



City of Pflugerville

Minutes - Final

City Council

Tuesday, February 28, 2017

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Victor Gonzales called the regular meeting to order at 7:07 p.m. Councilmembers Doug Weiss, Jeff Marsh, Omar Peña, Starlet Sattler and Mike Heath were in attendance. City employees in attendance: Brandon Wade, City Manager; George Hyde, City Attorney; Karen Thompson, City Secretary; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Emily Barron, Planning Director; Amy Giannini, City Engineer; Jennifer Coffey, Library Director; Terri Toledo, Communications Director; Jacquelyn Smith, CIP Project Manager; Blake Overmyer, Building Official; Amy Good, Finance Director; Jim McLean, Assistant Police Chief; Jason Smith, Police Commander.

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. Presentation

- 3A. [2017-5617](#) Presentation on the Teen Job Pfair being held at the Pflugerville Public Library.

Ms. Coffey introduced Amanda Cawthon, Librarian. Ms. Cawthon provided information on the upcoming Teen Job Pfair.

4. Public Hearing

- 4A. [ORD-0342](#) Conduct the second 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)

Ms. Barron provided information and answered questions. There were no requests to speak at the public hearing. Ms. Sattler made a motion to close the public hearing. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

5. Public Comment

Jim McDonald, 1014 Duke Cove, asked the Council to consider improvements to the streets in the Colored Addition and to think about initiating engineering for improvements to these streets.

Reading of the Consent Agenda

Items 8B, 9B, 9H and 9J were removed from the consent agenda. Ms. Thompson read the items to include the caption of the ordinance under consideration.

6. Approval of Minutes

- 6A. [2017-5597](#) Approval of the minutes of the February 14, 2017 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

7. Ordinance Second Reading

- 7A. [ORD-0343](#) 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 (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 second and final reading on the consent agenda.

8. Resolution

- 8A. [RES-0393](#) Approving a resolution and authorizing the City Manager to execute an interlocal agreement with the Region VIII Education Service Center to allow for City of Pflugerville membership in the The Interlocal

Purchasing Systems (TIPS) purchasing cooperative.

The resolution was approved on the consent agenda.

9. Other Actions

- 9A.** [2017-5574](#) Authorizing the City Manager to Execute a Water Pipeline Easement Agreement with the Baylor Scott & White Medical Centers- Capitol Area and the City of Pflugerville for a Water Pipeline Easement associated with the Pflugerville hospital project.
- The item was approved on the consent agenda.**
- 9C.** [2017-5604](#) Authorizing the City Manager to execute a conditional purchase agreement, easement purchase agreement, and associated conveyance documents between Helen Noneman 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.**
- 9D.** [2017-5605](#) Authorizing the City Manager to execute a Public Access Easement Agreement to dedicate City property at Lake Pflugerville located at 4600 East Pflugerville Parkway as a public access easement for improvements associated with the Weiss Lane Roadway Project.
- The item was approved on the consent agenda.**
- 9E.** [2017-5606](#) Authorizing the City Manager to execute a Public Access Easement Agreement to dedicate a public access easement on City parkland located at 18601 Weiss Lane for improvements associated with the Weiss Lane Roadway Project.
- The item was approved on the consent agenda.**
- 9F.** [2017-5607](#) Authorizing the City Manager to execute a Public Utility Easement Agreement and a Public Access Easement Agreement to dedicate City property at the Water Treatment Plant located at 16805 Weiss Lane as public utility and public access easements for improvements associated with the Weiss Lane Roadway Project.
- The item was approved on the consent agenda.**
- 9G.** [2017-5612](#) Authorizing the City Manager to execute a Public Access Easement between Heatherwilde Homeowners' Association and the City of Pflugerville for the Gilleland Creek Trail Project.
- The item was approved on the consent agenda.**
- 9I.** [2017-5595](#) Submission of the 2016 Racial Profiling Data Report to the City Council as required by Texas Statute Code of Criminal Procedure,

Chapter 2 General Duties of Officers, Art. 2.132 Law Enforcement on Racial Profiling.

The item was approved on the consent agenda.

Approval of the Consent Agenda

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

Resolution- Removed from Consent Agenda

- 8B. [RES-0394](#) Approval of 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.

Mr. Heath asked for information on what had changed. Ms. Barron explained that a statement was needed to be included that states that the city has twice the state average of tax credit units. Mr. Peña made a motion to approve. Mr. Heath seconded the motion. All voted in favor. The motion carried.

Other Actions- Removed from the Consent Agenda

- 9B. [2017-5603](#) Authorizing the City Manager to execute Change Order #1 in the amount of \$94,916.50 with Central Road and Utility LTD for repairs to pavement for accessing the lift station associated with the Carmel Phase 1 Wastewater Interceptor project.

Ms. Giannini provided information. She explained that this project would be removed from the force main project and added to this project to allow for improved timing and for surface treatment after construction is complete. She noted that there would be a net increase of approximately \$32,000. Mr. Heath made a motion to approve. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

- 9H. [2017-5428](#) Submission of the Revised 2014 Racial Profiling Data Report to the City Council as required by Texas Statute Code of Criminal Procedure, Chapter 2 General Duties of Officers, Art. 2.132 Law Enforcement on Racial Profiling.

Assistant Chief McLean explained that Dr. Del Carmon had recommended an additional analysis of data from 2014 which is being presented this evening and from 2015 which will be presented next year. Council discussion with Assistant Chief McLean followed. Mr. Heath made a motion to approve the item. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

- 9J. [2017-5615](#) Approving a reimbursement request in the amount of \$691.67 for Mayor Victor Gonzales for business meeting mileage and expenses.

Mr. Marsh stated that he was unaware that Councilmembers could request a reimbursement. Mr. Hyde stated that if attending events or meetings as mayor

or council, those costs are reimburseable, and it is up to the Council if they would like to define a scope. Council discussion followed with input from Mr. Hyde. Mr. Hyde stated that he would be happy to review the current policy and discuss in the future. Mr. Marsh suggested an item on the March 11, 2017 worksession. Mr. Weiss made a motion to approve the item. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

10. Resolutions

- 10A. [RES-0389](#) Consider approving a resolution of the City of Pflugerville in support of a request for 2017 Competitive 9% Housing Tax Credits with the Texas Department of Housing and Community Affairs for Pflugerville Meadows Apartments located at 201 Meadow Lane.

Ms. Barron provided information. Mr. Marsh asked if any residents had reached out to the city. Ms. Barron indicated that they had not, but that displaced residents would be housed at the owner's expense. Robbye Meyer of Arx Advantage, consultant on the application, stated that they plan to rehabilitate in place and not to displace anyone. She explained that if necessary, they would move the family into a hotel and then back in. She explained that the apartment complex has an agriculture loan currently, and they will transfer the USDA note into the current partnership. She stated that all tenants would be secure, that on a USDA note, any rental assistance is negotiated between the owner and the USDA and tenants are not affected. Mayor Gonzales asked if this is competitive on the funding or if it is different because it is a rehab. Ms. Meyer stated that USDA developments compete statewide and it is extremely competitive, but they are currently at the top of the list. She stated that if they don't have this resolution, then they are out. Council discussion followed with Ms. Meyer. Mr. Weiss stated that he is not seeing a downside. Mr. Weiss made a motion to approve resolutions on items 10A and 10B. Mr. Marsh asked if they are competing with the other applicant (Verde at Heritage Park). Ms. Meyer stated that they are not competing with each other. Mr. Marsh confirmed that the city had received the pilot agreement to reimburse the property taxes. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

- 10B. [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 resolution was approved.

11. Discuss and consider action

- 11A. [2017-5601](#) Discuss and consider action to approve supplemental agreement #5 with LJA Engineering, Inc. in the amount of \$449,069 for professional services associated with material testing and bridge inspection for the Weiss Lane Roadway Project and authorizing the City Manager to execute the agreement.

Ms. Giannini provided information and answered questions. Mr. Heath made a motion to approve as presented. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

Executive Session

Mayor Gonzales announced that the City Council was retiring to executive session for possible discussion on items 11B, 12A, 12B, and 12C. He read the items and retired to executive session. The time was 8:17 p.m.

- 11B.** [2017-5596](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding the proposed Sixth Amendment to the Development Agreement Regarding Bohls North and PCDC Tracts (also known as Sorento). 2.) Open Session Item: Discuss and consider action to approve the Sixth Amendment to the Development Agreement Regarding Bohls North and PCDC Tracts (also known as Sorento) and authorizing the City Manager to execute the amendment.

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

12. Discuss only

- 12A.** [2017-5598](#) 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.

- 12B.** [2017-5599](#) 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.

- 12C.** [2017-5613](#) 1.) Executive Session: The City Council shall meet in executive session pursuant to Section 551.074 of the Texas Government Code to deliberate the evaluation and duties of the City Manager regarding personnel matters. 2.) Open Session Item: Discussion regarding the evaluation and duties of the City Manager regarding personnel matters. (Requested by: Mayor Victor Gonzales and Councilmember Omar Peña)

Discussion on the item took place in executive session.

Executive Session - Closed

Mayor Gonzales reconvened in open session at 9:35 p.m.

- 11B.** [2017-5596](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding the proposed Sixth Amendment to the Development Agreement Regarding Bohls North and PCDC Tracts (also known as Sorento). 2.) Open Session Item: Discuss and consider action to approve the Sixth Amendment to the Development Agreement Regarding Bohls North and PCDC Tracts (also known as Sorento) and authorizing the City Manager to execute the amendment.

Mr. Marsh made a motion to approve the item as read. Mr. Gonzales seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mr. Peña-yes, Ms. Sattler-yes, Mr. Heath-no, Mr. Gonzales-yes. The motion carried.

13. Adjourn

There being no further business on the agenda, Mayor Gonzales adjourned the meeting at 9:36 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on March 14, 2017.