



City of Pflugerville

Minutes - Final

City Council

Tuesday, March 14, 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 7:05 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; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Jeremy Frazzell, Assistant Planning Director; Jessica Robledo, Police Chief; Jennifer Coffey, Library Director; Blake Overmyer, Building Official; James Hemenes, Parks Director; Amy Good, Finance Director; Terri Toledo, Communications Director; Amy Giannini, City Engineer; James Buratti, Digital Content Web Specialist; Melissa Grzybowski, Library Tech.

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.** [2017-5661](#) Presentation on the second annual Pet Pfest scheduled for Wednesday, March 15, 2017 from 2:00 to 4:00 p.m. at the Pflugerville Public Library.

Ms. Coffey introduced creator of the event, Ms. Melissa Grzybowski. Ms. Grzybowski provided information.

- 3B.** [2017-5461](#) Introducing features of the new website Pflugervilletx.gov.

Mr. Buratti provided information and answered questions regarding the new

website.

4. Public Comment

Mr. Tony Hanson, 3213 Evening Breeze Way, introduced himself as a candidate for the Pflugerville Independent School District Board of Trustees, Place 2. He stated that he wants to build a future for all and to partner with the city.

Reading of the Consent Agenda

Items 7A, 7B, 8A, and 8J were removed from the consent agenda. Ms. Thompson read the items along with the caption of the ordinance under consideration.

5. Approval of Minutes

- 5A. [2017-5643](#) Approval of the minutes of the February 28, 2017 Special Meeting, Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

6. Ordinances First Reading

- 6A. [ORD-0344](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FIRST AMENDMENT TO THE FISCAL YEAR 2017 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

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

8. Other Actions

- 8B. [2017-5632](#) Authorizing the City Manager to execute a Public Access Easement Agreement to dedicate a public access easement at the Weiss Lane lift station located at 4644 Tiddle Lane for improvements associated with the Weiss Lane Roadway Project.

The item was approved on the consent agenda.

- 8C. [2017-5648](#) Authorizing the City Manager to execute a Water Pipeline Easement Agreement with Richard Z. Rady and Agatha O. Rady , co-trustees of the Rady Family Trust dated September 8, 1994, and Realtron, Inc. and the City of Pflugerville for a water pipeline easement associated with the Living Spaces project.

The item was approved on the consent agenda.

- 8D. [2017-5651](#) Authorizing the City Manager to Execute a Water Pipeline Easement Agreement with 302New Meister Properties, LLC and the City of Pflugerville for a water pipeline easement associated with the Living

Spaces project.

The item was approved on the consent agenda.

- 8E.** [2017-5652](#) Authorizing the City Manager to Execute a Water Pipeline Easement Agreement with John S. Lloyd, Richard Z. Rady and Agatha O. Rady, Co-Trustees of the Rady Family Trust dated September 8 1994, Realtron, Inc., and First United Corporation, and the City of Pflugerville for a Water Pipeline Easement associated with the Living Spaces project.

The item was approved on the consent agenda.

- 8F.** [2017-5653](#) Authorizing the City Manager to execute a wastewater pipeline easement agreement with 302New Meister Properties, LLC and the City of Pflugerville for a wastewater pipeline easement associated with the Living Spaces project.

The item was approved on the consent agenda.

- 8G.** [2017-5654](#) Authorizing the City Manager to Execute a Wastewater Pipeline Easement Agreement with John S. Lloyd, Richard Z. Rady and Agatha O. Rady, Co-Trustees of the Rady Family Trust dated September 8, 1994, Realtron, Inc., and First United Corporation and the City of Pflugerville for a wastewater pipeline easement associated with the Living Spaces project.

The item was approved on the consent agenda.

- 8H.** [2017-5662](#) Authorizing the City Manager to execute a Wastewater Easement Agreement with Sorento Holdings 2012, LLC and the City of Pflugerville for a wastewater easement associated with the Sorento Wastewater Interceptor Project.

The item was approved on the consent agenda.

- 8I.** [2017-5667](#) Authorizing the City Manager to execute a conditional purchase agreement, easement purchase agreement, and associated conveyance documents between Sacrifice Training, LLC 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.

Action on the Consent Agenda

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

7. Resolutions - Removed from the Consent Agenda

- 7A. [RES-0396](#) Approving a resolution accepting the Fiscal Year 2016 Audit.

Ms. Gillam provided information on the audit with no exceptions or findings, a clean audit. Mr. Heath asked regarding the frequency of changing auditors. Ms. Gillam indicated that the city is able to retain the auditor for up to five years. Mr. Wade stated that there have been discussions regarding changing firms sooner. Mr. Heath made a motion to approve the item as presented. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

- 7B. [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 a revised resolution on the dais for consideration. Mayor Gonzales asked regarding the timing. Mr. Fletcher provided information. Mayor Gonzales made a motion to approve. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

8. Other Actions - Removed from the Consent Agenda

- 8A. [2017-5635](#) Review of the Quarterly Investment Report for the quarter ending December 31, 2016.

Ms. Gillam provided information. Mr. Heath made a motion to approve. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

- 8J. [2017-5665](#) Approving the First Amendment to the Development Agreement regarding Carmel Subdivision and authorizing the City Manager to execute the amendment.

Mr. Heath asked for a synopsis of the amendment. Mr. Fletcher provided information on the amendment to allow for changes to the design requirements to allow for craftsman, farmhouse and tudor revival architectural styles. Mr. Fletcher answered questions. Mr. Heath made a motion to approve as presented. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

9. Resolutions

- 9A. [RES-0399](#) Discuss and consider action to approve a resolution with the caption reading: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ALL DOCUMENTS TO INSTITUTE EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF 2.4393 ACRES OF LAND IN FEE-SIMPLE FOR RIGHT OF WAY PURPOSES AND 0.4685 ACRES OF LAND FOR A PERMANENT PUBLIC UTILITY EASEMENT,

CONSISTING OF TWO PARCELS, OUT OF THE EDWARD FLINT SURVEY NO. 11, ABSTRACT NO. 277, TRAVIS COUNTY, TEXAS AND BEING OUT OF THAT TRACT OF LAND DESCRIBED IN VOLUME 9568, PAGE 80 IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; PROPERTY OWNED AND CLAIMED BY RONNY WAYNE RINDERKNECHT, BECKY RINDERKNECHT KRUEGER, KYLE RINDERKNECHT, AMY RINDERKNECHT, AND DEBRA RINDERKNECHT, INDIVIDUALLY AND AS AN INDEPENDENT EXECUTRIX OF THE ESTATE OF LONNY C. RINDERKNECHT, DECEASED; AND DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS.

Mayor Gonzales opened the item for consideration. Ms. Thompson read the item to include the caption of the resolution under consideration. Mr. Word provided information. Mr. Marsh verified that we have tried to contact the property owner numerous times. Mr. Word stated that they have tried everything that they could reasonably do. He stated that the city would like to come to an agreement with the property owner. Mr. Hyde provided information. Mayor Gonzales stated that the project is critical and time is of essence with the new high school. He stated that it is the city's intent to work with the landowners but we need to emphasize the urgency and have the property owners come to the table. Mr. Word answered questions and discussion followed. Mr. Weiss made a motion to approve 9A as presented. Ms. Sattler seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-no, Mayor Pro Tem Peña-no, Ms. Sattler-yes, Mr. Heath-yes, Mayor Gonzales-yes. The motion carried.

10. Discuss only

- 10A.** [2017-5663](#) Discuss and provide direction to the City Manager regarding the 2016-2017 Strategic Plan.
- There was no discussion on the item during the regular meeting. The item was discussed in the earlier worksession.
- 10B.** [2017-5664](#) Discuss and provide direction to the City Manager regarding the 2017-2018 Strategic Plan.
- There was no discussion on the item during the regular meeting. The item was discussed in the earlier worksession.
- 10C.** [2017-5659](#) Discussion regarding Council meeting procedures. (Requested by: Mayor Pro Tem Omar Peña)
- There was no discussion on the item during the regular meeting. The item was discussed in the earlier worksession.
- 10D.** [2017-5666](#) Discussion regarding update on progress of the downtown plan. (Requested by: Councilmember Jeff Marsh)
- There was no discussion on the item during the regular meeting. Discussion on the item was postponed to March 28, 2017 during the earlier worksession.

Executive Session

Mayor Gonzales announced that the Council was retiring to executive session for possible discussion on items 10E, 10F, 10G, 10H, and 10I. Ms. Thompson read the items. Mayor Gonzales retired to executive session. The time was 7:47 p.m.

- 10E.** [2017-5641](#) 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.
- 10F.** [2017-5642](#) 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.
- 10G.** [2017-5669](#) 1.) Executive Session: The City Council shall meet in executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice regarding development of the MoKan Right-of-Way.
- Discussion on the item took place in executive session.
- 10H.** [2017-5668](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding scope and capacity to bind city to agreements pursuant to Texas contract law.
- Discussion on the item took place in executive session.
- 10I.** [2017-5646](#) 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 related to personnel matters. 2.) Open Session Item: Discussion regarding the evaluation and duties of the City Manager regarding personnel matters.
- There was no discussion on the item.

Executive Session - Closed

Mayor Gonzales reconvened in open session at 8:47 p.m. No action was taken.

11. Adjourn

Ms. Sattler made a motion to adjourn. Mayor Gonzales seconded the motion. The vote was: Mr. Weiss-yes; Mr. Marsh-yes; Mayor Pro Tem Peña-no; Ms. Sattler-yes; Mr. Heath-no; Mayor Gonzales-no. The motion failed. The Council laughed and the meeting was adjourned by consent at 8:47 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on March 28, 2017.