pointe" Development by Green Island Investments Group, LLC.

Mr. Heath stepped down from the dais to recuse himself from the item for a conflict of interest with his company Alliance Transportation Group. Mayor Gonzales announced that the City Council was retiring to executive session for discussion on the item. He read the item and retired to executive session. The time was 8:45 p.m. Mayor Gonzales reconvened in open session at 9:06 p.m. Mr. Peña made a motion to approve the resolution. Mr. Marsh seconded the motion. All present voted in favor. The motion carried.

**11. Discuss only**

**11A. [2017-5533](#)**

Discussion regarding signs/sign ordinance provisions.

There was no discussion on the item during the regular meeting. Discussion

on the item took place in the earlier worksession.

## **Executive Session**

Mr. Heath rejoined the meeting at 9:08 p.m. Mayor Gonzales announced that the City Council was retiring to executive session for possible discussion on items 11B, 11C, 11D, 11E and 11F. Mr. Wade read the items. Mayor Gonzales retired to executive session at 9:10 p.m.

- 11B.** [2017-5517](#) 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.
- Discussion on the item took place in executive session.**
- 11C.** [2017-5518](#) 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.
- Discussion on the item took place in executive session.**
- 11D.** [2017-5539](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding fair housing regulations and policy.
- Discussion on the item took place in executive session.**
- 11E.** [2017-5546](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding compliance with the Texas Open Meetings Act.
- Discussion on the item took place in executive session.**
- 11F.** [2017-5542](#) 1.) Executive Session Item: Discussion of personnel matters regarding the duties of the Chief of Police, pursuant to Chapter 551.074 of the Texas Government Code and to consult with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding Police Department operations.
- Discussion on the item took place in executive session.**

## **Executive Session - Closed**

Mayor Gonzales reconvened in open session at 11:17 p.m. No action was taken.

## **12. Adjourn**

There being no further business, Mayor Gonzales adjourned the meeting at 11:17 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as \_\_\_\_\_ on February 14, 2017.