



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, September 26, 2023

7:00 PM

1611 Pfennig Lane

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#### Regular Meeting

#### 1. Call to Order

Mayor Victor Gonzales called the meeting to order at 7:01pm. Mayor Pro Tem Doug Weiss and Councilmembers Ceasar Ruiz, Kimberly Holiday, Rudy Metayer, Jim McDonald, and David Rogers were in attendance.

City staff in attendance: Sereniah Breland, City Manager; James Hartshorn, Deputy City Manager; Emily Barron, Assistant City Manager; Thomas Hunter, Assistant City Manager; Terri Toledo, Director of Management Services; Trista Evans, City Secretary; Jason O'Malley, Police Chief; Charles Zech, City Attorney; Robbi Craig, People and Culture Director; Jeremy Frazzell, Planning and Development Services Director; Robyn Miga, Assistant Planning and Development Services Director; Jeff Dunsworth, City Engineer; Brandon Pritchett, Public Utility Director; Flip Romero, Communications Director.

#### 2. Opening

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

Cub Scout Pack 406 led those in attendance in the Pledge of Allegiance to the Flag of the United States of America.

##### B. Pledge of Allegiance to the Texas State Flag

Cub Scout Pack 406 led those in attendance in the Pledge of Allegiance to the Texas State Flag.

##### C. Moment of Silence

Mayor Gonzales led those in attendance in a moment of silence.

#### 3. Public Comment

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

#### 4. Presentations

- 4A. [2023-0072](#) Mayor's proclamation declaring Tuesday, October 3, 2023 as National Night Out in the City of Pflugerville.

**Mayor Gonzales read the proclamation and presented it to representatives from the Police Department.**

- 4B.** [2023-0432](#) Mayor's proclamation declaring September 25 - 29, 2023 as Finance and Accounting Appreciation Week in the City of Pflugerville.

**Mayor Gonzales read the proclamation and presented it to representatives from the Finance Department.**

### **Reading of the Consent Agenda**

**Ms. Evans read the captions of the ordinances and stated items 5H. and 5K. were removed and all remaining items may be acted upon in a single motion.**

### **5. Other Actions**

- 5A.** [ORD-0744](#) Approving an ordinance on second 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 an approximately 97.882-acre tract of land and an approximately 0.224-acre tract of land generally located at the southeastern intersection of Cameron Road and Jesse Bohls Road from the Agriculture/Development Reserve (A) district to Planned Unit Development (PUD) district, with a base zoning designation of Single-Family Residential and Single Family Mixed-Use, to be known as the Meadowlark Preserve PUD (2023-1-PUD); Providing for Repeal of conflicting ordinances; providing for severability; and providing an effective date.

**The ordinance was approved on second reading on the consent agenda.**

- 5B.** [ORD-0745](#) Approving an ordinance on second reading with the caption reading: An ordinance approving the 2023 Annual Update to the Service and Assessment Plan and Assessment Roll for the Martin Tract Public Improvement District including the collection of the 2023 annual installments.

**The ordinance was approved on second reading on the consent agenda.**

- 5C.** [ORD-0749](#) Approving an ordinance on second reading with the caption reading: An Ordinance amending the City of Pflugerville Code of Ordinances Title XV Land Usage, Chapter 153, Planning, by repealing and replacing the 2011 Parks, Recreation, and open space master plan adopted by resolution No. 1285-11-05-24-0037 with the 2023 Parks, Recreation, and Open Space Master Plan; providing for severability; and providing an effective date.

**The ordinance was approved on second reading on the consent agenda.**

- 5D. [2023-0890](#) Approving the minutes of the September 12, 2023 Worksession, and September 12, 2023 Regular Meeting.  
**The minutes were approved on the consent agenda.**
- 5E. [2023-0842](#) Approving the purchase of construction services from Fun Abounds, Inc. for the Park Maintenance Pole Barn Project at 1849 Park in the amount of \$193,428 and authorizing the City Manager to execute the same.  
**The item was approved on the consent agenda.**
- 5F. [2023-0877](#) Approving a lease agreement with Williams Scotsman, Inc. for three (3) office space trailers to be placed at the current Public Works Facility in the amount of \$197,435, and authorizing the City Manager to execute the same.  
**The item was approved on the consent agenda.**
- 5G. [2023-0895](#) Approving an updated credit agreement for roadway impact fees with HEB in the amount of \$2,502,781.62 for the construction of an extension of Colorado Sand Drive south of E. Pflugerville Pkwy, construction of a traffic signal at E. Pflugerville Pkwy and Colorado Sand Drive, and construction of an extension of Utah Sands Drive, all located generally southeast of E. Pflugerville Pkwy and SH 130; and authorizing the City Manager to execute the same.  
**The item was approved on the consent agenda.**
- 5I. [RES-1140](#) Approving a resolution with the caption: A resolution of the City Council of the City of Pflugerville, Texas, authorizing the acceptance, in accordance with City parkland dedication requirements and through special warranty deed, of certain real property described as Lot 59, Block A, Final Plat of Vine Creek, Phase 1 A subdivision in Travis County, Texas, recorded in Document No. 201900193 of the official public records of Travis County, Texas; Lot 18, Block A, Final Plat of Vine Creek, Phase 2, A subdivision in Travis County, Texas, Recorded in Document No. 202100016 of the official public records of Travis County, Texas; Lots 14 and 60, Block L, Final Plat of Vince Creek Phase 7, a subdivision in Travis County, Texas, Recorded in Document No. 202100210 of the Official Public Records of Travis County, Texas; and Lot 59, Block L, Final Plat of Vine Creek, Phase 6, a subdivision in Travis County, Texas, Recorded in Document No. 202200107 of the Official Public Records of Travis County, Texas, and directing and authorizing the City Manager and City Attorney to take all necessary actions to complete the land conveyance to the City.  
**The resolution was approved on the consent agenda.**
- 5J. [RES-1145](#) Approving a resolution authorizing the City Manager to enter into a license agreement for the maintenance of the Vine Creek public parkland

by the homeowner's association; and providing an effective date.

**The resolution was approved on the consent agenda.**

- 5L. [RES-1143](#) Approving a resolution establishing Roadway Impact Fee Guidelines to assist with the implementation of Chapter 152, Subchapter B, Roadway Impact Fee Ordinance.

**The resolution was approved on the consent agenda.**

## Action on the Consent Agenda

**Mr. McDonald moved to approve the consent agenda. Mr. Metayer seconded the motion. All voted in favor. The motion carried.**

**Items pulled from the consent agenda will be addressed under Item 8.**

## 6. Public Hearings and Ordinances

- 6A. [ORD-0748](#) 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 the City's Code of Ordinances, Chapter 152, Subchapter B. Roadway Impact Fees to include an updated roadway impact fee service area map and approving a Roadway Impact Fee Study 2023 Update incorporated herein; containing severability and repealer clauses; and providing an effective date.

**Mayor Gonzales read the item and opened the public hearing. Mr. Frazzell reviewed the purpose of the item to update the service area map and reviewed the service areas. Mayor Pro Tem Weiss discussed assessing at the maximum rate. Mr. Metayer discussed infrastructure paying for itself and Pflugerville is not as built out as other cities. Mayor Gonzales asked about the rates in the different sections. Mr. Frazzell provided information.**

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

**Mr. Rogers moved to approve the ordinance on first reading. Mr. McDonald seconded the motion. All voted in favor. The motion carried.**

## 7. Regular Agenda

- 7A. [ORD-0742](#) Discuss and consider approving an ordinance on first reading with a caption reading: An Ordinance of the City of Pflugerville, Texas, Amending Title XV, Land Usage, Chapter 157, Unified Development Code, adopted by Ordinance No. 1073-11-04-12 of the City of Pflugerville, Texas, as amended, by repealing and replacing Subchapter 4.4, Corridor Districts (CL3, CL4, CL5); amending Subchapter 9, Architectural, Site Design, and Layout Provisions, creating 9.10 Corridor

District Design Standards; amending Subchapter 11, Landscaping and Screening Standards; and amending Subchapter 20, Definitions, as shown in Exhibits A, B, C, and D; to be known as the Corridor District Text Amendments; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date.

Mayor Gonzales opened the item for discussion. Mr. Frazzell reviewed public outreach for the past year, the amendments proposed, and adjustments made due to requests from the development community. Mr. Frazzell reviewed what is currently allowed in the CL5 district and discussed the council identified design preferences. Mr. Frazzell discussed multi-family developments in the City and a sample of cities with urban standards.

Blake Reed provided public comment stating he is opposed to the changes and open to having more conversations. Mr. Reed stated he feels like there are complicated issues and the way it is written is not currently feasible.

Stuart Shaw complimented Mr. Frazzell and staff for a good recent meeting and stated he thinks it can be better. Mr. Shaw stated they hired a firm to get input and thinks they can bring forward a better plan. Mr. Shaw asked council not to pass the item and discussed the cost of rent that changes can cause.

Richard Gary discussed acquiring property in the corridor and finding a developer. Mr. Gary discussed hoping changes to the codes would be incentives and discussed projects in Austin. Mr. Gary asked council to table it until December and discussed situation with easement and water services.

Mayor Gonzales asked if the item tonight would preclude working on water access. Mr. Frazzell stated the amendments are to establish use and utilities are outside of the zoning. Discussion followed regarding infrastructure in the area.

Mayor Pro Tem Weiss moved to approve the item. Ms. Holiday seconded the motion. The vote was as follows: Mayor Pro Tem Weiss - yes, Ms. Holiday - yes, Mr. Metayer - no, Mayor Gonzales - yes, Mr. Rogers - no, Mr. McDonald - yes, Mr. Ruiz - yes. The motion failed as six affirmative votes were needed due to a valid petition received.

Mayor Pro Tem Weiss asked those who voted against it what they are looking for. Mr. Rogers stated he thinks there can be something that landowners also support and discussed concern about the impact of structured parking. Mr. Rogers discussed housing issues in San Francisco and stated he does not want to price people out of an apartment in Pflugerville. Mayor Pro Tem Weiss discussed the opportunities provided in the code amendments. Ms. Holiday stated affordable housing is not what the developers are proposing to build. Mr. Metayer stated he would like to see it come back in a couple months. Discussion followed regarding future action on the item. Mayor Pro Tem Weiss stated if it is coming back council will have to provide additional direction. Mr. McDonald provided comment about setting the vision of the City. Discussion followed regarding the developer hired consultant bringing information.

Mr. Rogers moved to direct staff to continue the conversation with the development community and bring a proposal the first meeting in December. The motion died for lack of a second.

**7B.** [2023-0896](#)

Discuss and consider action to approve an addendum to the Lease Agreement with D.J.R. Investments, Wordyisms, to allow food truck vendors for city sponsored events, and authorizing the City Manager to execute the same.

Mayor Gonzales opened the item for discussion. Mr. McDonald recused himself due to conflict of interest. Ms. Barron provided information about the lease amendment to allow food trucks at Wordyisms for city sponsored events only as approved by council at the previous meeting.

Phillip Zendejas stated he was in support of the owners of the Three Legged Goat in their efforts stating they are probably the most veteran supportive business in the city. Mr. Zendejas stated if no food truck is allowed then they will suffer from lack of income.

Mayor Gonzales asked about how Three Legged Goat is involved in the agreement. Ms. Barron clarified that the item is to allow food trucks at the city leased property for city sponsored events only.

Chelsea Robertson stated she is in support of food trucks and having them at the location at times in addition to city events. Ms. Robertson discussed difficulties of business during the pandemic and asked for food trucks to be at that location.

Marilyn Klassen stated Mr. McDonald is not the only owner of the Three Legged Goat and other people will be impacted. Ms. Klassen asked if the trucks were in another location if it would be a problem.

Nicole Gonzales discussed the value that food trucks bring and the benefit to the community. Ms. Gonzales stated they need to think about how small businesses work together collaboratively and how it works at that location. Ms. Gonzales discussed the current amendment as benefiting only the city.

Jackie Sartor stated she is the 2022 Pf101 class president and speaking on behalf of the resident and food truck community. Ms. Sartor encouraged council to consider that what is proposed can adversely impact food truck owners. Ms. Sartor stated she would like the limitation to city events removed from the amendment and not put additional road blocks for small businesses.

Tonya Alexander stated she is the owner of a food truck currently at that location and discussed where the truck was previously located. Ms. Alexander asked for council to consider having food trucks there more than just for city sponsored events and discussed previous conversations with the council and the land owners. Ms. Alexander stated it benefits all business downtown and asked council for an extension to move their truck.

Robert Alexander asked council to reword the addendum to allow food trucks on the property and give an extension to find time to remove the trailer from the property.

David Peters stated he is the Vicar of St. Joan of Arc Episcopal Church and discussed an event they held before the pandemic that had a food truck and that is the memory that sticks with them. Mr. Peters stated he wanted to speak

to allow food trucks and they embody the aspects of small businesses.

Mayor Gonzales asked for clarification on the requirements of the lease. Ms. Breland provided information stating no food trucks are currently allowed on the property. Discussion followed regarding the history of the item and Mr. Zech provided clarification.

Mayor Gonzales stated council was retiring to executive session at 8:54pm. Mayor Gonzales reconvened the meeting in open session at 9:17pm. Mr. Metayer reviewed the item and current usage. Mr. Metayer moved to approve the item as presented. Mr. Ruiz seconded the motion. Mr. McDonald abstained from the vote. The vote was as follows: Mr. Ruiz - yes, Mayor Pro Tem Weiss - no, Mr. Metayer - yes, Mayor Gonzales - yes, Mr. Rogers - no, Ms. Holiday - no. The motion failed.

Mr. Metayer moved to direct staff to work with Alexander family regarding movement from the facility by October 23 and they can be operating during that time. Mr. Ruiz seconded the motion. Mr. McDonald abstained from the vote. The vote was as follows: Mayor Pro Tem Weiss - no, Mr. Ruiz - yes, Mr. Rogers - no, Mr. Metayer - yes, Ms. Holiday - yes, Mayor Gonzales - yes. The motion carried.

- 7C. [2023-0901](#) Discuss and consider action to appoint a delegate to participate at the 2023 Texas Municipal League Annual Business Meeting on behalf of the City of Pflugerville.

Mayor Gonzales opened the item for discussion. Mr. Ruiz motioned to nominate Mr. McDonald as the delegate. Mr. Rogers seconded the motion. Mr. Metayer was not present for the vote. All others voted in favor. The motion carried.

- 7D. [2023-0913](#) Discussion regarding the Pflugerville Community Development Corporation (PCDC) Comprehensive Economic Development Strategic Plan 3.0 (CEDS 3.0).

Discussion on the item occurred during the previously posted worksession.

- 7E. [2023-0112](#) Conduct a presentation on the People and Culture Department.

Discussion on the item occurred during the previously posted worksession.

- 7F. [2023-0909](#) 1.) Executive Session Item: Discussion in accordance with Texas Government Code Section 551.072 Deliberation regarding Real Property related to acquisition of right of way. 2.) Open Session Item: Discuss and consider action regarding acquisition of right of way.

Discussion on the item occurred during executive session in the previously posted worksession. No action was taken.

## 8. Discuss and Consider Items Pulled from Consent Agenda

- 5H. [2023-0898](#) Approving Pflugerville the Trail Capital of Texas Branding.

Mayor Gonzales opened the item for discussion. Mr. McDonald reviewed the recommendation from the Parks Commission and asked if the old fashioned map graphic is still well known. Discussion followed regarding the graphic and the other branding options. Mayor Pro Tem Weiss moved to approve the branding that was recommended by the Parks Commission. Mr. McDonald seconded the motion. The vote was as follows: Mr. McDonald - yes, Mayor Gonzales - no, Mr. Rogers - no, Mr. Ruiz - yes, Ms. Holiday - yes, Mayor Pro Tem Weiss - yes, Mr. Metayer - yes. The motion carried.

**5K.** [RES-1144](#)

Approving a resolution approving the Pflugerville Connect Transit Development Plan.

Mayor Gonzales opened the item for discussion. Mr. Metayer moved to approve the item. Mr. Ruiz seconded the motion. The vote was as follows: Mr. Ruiz - yes, Mr. McDonald - yes, Mr. Metayer - yes, Mr. Rogers - no, Ms. Holiday - yes, Mayor Gonzales - yes, Mayor Pro Tem Weiss - no. The motion carried.

### Regular Agenda

**7G.** [2023-0920](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding litigation: Cause No. D-1-GN-21-003845; *David Rogers, et al. v. Travis County Emergency Services District No. 17, et al*; in the 200th Judicial District Court of Travis County, Texas appealed to the Third Court of Appeals of the State of Texas, Cause No. 03-21-00469-CV. 2.) Open Session Item: Discuss and consider action regarding litigation: Cause No. D-1-GN-21-003845; *David Rogers, et al. v. Travis County Emergency Services District No. 17, et al*; in the 200th Judicial District Court of Travis County, Texas appealed to the Third Court of Appeals of the State of Texas, Cause No. 03-21-00469-CV.

Mayor Gonzales announced City Council was retiring to executive session for discussion on items 7G. and 7H. at 9:36pm. Discussion on the item occurred during executive session. No action was taken.

**7H.** [2023-0824](#)

1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding performance evaluation of the City Manager. 2.) Open Session Item: Discuss and consider action regarding the performance evaluation of the City Manager.

Discussion on the item occurred during executive session. No action was taken. Mayor Gonzales reconvened the meeting in open session at 9:58pm.

**9. Adjourn**

Mayor Gonzales adjourned the meeting at 9:58pm.



Respectfully submitted,

Trista Evans, City Secretary

Approved as \_\_\_\_\_ on October 10, 2023.