



# City of Pflugerville

## Minutes - Final - Final

### City Council

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Tuesday, September 25, 2018

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. Mayor Pro Tem Omar Peña and Councilmembers Doug Weiss, Jeff Marsh, Rudy Metayer, and Jim McDonald were in attendance. Councilmember Mike Heath was absent. City employees attending: Sereniah Breland, City Manager; Charlie Zech, City Attorney; Trey Fletcher, Assistant City Manager; Karen Thompson, City Secretary; Jennifer Stubbs, Assistant City Secretary; Jason Smith, Assistant Police Chief; Emily Barron, Planning Director; Jennifer Coffey, Library Director; Terri Toledo, Communications Director; Amy Good, Finance Director; Brian McDougal, Interim Public Works Director; Wayne Granger, Field Operations Superintendent; and Erin Sellers, Senior Planner; Helen Wright-Jones, Police Department Public Information Officer.

#### 2. Opening

##### A. Pledge of Allegiance to the Flag of the United States of America

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

Mayor Gonzales led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag

##### C. Moment of Silence

Mayor Gonzales observed a moment of silence.

#### 3. Items of Community Interest

Councilmember Metayer stated that the police department did a great job in the rib eating contest; that it was for a good cause and it is good to see them participate in the community.

#### 4. Presentations

- 4A.**    [2018-7078](#)        Presentation on the Pflugerville Public Library Comic Con event to be held September 29, 2018.
- Ms. Coffey provided comments and invited the public out to the 3rd Annual Comic Con to be held on Saturday, September 29th at the Pflugerville Public Library.**
- 4B.**    [2018-7011](#)        Presentation by the Pflugerville Police Department on the Public Safety Day at the Pfield on September 29, 2018.
- Ms. Wright-Jones provided a video inviting the public to Public Safety Day at the Pfield on Saturday, September 29th.**
- 4C.**    [2018-6908](#)        Proclamation declaring Tuesday, October 2, 2018 as National Night Out in the City of Pflugerville.
- Mayor Gonzales read and presented the proclamation to Ingrid Friedman, Rosie Salinas and Lt. Chet Vronka from the Pflugerville Police Department. Lt. Vronka provided comments.**

**5.      Public Comment**

**Michael Goin, 1111 Disraeli Circle, spoke in support of the ACC election.**

**6.      Ordinances First and Final Reading**

- 6A.**    [ORD-0424](#)        Discuss and consider action to approve an ordinance on first and final reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FISCAL YEAR 2019 BUDGET FOR THE CITY OF PFLUGERVILLE, TEXAS.
- Mayor Gonzales opened and read the item to include the caption of the ordinance under consideration. Mayor Gonzales stated that a public hearing, as required by the City of Pflugerville City Charter and Local Government Code, was held on the proposed fiscal year 2019 budget on September 18, 2018 and all required notices have been published. He stated that the City Attorney's Office has reviewed the ordinance and approves as to form. He stated that the fiscal year 2019 budget must be approved prior to the approval of the property tax rate which is the next item on the agenda. He stated that staff recommends approval of the Fiscal Year 2019 Budget as presented.**
- Mayor Pro Tem Peña made a motion to approve 6A as read. Mr. Marsh seconded the motion. All voted in favor. Motion carried.**
- 6B.**    [ORD-0423](#)        Discuss and consider action to approve an ordinance on first and final reading with the caption reading: TAX LEVY ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS FOR FISCAL YEAR 2019.
- Mayor Gonzales opened and read the item to include the caption of the ordinance under consideration. Mayor Gonzales stated that tonight the City Council will vote on the ordinance setting a tax rate in order for the tax rate to**

be effective October 1, 2018. He stated that the current proposed rate of 49.76 cents exceeds the effective tax rate and the Tax Code requires a record vote with at least 60% of the members of the governing body voting in favor of the action. He stated that all required notices have been published and public hearings for the proposed tax rate were held on September 11 and September 18, 2018. He stated that these notices and public hearings were required because the proposed tax rate for fiscal year 2019 of 49.76 cents is higher than the calculated effective rate of 48.70 cents and will raise more ad valorem tax revenue.

Mayor Gonzales stated that the tax levy ordinance includes language as required by the Texas Tax Code and has been reviewed and approved as to form by the City Attorney's Office. He stated that the proposed rate of 49.76 cents is equivalent to the FY19 calculated rollback rate and is a reduction from the FY18 adopted rate of 53.99 cents. He stated that the proposed FY19 maintenance and operation rate is an effective increase of 8% over the FY18 maintenance and operation rate.

Mr. Metayer made a motion that the property tax rate be increased by the adoption of a tax rate of 49.76 cents per \$100 of valuation, which is effectively an 8% increase in the tax rate. Mr. Marsh seconded the motion. All voted in favor. Motion carried.

## **7. Resolution**

### **7A. [RES-0548](#)**

Discuss and consider action to approve a resolution ratifying the property tax increase reflected in the City's fiscal year 2019 operating budget.

Mayor Gonzales opened the item for consideration and stated that pursuant to the Texas Local Government Code, a municipality is required to take a separate vote to ratify the property tax when the adoption of the budget will raise more property tax revenue than in the previous year. He stated that at the proposed rate of 49.76 cents, the 2019 proposed budget will raise more property tax revenue than last year's budget by \$1,371,683 (5.2%) and of that amount \$884,082 is tax revenue to be raised from annexations and new property added to the tax roll this year. He stated that this additional action is required to complete the property tax rate approval and staff recommends to approve the resolution as presented to ratify the tax rate.

Mayor Gonzales made a motion to approve the resolution. Mayor Pro Tem Peña seconded the motion. All voted in favor. Motion carried.

## **8. Discuss and consider action**

### **8A. [2018-7063](#)**

Conduct candidate introductions and take action to appointment members to the Youth Advisory Council (YAC).

Mayor Gonzales opened the item, provided comments, and commended Jennifer Stubbs. He introduced the candidates in attendance and recommended appointment of all the candidates. Mr. Weiss made a motion to approve all 13 candidates to the Youth Advisory Council. Mr. Marsh seconded the motion. All voted in favor. Motion carried.

## Reading of the Consent Agenda

Ms. Stubbs read the consent agenda to include the caption of the ordinance under consideration.

### 9. Approval of Minutes

- 9A. [2018-7060](#) Approval of the minutes of the September 11, 2018 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

### 10. Ordinance Second Reading

- 10A. [ORD-0425](#) Approving an ordinance on second reading with the caption reading: ORDINANCE BY THE CITY OF PFLUGERVILLE, TEXAS ("CITY") DENYING A PROPOSED INCREASE SOUGHT BY ATMOS ENERGY-MIDTEX DIVISION IN CONNECTION WITH THE RATE INCREASE FILING IT MADE ON ABOUT JUNE 1, 2018; APPROVING AN ALTERNATIVE INCREASE IN RATES; DIRECTING ATMOS TO FILE CONFORMING TARIFFS AND TO REIMBURSE THE CITY'S RATE CASE EXPENSES; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE.

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

### 11. Resolution

- 11A. [RES-0547](#) Approving a resolution with the caption: RESOLUTION OF THE CITY OF PFLUGERVILLE ADOPTING THE DOWNTOWN ACTION PLAN (2019-2021).

The resolution was approved on the consent agenda.

## Action on the Consent Agenda

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

### 12. Discuss and consider action

- 12A. [2018-7064](#) Discuss and consider action authorizing an application for 5310 Transit Funds in support of continuity of services with the Capital Area Rural Transit Service (CARTS).

Mr. Fletcher provided a presentation and comments about the grant that will continue service that is currently provided. He stated that action is requested to provide authorization to submit this grant due on Friday. Councilmember Metayer provided comments. Discussion followed. Mr. Marsh made a motion to approve 12A as read. Mr. Metayer seconded the motion. All voted in favor. Motion carried.

**12B. [2018-7077](#)**

- 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding City Attorney.
- 2.) Open Session: Discuss and consider action to approve City Attorney fee structure.

Mayor Gonzales read the item and announced that the City Council was retiring to executive session. The time was 7:34 p.m. The City Council reconvened in open session at 7:51 p.m. Mayor Gonzales was absent from the dais. Mayor Pro Tem Peña was presiding. Mr. Metayer made a motion to approve the shareholder rate from \$180 to \$195 and reduce administrative rate to \$230 for shareholders. Discussion followed. Mr. Marsh seconded the motion. All present voted in favor. Mayor Gonzales was absent from the dais and did not vote on the item. The motion carried.

### **Supplemental Agenda Item**

**12C. [2018-7085](#)**

Discuss and consider action to approve a Right of Way Encroachment License Agreement for 303 W. Wilbarger Street, located at the southeast corner of West Wilbarger Street and North 4th Street and authorizing the City Manager to execute the agreement.

Mayor Gonzales was absent from the dais and did not participate in discussion or action on the item. Mayor Gonzales has a conflict of interest in that he is the property owner for the property in question. Ms. Barron provided information and answered questions of the Council. Mr. Marsh made a motion to approve 12C as read. Mr. Metayer seconded the motion. All present voted in favor. Mayor Gonzales was absent from the dais and did not vote on the item. The motion carried.

**13. Adjourn**

Mr. Marsh made a motion to adjourn. Mr. Metayer seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-no, Mr. Metayer-yes, Mr. McDonald-yes. The motion carried. Mayor Gonzales was absent and did not vote. The motion carried. The meeting was adjourned at 7:54 p.m.

Respectfully submitted,

Jennifer Stubbs  
Assistant City Secretary

Approved as presented on October 9, 2018.

