



# City of Pflugerville

## Minutes - Final - Final

### City Council

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Tuesday, November 14, 2017

7:00 PM

100 East Main Street, Suite 500

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#### 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, Starlet Sattler, and Mike Heath were in attendance. City employees attending: Brandon Wade, City Manager; Charles Zech, City Attorney; Karen Thompson, City Secretary; Jennifer Stubbs, Assistant City Secretary; Tom Word, Assistant City Manager; Trey Fletcher, Assistant City Manager; Jennifer Coffey, Library Director; Terri Toledo, Communications Director; James Hemenes, Parks Director; Cindy Pierce, Development Engineering Director; Jessica Robledo, Police Chief; Jason Smith, Assistant Police Chief. Rudy Metayer and Jim McDonald, Councilmembers Elect, attended.

#### 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.**

Boy Scout Troop 191 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.**

Boy Scout Troop 191 led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

**C. Moment of silence in memory of Mr. Blake Overmyer, Building Official for the City of Pflugerville.**

Mayor Gonzales provided comments and observed a moment of silence to honor Mr. Blake Overmyer.

#### 3. City Council Announcements

Mayor Pro Tem Peña stated that he had received high praise from the Mayor of another city regarding the City Manager and Police Chief at this week's CAMPO meeting. Mayor Gonzales provided comments regarding the Victim

Services Graduation Ceremony. He recognized and extended appreciation to the graduates. Mr. Heath provided comments regarding the Veterans Day Ceremony in Pflugerville. Mr. Heath also provided comments regarding Thanksgiving approaching and encouraged the community to support those in need this holiday season.

Pursuant to Texas Government Code Sec. 551.0415. a member of the governing body may make an announcement about items of community interest during a meeting of the governing body without having given notice of the subject of the announcement.

"Items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
- (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

#### 4. Presentations

- 4A. [2017-6201](#) Appreciation presentation for outgoing Councilmember Starlet Sattler for service to the City as Councilmember from May 2008 to November 2017.

Mayor Gonzales provided comments and indicated to extend great respect and appreciation to Ms. Sattler. He read a proclamation declaring November 14, 2017 as Starlet Sattler Day in the City of Pflugerville and presented the proclamation and a plaque to Ms. Sattler.

- 4B. [2017-6289](#) Presentation of Texas Recreation and Park Society (TRAPS) Conservation and Volunteerism Award to the Parks and Recreation.

Mayor Gonzales provided an introduction. Mr. Hemenes announced that the City of Pflugerville received the award presented by the Central Region of TRAPS at its regional conference for Mr. Eddie Garcia's work in conservation and volunteerism, including the Drop-by-Drop program, Adopt-a-trail program, Community Gardens and youth volunteer programs.

#### 5. Public Hearing and Ordinance First Readings

Mayor Gonzales indicated to address items 5A, 5B, 5C and 5D. Mr. Terrell Palmer, the City's Financial Advisor, stated that the result of the sale today provided a very favorable interest rate at 3.31% overall. He stated that the refunding of the bonds on item 5D will result in a savings of \$1,622,437. He stated that Standard and Poors rated the City AA, which is an

acknowledgement of a strong economy and the strong fiscal management of the City of Pflugerville. He recommended awarding the bonds to the underwriter and moving to the closing. He noted that Clayton Chandler of McCall, Parkhurst and Horton, the City's bond counsel, was also in attendance to address any questions. Mayor Gonzales moved to the public hearings and consideration of the ordinances.

**5A.** [ORD-0373](#)

Conduct a public hearing regarding the issuance of City of Pflugerville, Texas Combination Tax and Limited Revenue Certificates of Obligation, Series 2017A and consideration and action with respect to "Ordinance Authorizing the Issuance of City of Pflugerville, Texas Combination Tax and Limited Revenue Certificates of Obligation, Series 2017A; Authorizing the Levy of an Ad Valorem Tax and the Pledge of Certain Net Revenues in Support of the Certificates; Approving an Official Statement, a Purchase Agreement and a Paying Agent/Registrar Agreement; and Authorizing Other Matters Related to the Certificates." (Utility - wastewater capital improvements)

**Ms. Thompson read the item to include the caption of the ordinance under consideration. There were no requests to speak at the public hearing. Mr. Weiss made a motion to close the public hearing. Ms. Sattler seconded the motion. All voted in favor. The motion carried.**

**Mr. Weiss made a motion to approve the ordinance. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.**

**5B.** [ORD-0374](#)

Conduct a public hearing regarding the issuance of City of Pflugerville, Texas Combination Tax and Limited Revenue Certificates of Obligation, Series 2017B and consideration and action with respect to "Ordinance Authorizing the Issuance of City of Pflugerville, Texas Combination Tax and Limited Revenue Certificates of Obligation, Series 2017B; Authorizing the Levy of an Ad Valorem Tax and the Pledge of Certain Net Revenues in Support of the Certificates; Approving an Official Statement, a Purchase Agreement and a Paying Agent/Registrar Agreement; and Authorizing Other Matters Related to the Certificates." (TIRZ developer reimbursement)

**Ms. Thompson read the item to include the caption of the ordinance under consideration. There were no requests to speak at the public hearing. Ms. Sattler made a motion to close the public hearing. Mr. Heath seconded the motion. All voted in favor. The motion carried.**

**Mr. Heath made a motion to approve 5B as presented. Ms. Sattler seconded the motion. All voted in favor. The motion carried.**

**5C.** [ORD-0375](#)

Conduct a public hearing regarding the issuance of City of Pflugerville, Texas Limited Tax Bonds, Series 2017 and consideration and action with respect to "Ordinance authorizing the Issuance of City of Pflugerville, Texas Limited Tax Bonds, Series 2017; Authorizing the Levy of an Ad Valorem Tax in Support of the Bonds; Approving an Official Statement, a Purchase Agreement, and a Paying Agent/Registrar Agreement; and

Authorizing Other Matters Related to the Bonds." (Street and Park Projects 2014 and 2015 general obligation bond elections)

Ms. Thompson read the item to include the caption of the ordinance under consideration. There were no requests to speak at the public hearing. Mr. Weiss made a motion to close the public hearing. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

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

**5D.**    [ORD-0383](#)

Conduct a public hearing regarding the issuance of City of Pflugerville, Texas Limited Tax Refunding Bonds, Series 2017 and consideration and action with respect to "Ordinance authorizing the Issuance of City of Pflugerville, Texas Limited Tax Refunding Bonds, Series 2017; Authorizing the Levy of an Ad Valorem Tax in Support of the Bonds; Approving an Official Statement, a Purchase Agreement, an Escrow Agreement and a Paying Agent/Registrar Agreement; Calling Certain Obligations for Redemption and Authorizing Other Matters Related to the Bonds."(bond refunding)

Ms. Thompson read the item to include the caption of the ordinance under consideration. Mr. Weiss asked when the City would recognize the savings. Mr. Palmer indicated that debt service savings would be seen ins Fiscal Years 2018-2035. He stated that the number of years matches the original bond and the annual savings would be \$127,000. There were no requests to speak at the public hearing. Mr. Weiss made a motion to close the public hearing. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

Ms. Sattler made a motion to approve the ordinance. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

**6.    Public Comment**

J. Linnen, 16911 Copperhead Dr, indicated concern that the contract made regarding Windermere Water rates provides that if the City's rates are increased, then Windermere customers will see an increase. Mr. Wade stated that the agreement provided that Windermere increases would be tied to the CPI, not the City's increases. Mr. Linnen stated that Windermere water is still nasty and no one drinks it. He stated that they have approved a private company to investigate the system. He stated that he has to change his filters more than one time a month. He stated that Windermere has charged the Homeowners Association for \$43,000 of water that they did not use. He asked if the agreement that was made precludes the Homeowners Association in suing Windermere. Mr. Wade indicated that he would investigate.

Robert Forsyth, 513 Red Tailed Hawk, stated that he has heard the City of Pflugerville voted against the bus system in 1999, but the population was fewer then and he would think it would be helpful now for the disabled and that it would be good to re-evaluate now.

Roderick Wesley, 1603 Quail Run, voiced concerns regarding the condition of sidewalks, streetlights and streets in need of repair as well as trees hanging over the streets within the Gatlinburg neighborhood. Mr. Wade stated that Mr.

Word can provide him with information on the plans for these items.

Sonya Harry, 1301 Abaco Harbour Cove, voiced concerns regarding road construction occurring behind her home in the middle of the night. She stated that she is in attendance as a citizen and asking for relief for construction to cease at 10:00 p.m. Mr. Wade stated that Mr. Word can address her questions.

Nick Bonacci Stark, 17815 Madden Drive, voiced concerns for cars parking on the street in front of his home. He explained that he thinks that the spot in front of his home should be designated for him and that he should be able to have the cars in front of his home towed.

## Reading of the Consent Agenda

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

### 7. Approval of Minutes

- 7A. [2017-6303](#) Approval of the minutes of the October 24, 2017 Worksession and Regular Meeting.  
The minutes were approved on the consent agenda.

### 9. Ordinances First Reading

- 9A. [ORD-0382](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS CONVEYING 1.263 ACRES OF LAND IN THE CITY OF PFLUGERVILLE, TEXAS AT THE SOUTHEAST CORNER OF SH 130 AND KELLY LANE TO COSTCO WHOLESALE CORPORATION PURSUANT TO AN ECONOMIC DEVELOPMENT AGREEMENT AUTHORIZED UNDER CHAPTER 380 OF THE LOCAL GOVERNMENT CODE; AUTHORIZING THE CITY MANAGER TO EXECUTE A SPECIAL WARRANTY DEED; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY.  
The ordinance was approved on first reading on the consent agenda.

### 10. Ordinances Second Reading

- 10A. [ORD-0372](#) Approving an ordinance on second reading with a caption reading AN ORDINANCE OF THE CITY OF PFLUGERVILLE TEXAS CLOSING, VACATING, ABANDONING AND CONVEYING A PORTION OF KELLY LANE IN THE CITY OF PFLUGERVILLE, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED WITHOUT WARRANTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN

CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

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

## 11. Other Actions

- 11A. [2017-6288](#) Approving an Interlocal Agreement between Pflugerville Community Development Corporation and the City of Pflugerville, Texas pertaining to infrastructure improvements.

The item was approved on the consent agenda.

- 11B. [2017-6309](#) Approving an Interlocal Agreement between the City of Pflugerville, Texas and Travis County Emergency Services District No. 2 for the allocation of sales tax revenue.

The item was approved on the consent agenda.

- 11C. [2017-6304](#) Approving a reimbursement request from Mayor Victor Gonzales for business meeting mileage and expenses in the amount of \$329.89 for attendance at the Texas Municipal League Conference held in Houston Texas October 4-6, 2017, the CAPCOG (Capital Area Council of Governments) monthly General Assembly meeting held on October 16, 2017 in Austin, Texas and the Austin Chamber Regional Growth Solutions meeting held on October 30, 2017 in Austin, Texas.

The item was approved on the consent agenda.

- 11D. [2017-6154](#) Cancelling the December 26, 2017 City Council Worksession and Regular Meeting.

The item was approved on the consent agenda.

### Approval of the Consent Agenda

Mayor Gonzales made a motion to approve the consent agenda. Ms. Sattler seconded the motion. Mr. Heath was absent from the dais and did not vote. All others voted in favor. The motion carried.

## 8. Resolutions

- 8A. [RES-0469](#) Approving a resolution with the caption reading: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS ADOPTING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PFLUGERVILLE, TEXAS AND COSTCO WHOLESALE CORPORATION; PROVIDING FOR AN EFFECTIVE DATE.

Item 8A was removed from the consent agenda. Mr. Fletcher provided information. He stated that the Costco economic development agreement is related to the PCDC and ESD 2 agreements approved on the consent agenda. Mr. Heath returned to the dais. Mr. Fletcher stated that staff recommends approval. Mayor Pro Tem Peña stated that he wanted to recognize Mr. Whelan and to thank him for his persistence. Mayor Gonzales read a request for public comment statement from Anthony Nguyen, 19905 Tree Sap Way, indicating support for approval of the item. Mr. Weiss confirmed with Mr. Fletcher that the economic development agreement provides no relief on property tax. Mr. Fletcher confirmed that it is all from sales tax proceeds. Mr. Weiss made a motion to approve. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried. Mr. Brian Whelan thanked the City Council for their support through the long process. He stated that the professionalism of the City has been second to none. Mr. Heath stated to thank the PCDC, ESD and the TIRZ for their participation.

## 12. Discuss only

### 12A. [2017-6306](#)

Discussion regarding the process of placing items on the agenda. (Requested by Councilmembers Mike Heath and Jeff Marsh.)

**Discussion on the item took place during the earlier worksession. There was no discussion on the item during the regular meeting.**

### 12B. [2017-6302](#)

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 regarding:

A. Costco

**Discussion on the item took place in executive session during the earlier worksession. There was no discussion on the item during the regular meeting.**

## 13. Discuss and consider action

### 13A. [2017-6296](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code and deliberation regarding the purchase, exchange, lease or value of real property identified as ABS 260 SUR 22 ELISON T ACR 62.5900 (1-D-1) in Travis County, Texas and located on New Sweden Church Road, Manor, TX, 78653 pursuant to Chapter 551.072 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action authorizing the purchase of approximately 62.59 acres of real property identified as ABS 260 SUR 22 ELISON T ACR 62.5900 (1-D-1) in Travis County, Texas and located on New Sweden Church Road, Manor, TX, 78653 and further authorizing the City Manager to take all necessary actions, including executing all documents required for the purchase of the real property.

There was no discussion on the item in executive session during the regular meeting. Mayor Gonzales read the open session item for consideration. Mr. Word provided information and stated that the property is important for future utility needs. He answered questions of the Council. He indicated that with the expansion of the current plant, it provides the potential to serve customers in both the Wilbarger and Cottonwood basins with an expected population of 250,000 to 300,000 in the future. Mr. Weiss asked if the purchase is covered by the current wastewater rates. Mr. Word indicated that it is. Mr. Weiss made a motion to approve the purchase of property. Mr. Heath seconded the motion. All voted in favor. The motion carried.

**13B.** [2017-6298](#)

Discuss and consider action regarding future agenda items.

Mr. Weiss asked for an item to discuss small cell node legislation. Mr. Weiss asked for an item to discuss the budget regarding expenditures. Mr. Weiss asked for an item to review all policies that they need to review. Mr. Marsh indicated to provide a second for all of the items. Mr. Heath asked that staff sit with the new councilmembers. Mr. Wade indicated that he does.

**14. 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-yes; Mayor Gonzales-yes. The motion carried. The meeting was adjourned at 7:58 pm.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as presented on November 28, 2017.