



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, February 14, 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 7:09 p.m. Councilmembers Doug Weiss, Jeff Marsh, Omar Peña and Mike Heath were in attendance. Councilmember Starlet Sattler was absent. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Karen Thompson, City Secretary; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; James Hemenes, Parks Director; Amy Good, Finance Director; Blake Overmyer, Building Official; Amy Giannini, City Engineer; Terri Toledo, Communications Director; Cindy Pierce, Development Engineering Director; Jennifer Coffey, Library 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. Discuss and consider action

##### 3A. [2017-5541](#)

Discuss and consider action to approve the appointment of Ms. Jessica Robledo as Police Chief.

Mayor Gonzales provided comments stating that Interim Police Chief has taken the department by storm. Mr. Peña made a motion to approve the appointment of Jessica Robledo as Police Chief. Mr. Weiss seconded the motion. Mr. Marsh stated that Int. Chief Robledo has proven she is a rock star. Mr. Weiss stated that he has been impressed with all Int. Chief Robledo has accomplished so far. All voted in favor. The motion carried. Mayor Gonzales delivered the oath of office to Ms. Robledo as Police Chief. Chief Robledo and Mayor Gonzales provided comments.

**4. Presentation**

- 4A. [2017-5575](#) Mayor's presentation recognizing Ly'Quan Milligan, Hendrickson student athlete representing Pflugerville, Texas at the NoKaOi Football Showcase in Hawaii in July of 2017.

**Mayor Gonzales provided information on the accomplishments of Ly'Quan Milligan and his representing the community at the NoKaOi Football Showcase in Hawaii in July 2017. Mr. Milligan provided information on his invitation to the senior bowl in Hawaii and his request for sponsorships to allow for him and his family to attend.**

**5. Public Hearing**

- 5A. [ORD-0342](#) Conduct the first public hearing on the annexation, for full purposes, five tracts of land totaling 170.63 acres, situated in the E. Kirkland Survey No. 7, Abstract No. 458, of the real property records of Travis County, Texas, and generally located along East Pflugerville Parkway, east of SH 130, and west of Weiss Lane, to be known as the Cactus Commercial South Annexation. (ANX1701-01)

**Mayor Gonzales opened the public hearing item. Ms. Barron provided information on the proposed annexation. There were no requests to speak at the public hearing. Mr. Peña made a motion to close the public hearing. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.**

**6. Public Comment**

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

**Reading of the Consent Agenda**

Item 10B was removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

**7. Approval of Minutes**

- 7A. [2017-5558](#) Approval of the minutes of the January 24, 2017 Worksession and Regular Meeting.

**The minutes were approved on the consent agenda.**

**8. Ordinance First Reading**

- 8A. [ORD-0343](#) 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, CHAPTER 72 REGARDING SPEED LIMITS ON CITY STREETS (WEISS LANE) TO ESTABLISH PRIMA FACIE MAXIMUM

SPEEDS FOR CONSTRUCTION OR MAINTENANCE WORK ZONES; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 72 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$400.00; 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.

## 9. Ordinance Third Reading

- 9A. [ORD-0341](#) Approving an ordinance on third 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 third and final reading on the consent agenda.

## 10. Resolutions

- 10A. [RES-0385](#) Approving a resolution with the caption reading: RESOLUTION BY THE CITY OF PFLUGERVILLE; AUTHORIZING PARTICIPATION IN A COALITION OF SIMILARLY SITUATED CITIES IN CONNECTION WITH THE STATEMENT OF INTENT TO CHANGE RATE CGS (City Gate Service) AND RATE PT (Pipeline Transportation) OF ATMOS PIPELINE-TEXAS FILED ON OR ABOUT JANUARY 6, 2017; AUTHORIZING PARTICIPATION IN RELATED RATE PROCEEDINGS; AUTHORIZING THE RETENTION OF SPECIAL COUNSEL; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

The resolution was approved on the consent agenda.

## 11. Other Actions

- 11A. [2017-5561](#) Authorizing the City Manager to execute a Public Utility Easement Agreement to dedicate City property as a public utility and right of way easement for improvements associated with the Weiss Lane Roadway Project.

The item was approved on the consent agenda.

- 11B.** [2017-5562](#) Authorizing the City Manager to execute a Public Utility Easement Agreement with Frank Caldwell, Ronald F. Beyer, Mike Marsh, Barry L. Clark and John S. Lloyd and the City of Pflugerville for a public utility easement associated with the Weiss Lane Transmission Main Phase 1B Project.

The item was approved on the consent agenda.

- 11C.** [2017-5563](#) Authorizing the City Manager to execute a Public Utility Easement Agreement with Sorento Holdings, LLC and the City of Pflugerville for a public utility easement associated with the Weiss Lane Transmission Main Phase 1B 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. Peña seconded the motion. All voted in favor. The motion carried.

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

- 10B.** [RES-0386](#) Approving a resolution of the City Council of the City of Pflugerville, Texas authorizing a request for the voluntary expansion of the City's extraterritorial jurisdiction and the acceptance of non-annexation development agreement by and between the City of Pflugerville and RRE Austin Solar LLC, its successors and assigns, affecting real property in the City's existing and expanded extraterritorial jurisdiction.

Mr. Fletcher provided information on the item. He answered questions of the Council and Mr. Hyde provided input. Mr. Weiss indicated concerns for the agreement and made a motion to table the item. Mr. Heath seconded the motion. Mr. Daven Mehta was in attendance and provided information on the project. He indicated a need for approval to allow them to complete the project prior to the end of 2018, which is their deadline. Mr. Weiss indicated that he would like to see the project happen and would want to give him three years for substantial completion. Mr. Mehta indicated that they would be comfortable with that. There was continued discussion with Mr. Mehta. Mr. Hyde recommended tabling the item for two weeks to formulate the terms. All voted in favor. The motion carried.

## **12. Resolutions**

Ms. Barron provided a brief overview of items 12A, 12B, 12C, and 12D.

- 12A.** [RES-0389](#) Consider approving a resolution of the City of Pflugerville in support of a request for a 2017 Competitive 9% Housing Tax Credits with the Texas Department of Housing and Community Affairs for Pflugerville Meadows Apartments located at 201 Meadow Lane.

Mark Mayfield, Chief Executive Office of the Texas Housing Foundation, stated that they are an independent public housing authority. He stated that they have picked 17 properties across the state for rehabilitation and would improve the property and then manage it. He stated that acquiring property for rehabilitation is new to them, but they have done many new projects. He explained that the Texas Housing Foundation is unable to go outside their boundary without approval of the resolution under 12B. He stated that they are not asking for anything and would not receive any funding from the taxing body. He stated that they are proud of this effort and what they are doing.

Mayor Gonzales stated that the complex is hidden and is overdue for a facelift. He asked if they would have to relocate people. Mr. Mayfield explained that there would be some tenant displacement, but they would place in another apartment. He stated that they would be totally redoing the interior and exterior of the apartments with a total investment of \$750,000-800,000. There was continued Council discussion with Mr. Mayfield.

Mr. Mayfield explained that the rents would be using tax credit rents. He stated that they are tax exempt but will do a pilot agreement with the city. Mr. Heath recommended tabling the items until specifics are in place. It was noted that applications are due March 1, 2017 and a Council meeting was to take place on February 28, 2017. Mr. Heath stated he would like to protect the current residents. Mr. Mayfield stated that the property is currently a USDA property and their foundation would be using tax credit rents. He stated that thinks there could be a small increase. Mr. Hyde stated that they could approve a resolution with the condition that a pilot agreement be completed before the project is complete. Mr. Marsh asked Mr. Mayfield if they have spoken to the tenants. Mr. Mayfield indicated that they had not, that they are not allowed to. Mr. Mayfield stated that if they don't do the project, the property will remain as it is.

Mr. Gonzales indicated that it seems that it is needed, but that he has concerns for the potential financial and housing implications to the current residents.

Mr. Owen Dundee, indicated he was in attendance for item 12D. He provided information on tax credit rent levels. There was continued discussion with Mr. Mayfield.

Mr. Marsh made a motion to table items 12A and 12B. Mr. Heath seconded the motion. The vote was: Mr. Weiss-no, Mr. Marsh-yes, Mr. Peña-yes, Mr. Gonzales-no, Mr. Heath- yes. The motion carried.

**12B. [RES-0390](#)**

Consider approving a resolution authorizing the Texas Housing Foundation to exercise its powers within the territorial boundaries of the City of Pflugerville, Texas; and authorizing a cooperation agreement for rehabilitation of the Pflugerville Meadows Apartments located at 201 Meadow Lane.

The item was tabled.

**12C. [RES-0388](#)**

Consider approving a resolution of the City of Pflugerville in support of a request for a 2017 Competitive 9% Housing Tax Credits with the Texas Department of Housing and Community Affairs for The Verde at

Heritage Park project located at 701 FM 685.

Clark Colvin, ITEX Executive Vice President of Real Estate Investments and Development, provided information on his company that does development, construction, and property management for 55 developments in Texas. He stated that they are working with the local non-profit, Diversified Horizons. He stated that the project would be a non-profit affordable housing project for seniors 62 and up to be located on 685 near Heritage Park. He stated that no one under 62 could live there and it would be independent living and would be based on HUD rents. He stated that the full application is due March 1, 2017 and they are asking for a resolution of support. He provided information on the competitiveness of the grant and answered questions of Council. Mr. Heath asked to codify the 62 or older in a deed restriction. Mr. Colvin stated that they would agree to that.

Ms. Barron spoke on the area and stated that multi-family is appropriate. It was noted that if they are able to move forward with the project, they will have to get a zoning change and the Council will see them again at that time. Mr. Colvin answered questions.

Mr. Weiss stated that he likes that this is a senior facility. Mr. Weiss made a motion to approve item 12C. Mr. Gonzales seconded the motion. Discussion followed. Mr. Marsh stated that he would like to amend the motion to require a deed restriction to require residents to be ages 62 and up. Mr. Hyde indicated that the owner has control of deed restriction so he is not sure that will have the effect that is desired. Mr. Hyde noted that it would come back in the zoning process and they could discuss those issues at that time. He noted that the recitals of resolution states 62 and up, but it is not binding to subsequent property owners. There was continued discussion. Mr. Heath indicated concerns for the area being a prime retail and commercial area. Mr. Marsh removed his request for amendment. All voted in favor to approve item 12C. The motion carried.

**12D. [RES-0387](#)**

Consider approving a resolution of the City of Pflugerville in support of a request for a 2017 Competitive 9% Housing Tax Credits with the Texas Department of Housing and Community Affairs for The Pointe at Mirror Lake located on the south side of Pflugerville Parkway immediately east of St. Paul's Episcopal Church.

Owen Dundee, AMTEX Development LLC Acquisitions Manager, made a presentation on the project now planned for 67 units with a mix of apartments for seniors age 55 and up, low income and market rate units. He answered questions of Council. Mr. Fletcher answered questions of Council. There was continued discussion of Mr. Dundee and the Council.

Mary Henderson stated that she is a local consultant in Central Texas and she has worked with AMTEX for several years and that she wanted to emphasize the quality of construction and caliber of tenants. She stated that AMTEX is offering something unique, to have seniors and small families together. She stated that this has been found to be very successful to AMEX. She stated of the three projects brought forward tonight, AMTEX is the only one that will offer full ad valorem taxes.

There was no motion on the item. No action was taken on the item.

**13. Discuss and consider action**

- 13A.** [2017-5565](#) Discuss and consider action to authorize the City Manager to execute Change Order #1 in the amount of \$145,000.00 with Muniz Concrete & Contracting, Inc. for additional work associated with the Trail Gap Development Project.

Mr. Hemenes provided an update on the bond program trail project and information on the request for a change order for additional trail connections. Mr. Peña made a motion to approve the item as presented. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

- 13B.** [2017-5514](#) Discuss and consider action to award a construction contract for the Weiss Lane Transmission Main Phase 1B project to Bruce Flanigan Construction, the lowest responsible bidder of sixteen (16) bids received on January 12, 2017, in the amount of \$1,930,930.20 and authorizing the City Manager to execute same.

Ms. Giannini provided information. Mr. Heath made a motion to approve the item as presented. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

- 13C.** [2017-5576](#) Discuss and consider action regarding the Travis County Sheriff's stance regarding immigration enforcement and fiscal impacts to Pflugerville.

Mr. Heath indicated concern for the funding that Travis County is losing and that the City of Pflugerville could be affected by Travis County not being able to partner on roads and infrastructure projects. There was discussion on the item. Staff was to investigate and report back.

- 13D.** [2016-5425](#) Discuss and consider action regarding scheduling and scope of City Council retreat worksessions for 2017.

A worksession was scheduled on March 11, 2017 from 8:00 a.m. to 2:00 p.m. Mr. Heath requested to discuss development patterns.

**14. Discuss only**

- 14A.** [2017-5554](#) Discuss and provide direction concerning the role of the Finance and Budget Committee in the review and adoption of the City's annual budget.

There was Council discussion on the item with Mr. Wade. Council provided direction to the city manager to provide staff time to the Finance and Budget Committee for line by line review of the city budget.

**Executive Session**

Mayor Gonzales announced that the City Council was retiring to executive session for possible discussion on items 14B and 14C. He read the items and retired to executive session. The time was 9:59 p.m.

- 14B.** [2017-5559](#) 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.**

- 14C.** [2017-5560](#) 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.**

### **Executive Session - Closed**

**Mayor Gonzales reconvened in open session at 10:31 p.m.**

### **15. Adjourn**

**There being no additional items of business, Mayor Gonzales adjourned the meeting at 10:31 p.m.**

**Respectfully submitted,**

**Karen Thompson  
City Secretary**

**Approved as presented on February 28, 2017.**