



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, October 26, 2021

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 meeting to order at 7:00pm. Mayor Pro Tem Omar Peña, Councilmembers Doug Weiss, Ceasar Ruiz, Mike Heath, and David Rogers were in attendance. Councilmember Rudy Metayer joined at 7:30pm.

City staff in attendance: Sereniah Breland, City Manager; Trey Fletcher, Deputy City Manager; James Hartshorn, Assistant City Manager; Amy Giannini, Assistant City Manager; Trista Evans, City Secretary; Charles Zech, City Attorney; Emily Barron, Planning and Development Services Director; Patricia Davis, City Engineer; Jason O'Malley, Police Chief; Melissa Moore, Finance Director; Terri Toledo, Communications Director; Maggie Holman, Public Information Officer; Jeremy Frazzell, Assistant Planning Director; Brandon Pritchett, Public Utility Director; Bonita Hall, People and Culture Director; Shane Mize, Parks and Recreation Director.

#### 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

Mayor Gonzales stated a vaccination clinic is held on Wednesdays at the Library from 2-7pm.

Mayor Gonzales stated that Halloween is on Sunday and the City does not

schedule or regulate trick-or-treating asking the community to have fun and be safe.

Mayor Gonzales stated that October is adopt a shelter dog month and adoptions are only \$20.

Mayor Gonzales stated that applications are being accepted for the city boards and commissions for terms beginning January 1, 2022 and can be found online.

Mayor Gonzales stated that the City's next PF 101 class starts in January and applications are currently open online.

Mayor Gonzales stated that election day is November 2 and early voting is October 18-29. Information is available at [pflugervilletx.gov/election](http://pflugervilletx.gov/election).

Mr. Ruiz thanked staff and volunteers for their work during Deutschen Pfest stating it was a wonderful event. Mayor Pro Tem Peña stated he agreed with Mr. Ruiz and it was a wonderful event and staff jumped in after looking low on volunteers and it was a great display of unity.

#### 4. Presentation

##### 4A. [2021-1117](#) Planning and Development Services Annual Presentation

Ms. Barron gave a presentation for the Planning and Development Services annual update providing an overview of the responsibilities of the department, activity of permits and construction, Aspire 2040 Comprehensive Plan, and downtown planning efforts. Ms. Barron answered questions from council regarding provided documentation in more than one language and the development forecast moving forward.

#### 5. Public Comment

Emily Alvers stated not much has changed with the Falcon Pointe disc golf course from the last time she spoke at a council meeting. Ms. Alvers provided a disc golf analysis report from a course designer stating the report showed that the land is largely inappropriate for disc golf and the surrounding areas are vulnerable to flying discs. She stated the same offenders have been breaking the city and HOA rules and the vast majority of the players do not live here. She asked the council to treat the matter with more urgency and close those course to plan a new one in a non-residential area.

Nick Perkins stated he previously spoke against the EMS franchise ordinance and is in opposition of the ordinance as currently written. Mr. Perkins stated that a letter from Mike Bessner was provided that voiced concern about the way it was written stating that it would make it illegal for ESD2 to provide services for residents.

#### 6. Public Hearing and Ordinance First Reading

##### 6A. [ORD-0610](#) 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 Ordinance No. 1203-15-02-24 of the City of Pflugerville, Texas, as amended, by changing the zoning designation of approximately 20 acres of unplatted land, being 20 acres out of the E. Kirkland Survey, Abstract No. 458, Section No. 7, in Travis County,

Texas, from Agriculture/Development Reserve (A) district to Urban: Level 4 (CL4) district; to be known as the Tacara at Weiss Ranch Phase 2 Rezoning (REZ2108-02); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

Mayor Gonzales read the item and opened the public hearing. Mr. Frazzell provided information about the property between Wolf Pack Drive and Pleasanton Parkway and discussed the request. He provided information about the land uses permitted under CL4 district and answered questions from council about the permitted uses. Mr. Frazzell stated that staff recommended approval and the Planning and Zoning Commission unanimously recommended denial due to concerns it being only 20 acres and unknown details surrounding it across from the high school.

Robert Romig, Planning and Zoning Commission Chair, provided comments stating they were concerned about turning it into unrestricted CL4 rather than a planned unit development and did not feel there was enough planning for the property. Mr. Romig answered questions from council and discussion followed regarding land ownership.

The applicant, Paul Linehan, discussed the growth of Pflugerville and the history of the land ownership. He gave a presentation about the land site and answered questions from council. Mayor Pro Tem Peña stated concern that the Planning and Zoning Commission unanimously denied the item. Mr. Linehan stated that they did not understand the Weiss family situation and would be happy to discuss with the commission but wanted to bring it to council to share the merits of the area. Mr. Ruiz stated he has not heard anything to ease his concerns which match the Planning and Zoning Commission concerns. Mr. Linehan discussed some of the plans for the area and answered questions from council.

Discussion followed regarding next steps for the item. Mr. Linehan stated he is seeking council approval and does not want to have to go through the process again.

Mr. Heath made a motion to close the public hearing. Mayor Gonzales seconded the motion. There was no one present wishing to speak under public hearing. All voted in favor. The motion carried.

Mr. Rogers made a motion to approve the ordinance. The motion failed for lack of a second.

Mr. Rogers made a motion to postpone until the next meeting. Mr. Heath seconded the motion. The motion was as follows - Mr. Weiss - no, Mr. Ruiz - no, Mayor Pro Tem Peña - no, Mayor Gonzales - no, Mr. Metayer - no, Mr. Heath - no, Mr. Rogers - yes. The motion failed.

There was additional discussion about possible actions to take for the item.

Mr. Metayer made a motion to approve the ordinance. Mr. Rogers seconded the motion. The vote was as follows: Mr. Weiss - no, Mr. Rogers - yes, Mr. Heath - no, Mr. Metayer - no, Mayor Gonzales - no, Mayor Pro Tem Peña - no, Mr. Ruiz - no. The motion failed.

**6B.** [ORD-0615](#)

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 ordinance No. 549-99-06-08 of the City of Pflugerville, Texas, as amended, by changing the zoning designation of an approximate 12.588- acre tract of land situated in the E. Bebee survey no. 5, Abstract No. 53, Travis County, Texas, from Agricultural/Development Reserve (A) District to Single Family- Mixed Use (SF-MU) District; to be known as the Black Locust Townhomes 2021 rezoning (REZ2108-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

**Mayor Gonzales read the item and opened the public hearing. Mr. Frazzell presented information about the property located on E Black Locust Drive and discussed the request. He provided information on the permitted uses for the single family mixed-use zoning and stated it was recommended for approval by staff and the Planning and Zoning Commission unanimously recommended approval. Mr. Frazzell answered questions from council about the location and completing the loop for street stubs.**

Eric Mann represented the applicant and provided information about the typical townhome unit and answered questions from council.

There was no one present wishing to speak under public comment.

Mr. Rogers made a motion to close the public hearing. Mr. Heath seconded the motion. All voted in favor. The motion carried.

Mr. Weiss asked about requirements for the zoning district for open space. Mr. Frazzell stated that conversation will occur with future planning discussions based on the number of units.

Mr. Rogers moved to approve the ordinance on first reading. Mr. Ruiz seconded the motion. Mayor Pro Tem Peña was not at the dais at the time of the vote. All others voting in favor. The motion carried.

## Reading the Consent Agenda

Ms. Evans read the items on the consent agenda. Item 7A. was postponed.

### 7. Ordinance First Reading

- 7A. [ORD-0616](#) Approving an ordinance on first reading with the caption reading: An Ordinance of the City of Pflugerville, Texas authorizing the execution of a tax resale deed.

This item was postponed.

### 8. Approval of Minutes

- 8A. [2021-1106](#) Approval of the minutes of the October 12, 2021 Worksession and Regular Meeting and October 20, 2021 Special Meeting.

The minutes were approved on the consent agenda.

## 9. Resolutions

- 9A. [RES-0929](#) Approving a resolution authorizing the filing of an application for assistance from the Texas Water Development Board (TWDB) Drinking Water State Revolving Fund (DWSRF) Loan Program for the Water Treatment Plant Expansion Project and authorizing a designated City representative for purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance and the rules of the TWDB.

The resolution was approved on the consent agenda.

## 10. Other Actions

- 10A. [2021-1119](#) Approving Work Authorization 2021-3 with Seven Arrows Land Staff, LLC. in the amount of \$102,500.00 for right-of-way services for the Kelly Lane and Weiss Lane Water Line Projects.

The item was approved on the consent agenda.

- 10B. [2021-1121](#) Authorizing the City Manager to renew a sludge hauling contract with Sheridan Environmental for the hauling of wastewater biosolids in the amount of \$545 per truck.

The item was approved on the consent agenda.

- 10C. [2021-1118](#) Approving action to award an agreement to Cigna for Medical/Pharmacy, Dental and voluntary Vision insurance and New York Life for Life, AD&D, and Disability insurance and authorizing the City Manager to execute the agreement.

The item was approved on the consent agenda.

## Action on the Consent Agenda

Mr. Heath made a motion to approve the consent agenda. Mr. Ruiz seconded the motion. Mayor Pro Tem Peña was not on the dais at the time of the vote. All others voted in favor. The motion carried.

## 11. Discuss and Consider Action

- 11A. [2021-1132](#) Discuss and consider action approving a contract with Acadian Ambulance Services for EMS services in the City and extraterritorial jurisdiction (ETJ) and authorizing the City Manager to execute same.

Mayor Gonzales read the item and opened the item for discussion. Mr. Metayer

requested council retire to executive session to discuss with legal counsel. Mayor Gonzales announced they were retiring to executive session at 8:13pm. Mayor Gonzales reconvened the meeting in open session at 8:34pm.

Ms. Breland provided background information on the item and stated there are still some things staff is working through with Acadian. Ms. Breland thanked Acadian for their effectiveness and efficiency while working through the process. Dr. Emily Kidd, Texas Medical Director with Acadian introduced herself and answered questions from council. Mayor Gonzales asked about her span of control, Dr. Kidd stated she has oversight over all care in the state of Texas and discussed that every EMS is required to have their own director. Mayor Pro Tem Peña stated Dr. Kidd had an impressive resume and asked her to share some of her past experiences.

Nick Perkins, Fire Chief, stated he wanted to address several misunderstandings from the last council meeting. He stated ESD2 told staff that they could not currently meet the eight minute response time goal but were interested in adding resources. He stated they estimated it would take about six ambulances to meet that goal. He asked council to look at the other cities and their response time goals and what Acadian is performing. He stated that ESD2 does not perform any kind of debt collection practice.

Trevor Stokes stated they have spent ten years trying to figure out the best way to provide ALS service to the city and council did not listen to the petition or previous comments. He discussed previous actions of council and stated that citizens want the right to vote on public safety. He stated that ESD2 is not employing any tactics at the polls and he knows this decision has weighed on the community for many years. He stated council heard from the chief tonight speak facts because he has been doing it for 25 years and they are all here to serve the public.

Amanda Baum, Regional Vice President with Allegiance stated at the last meeting there were discussions about the bids and she is available to answer questions. Mr. Ruiz asked about their response times. Ms. Baum stated they bid six units based on the growth seen in the area and answered questions from council regarding location and the units needed.

Rusty Wood, Director of Operations with Acadian, discussed the Bastrop situation with their multiple zones. Mr. Wood provided information about the requirements to stay in compliance and stated it would be up to Acadian to make that happen. Mr. Wood discussed the compassionate billing program and answered questions from council about dynamic deployment. Mr. Ruiz asked about regular shifts and concerns about fatigue. Mr. Wood stated they have regular shifts of 24 hours on 48 hours off and that there would be a main hub in the city where they may be able to rest during shifts.

Mr. Metayer stated with Ms. Breland's statement that there were still items to work through staff should be given the time to do so. Discussion followed regarding when the agreement would be ready, stating it should be ready the next day. Mayor Pro Tem Peña stated staff should get it ready and council could call a special meeting if needed.

**11B.** [2021-1133](#)

Discuss and consider action to reschedule the November 23, 2021 City Council Worksession and Regular Meeting to November 30, 2021.

Mayor Gonzales opened the item for discussion. Mr. Metayer moved to approve the item. Mr. Rogers seconded the motion. Mayor Pro Tem Peña voted no. All others voted in favor. The motion carried.

- 11C. [2021-1135](#) Discuss and consider action to direct the City Attorney to draft an amendment to the City's zoning regulations for the purpose of addressing fencing in commercial districts in certain situations.

Mayor Gonzales opened the item for discussion. Mr. Metayer made a motion to approve the item as stated. Mr. Rogers seconded the motion. Discussion followed regarding the fence on Black Locust. Mr. Weiss stated concerns about pursuing specific exemptions and stated a variance may be more appropriate. Discussion followed regarding discussion with legal and what this process would provide for. The vote was as follows: Mr. Weiss - no, Mr. Ruiz - no, Mayor Pro Tem Peña - no, Mayor Gonzales - no, Mr. Metayer - yes, Mr. Heath - yes, Mr. Rogers - yes. The motion failed.

12. Discuss Only

- 12A. [2021-1127](#) Discussion regarding Water Certificate of Convenience and Necessity in the Extra Territorial Jurisdiction of Pflugerville.

Discussion on this item occurred in the previous posted worksession.

- 12B. [2021-1067](#) Request to place item on future agenda.

13. Adjourn

Mayor Gonzales adjourned the meeting at 9:24pm

Respectfully submitted,

Trista Evans, City Secretary

Approved as \_\_\_\_\_ on November 9, 2021.