



# City of Pflugerville

## Minutes - Final - Final

### City Council

---

Tuesday, April 9, 2019

7:00 PM

100 East Main Street, Suite 500

---

#### 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 meeting to order at 7:01 p.m. Mayor Pro Tem Omar Peña and Councilmembers Doug Weiss, Jeff Marsh, Rudy Metayer, Mike Heath and Jim McDonald were in attendance. City employees attending: Sereniah Breland, City Manager; Charlie Zech, City Attorney; Trey Fletcher, Assistant City Manager; Brian McDougal, Interim Assistant City Manager; Karen Thompson, City Secretary; Emily Barron, Planning Director; Amy Good, Finance Director; Jennifer Coffey, Library Director; Terri Toledo, Communications Director; Maggie Holman, Public Information Officer, Patricia Davis, Interim City Engineer; Chad Wood, Interim Public Works Director; Wayne Granger, Streets and Drainage Superintendent; Matt Woodard, Water Conservation and Regulatory Manager; Jessica Robledo, Police Chief; Jason Smith, Assistant Police Chief; Mayo Neyland, Police Commander; Manny Duarte, Interim Development Engineering Director; Wiley Webb, Utility Superintendent; Abby Morrison, Capital Improvement Program Manager.

#### 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.

Items were addressed in the order as recorded in the minutes.

#### 3. Items of Community Interest

Mayor Gonzales provided comments on the Youth Advisory Council and American Legion's Images of Service project and reception held on April 7, 2019 which highlighted the veterans in the community.

Mr. Metayer commended Central Health for coming out to the Rock Gym to provide resource information.

Mr. Metayer provided comments on providing support to two community members with homes struck by lightning.

Mr. McDonald provided information on ShelterBox training to provide emergency shelter to those in crisis.

Mr. Weiss announced that there will be a school board election on May 4, 2019 and early voting starts April 22, 2019.

Mr. Weiss stated that a reception for retiring school board member Carol Fletcher will be held on April 24, 2019 from 4:30 to 6:00 p.m. at the Rock Gym.

Mr. Heath announced that today was the first ozone action day. He stated that information is available at <https://aircentraltexas.org/>.

Mr. Heath provided information on the Pflugerville Education Foundation and stated that they are a great organization that provides many scholarships.

Mr. Heath announced that Mr. Metayer has been asked to give a commencement speech at the University of Texas on May 25, 2019.

Mr. Heath commended Mayor Gonzales, the Youth Advisory Committee and the American Legion on the Images of Service project. He stated that importance of capturing these stories and shared some family photos of his relatives in their military service and some of their stories. He stated that it is important to remember the sacrifices that have been made.

Mayor Pro Tem Peña commended Mayor Gonzales on the State of the City on April 2, 2019.

Mayor Pro Tem Peña announced that it is World Autism Month and Sexual Assault Awareness Month.

#### **4. Presentations**

- 4A.** [2019-7496](#) Proclamation declaring the week of April 14 to April 20, 2019 as National Public Safety Telecommunicators Week.

Mayor Gonzales read the proclamation and presented it to the Pflugerville Police Department's Communication Division employees in attendance.

- 4B.** [2019-7360](#) Presentation of Main Street Plazapalooza Community Engagement Project.

Ms. Barron provided information on the item.

4C. [2019-7517](#) Engineering Department annual presentation.

**Mr. Fletcher stated that item 9F on the agenda is an item to appoint Patricia Davis as City Engineer. Ms. Davis presented on the item.**

4D. [2019-7524](#) Present update regarding Pflugerville Pforward: Master Transportation Plan efforts to date and expected activities over the next two months.

**Mr. Wood presented on the item and answered questions of the Council.**

## 5. Public Hearing and Ordinance First Reading

5A. [ORD-0458](#) Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville, Texas, amending and updating Chapter 53 of the City code of ordinances regarding the City's Drought Contingency Plan by amending and updating the public notification policy, and authorizing drip irrigation provisions under stage 2 restrictions; providing that this ordinance shall be cumulative; repealing all ordinances to the extent they are in conflict; providing for severability; providing for a penalty for a violation of Chapter 53, as a class C misdemeanor and fine in an amount not exceed \$2,000.00; and providing an effective date.

**Mayor Gonzales opened the public hearing and read the item to include the caption of the ordinance under consideration. Mr. Woodard provided information and answered questions of Council. There was Council discussion on the item with input from Mr. Zech. There were no requests to speak at the public hearing. Mr. Marsh made a motion to close the public hearing. Mr. Metayer seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.**

**Mr. Marsh made a motion to approve the ordinance on first reading. Mr. Metayer seconded the motion. All voted in favor. The motion carried. Ms. Breland announced that Mr. Woodard has been promoted to Regulatory Manager.**

## 6. Public Comment

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

## 10. Discuss and consider action

10B. [RES-0600](#) Discuss and consider action to approve a resolution adopting the Infrastructure and Land Use Study associated with Pflugerville's historic Colored Addition Subdivision.

**Ms. Davis provided information on the review of the infrastructure and land use and existing conditions that was performed. Ms. Barron spoke on the public engagement of the project and the recommendations included in the proposed plan for improvements to the area. She answered questions of the Council.**

Urcha Dunbar- Crespo, 1230 Disraeli Circle, thanked staff for working with the citizens to make this happen. There was continued discussion. Mayor Pro Tem Peña made a motion to approve the resolution. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

## Reading of the Consent Agenda

Items 7A, 8B, 9C, 9D, 9E, and 9F were removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

### 8. Ordinances Second Reading

- 8A. [ORD-0453](#) Approving an annexation ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, annexing, for full purposes, a 149.96 acre tract of land, out of the Joseph Weihl Survey No. 8, Abstract No. 802, in Travis County, Texas of the Real Property Records of Travis County, and a tract of land encompassing Weiss Lane right-of-way generally located between East Pecan Street and Kelly Lane; extending the boundaries of the City to include the land; and to be zoned Agriculture/ Development Reserve (A); to be known as the Weiss High School 2019 Annexation; binding the land to all of the acts, ordinances, resolutions and regulations of the City; approving a service plan; and providing an effective date. (ANX1901-01)

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

- 8C. [ORD-0457](#) Approving an ordinance on second reading with the caption reading: An ordinance of the City Council of the City of Pflugerville, Texas Code of Ordinances, by adopting a trademark usage fee policy; providing a cumulative clause; repealing all ordinances to the extent they are in conflict with the amended sections; providing for severability; and providing for an effective date.

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

### 9. Other Actions

- 9A. [2019-7502](#) Approving the appointment of Lisa Ely as a regular member of the Parks and Recreation Commission for an unexpired term ending December 31, 2020.

The item was approved on the consent agenda.

- 9B. [2019-7509](#) Approving a Storm Water Facilities Maintenance Covenant, License and Agreement for the TRI Business Park development, located at 1801 Central Commerce Court, and authorizing the City Manager to execute the agreement.

The item was approved on the consent agenda.

## Action on the Consent Agenda

Mr. McDonald made a motion to approve the consent agenda. Mr. Heath seconded the motion. Mayor Gonzales and Mr. Marsh were absent from the dais and did not participate in the vote on the item. All present voted in favor. The motion carried.

## 7. Approval of Minutes

- 7A.** [2019-7508](#) Approval of the minutes of the March 26, 2019 Worksession and Regular Meeting.
- Mr. Heath stated that he does not believe that the minutes properly characterize his statements regarding items 10B, 10C, 10D and 10E and he would like to add that he stated that not executing the contracts would be reckless and endanger Pflugerville's ability to provide wastewater service to residents. Mr. McDonald made a motion to approve the minutes as amended by Mr. Heath. Mr. Metayer seconded the motion. Mayor Gonzales was absent from the dais and did not participate in the vote on the item. All present voted in favor. The motion carried.
- 8B.** [ORD-0455](#) Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, adopting the first amendment to the Fiscal Year 2019 Budget for the City of Pflugerville; and providing an effective date. (replacement bus and additional funding - mobile stage).
- Mayor Pro Tem Peña opened and read the item to include the caption of the ordinance under consideration. Mayor Gonzales returned to the dais. Mr. Heath asked about the bus. Discussion followed regarding it being more cost effective to get a new bus than to invest \$12,000 in seat repair for the bus which is 16 years old. Mr. Metayer stated that he was shocked by the status of the bus and thinks that we can do better. Mr. Heath made a motion to approve the ordinance on second reading as presented. Mr. Metayer seconded the motion. All voted in favor. The motion carried.
- 9C.** [2019-7511](#) Approving a professional services agreement with DTS Engineering, LLC in the amount of \$117,875.00 for professional services for the City-Wide Pavement Re-Evaluation and Assessment.
- Mr. Heath stated that he pulled the item to denote how important this project is to the City as far as our needs for road maintenance and that they need to be prepared to utilize the information in the budget process. He made a motion to approve 9C as presented. Mr. Metayer seconded the motion. Council discussion followed. Mr. Heath stated that this is much needed. All voted in favor. The motion carried.
- 9D.** [2019-7512](#) Approving the selection of CP&Y, Kimley-Horn, LJA Engineering, Johnson Mirmiran & Thompson (JMT), Halff Associates, Pape-Dawson, and Cobb Fendley to provide professional services associated with the 2019-2021

Transportation Improvements Projects and authorizing the City Manager to enter into negotiations as needed regarding scopes of work and fee proposals.

**Mr. Metayer indicated that he received his answer from staff and he is comfortable with what is proposed. He made a motion to approve the item as shown. Mr. Heath seconded the motion. All voted in favor. The motion carried.**

**9E. [2019-7513](#)**

Approving a professional services supplemental agreement with Raba Kistner Consultant, Inc. in the amount of \$45,465.00 for professional services for the Grand Avenue Parkway Pavement Distress Evaluation.

**Mr. Heath stated that he pulled the item for additional information. Mr. Wood provided information that the consultant is to continue investigation of the cause of pavement failure. Council discussion followed with Mr. Wood. Mr. Heath made a motion to approve item 9E as presented. Mr. Marsh seconded the motion. All voted in favor. The motion carried.**

**9F. [2019-7526](#)**

Approving the appointment of Ms. Patricia Davis, P.E. as City Engineer.

**Mr. Heath thanked Ms. Davis. Ms. Davis stated that she has her husband and daughters and a host of friends in attendance. Mayor Gonzales thanked them all for being in attendance. Mr. Weiss made a motion to approve Patricia Davis as City Engineer. Mr. Metayer seconded the motion. There were additional Council comments in appreciation of Ms. Davis. All voted in favor. The motion carried.**

**10. Discuss and consider action**

**10A. [2019-7501](#)**

Conduct interviews and discuss and consider action to appoint a regular member and alternate member to the Parks and Recreation Commission for unexpired terms ending December 31, 2019.

**The City Council conducted interviews with the candidates in attendance: Bobbi Neyland and Lenette Peterson. Candidate Tyler McCraney was not in attendance. The Councilmember submitted written nominations to Mayor Gonzales with 1. for the regular member and 2. for the alternate member. Mayor Gonzales read the nominations aloud: Mr. Weiss nominated 1. Peterson and 2. Neyland; Mr. Marsh nominated 1. Peterson and 2. Neyland; Mayor Pro Tem Peña nominated 1. Neyland and 2. Peterson; Mr. Metayer nominated 1. Peterson and 2. Neyland; Mr. Heath nominated 1. Peterson and 2. Neyland; Mr. McDonald nominated 1. Neyland and 2. Peterson and Mayor Gonzales nominated 1. Neyland and 2. Peterson. Ms. Peterson received 4 nominations for the regular member. Mr. Weiss made a motion to appoint Ms. Peterson as the regular member and Ms. Neyland as the alternate member for terms ending December 31, 2019. Mr. Heath seconded the motion. All voted in favor. The motion carried.**

**10C. [2019-7534](#)**

1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for discussion regarding City of Pflugerville vs. 735 Henna, LLC. 2.) Open Session Item: Discuss and consider action regarding City of Pflugerville vs. 735 Henna, LLC.

Mayor Gonzales announced that the City Council was retiring to executive session for discussion on the item. He read the item and retired to executive session. The time was 8:38 p.m. Mayor Gonzales reconvened in open session at 8:41 p.m. Mr. Heath made a motion to approve the settlement in the amount of \$360,000. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

**10D.** [2019-7515](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for discussion regarding contractual issues relating to the Weiss Lane Roadway Project. 2.) Open Session Item: Discuss and consider action regarding the Weiss Lane Roadway Project.

There was no discussion or action on the item.

**11. Adjourn**

Mr. Heath made a motion to adjourn. Mr. McDonald seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 8:42 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as presented on April 23, 2019.