



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, August 8, 2023

7:00 PM

1611 Pfennig Lane

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#### Regular Meeting

#### 1. Call to Order

Mayor Victor Gonzales called the regular meeting to order at 7:01pm. Mayor Pro Tem Doug Weiss and Councilmembers Cesar 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, Charles Zech, City Attorney; Trista Evans, City Secretary; Brandon Pritchett, Public Utility Director; Jennifer Coffey Griswold, Library Director; Jeremy Frazzell, Planning and Development Services Director; Flip Romero, Communications Director; Andrea Brinkley, CIP Director; Jeff Dunsworth, City Engineer.

#### 2. Opening

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

Mayor Gonzales led those in attendance in the Pledge of Allegiance to the United States of America.

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

Mayor Gonzales 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. Items of Community Interest

Mayor Gonzales stated Music in the Park is back on Friday, August 25. Mayor Gonzales encouraged everyone to sign up for the Key to the City. Mayor Gonzales encouraged everyone to participate in the Pflugerville Connect survey to identify needs and opportunities for transit. Mayor Gonzales reminded veterans to file for exposure benefits.

Mr. Metayer stated on August 20th the Pflugerville Library is hosting free legal aid for veterans.

#### 4. Public Comment

Dora Smith discussed transportation needs in the city and provided information about her experience needing to travel between home and work. Ms. Smith stated the town is growing rapidly between new businesses and more people. Ms. Smith discussed the needs of everybody to be able to get to work.

Melody Ryan stated after the last council meeting and the removal of a PCDC board members she wanted to speak about diversity. Ms. Ryan stated diversity is also about being open to diverse thoughts and discussed caution in use of tax money. Ms. Ryan suggested the Equity Commission look at the diversity of the PCDC Board and stated open mindedness is essential to good decision making.

Fred Zamora stated he used to be a crossing guard for Timmerman Elementary until he had to resign. Mr. Zamora stated during his time he almost got hit by distracted drivers multiple times and asked for the City's help with improving the sidewalk in that area.

#### 5. Presentations

- 5A. [2023-0690](#) Mayor's proclamation declaring August 8, 2023 as Hendrickson High School Debate Team Day in the City of Pflugerville.

Mayor Gonzales read the proclamation and presented it to the debate team.

#### Reading of the Consent Agenda

Ms. Evans read the caption of the ordinance, stated item 6C. was removed from the consent agenda and all remaining items can be acted upon in a single motion.

#### 6. Other Actions

- 6A. [ORD-0734](#) Approving an ordinance on first reading with the caption reading: An Ordinance of the City of Pflugerville, Texas Code of Ordinance Title VII Traffic Code, Chapter 71 Parking Regulations, Section 71.05 Parking prohibited in certain designated areas by adding No Parking Temporary Construction Zones; providing for a penalty for a violation of Chapter 71 as a Class C misdemeanor and a fine in an amount not to exceed \$500; providing that this ordinance shall be cumulative; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date.

The ordinance was approved on first reading on the consent agenda.

- 6B. [2023-0694](#) Approving the minutes of the July 25, 2023 Worksession, and July 25, 2023 Regular Meeting.

The minutes were approved on the consent agenda.

- 6D.**    [2023-0700](#)            Approving a conditional purchase agreement and associated conveyance documents between Norman and Virginia R. Weiss (Parcel No. 19) and the City of Pflugerville as necessary to acquire real property interests for the 794' Pressure Zone Weiss Lane Kelly Lane Water Line Project and authorizing the City Manager to execute the same.
- The item was approved on the consent agenda.**
- 6E.**    [2023-0701](#)            Approving a conditional purchase agreement and associated conveyance documents between SREIT Park Place Loyola, L.P., (Parcel No. 13) and the City of Pflugerville as necessary to acquire real property interests for the Secondary Colorado River Raw Water Line Project and authorizing the City Manager to execute the same.
- The item was approved on the consent agenda.**
- 6F.**    [2023-0702](#)            Approving a conditional purchase agreement and associated conveyance documents between Buffalo Bills Farms, LLC (Parcel No. 29 & 30) and the City of Pflugerville as necessary to acquire real property interests for the Secondary Colorado River Raw Water Line Project and authorizing the City Manager to execute the same.
- The item was approved on the consent agenda.**
- 6G.**    [2023-0705](#)            Approving a conditional purchase agreement and associated conveyance documents between Sarvi, LLC., (Parcel No. 10) and the City of Pflugerville as necessary to acquire real property interests for the Wilbarger Creek Wastewater Interceptor Project and authorizing the City Manager to execute the same.
- The item was approved on the consent agenda.**
- 6H.**    [2023-0713](#)            Approving the purchase of shade structures at Black Locust and Pflugerville Heights Parks and playground equipment for Royal Pointe Park from The PlayWell Group, Inc. in the amount of \$154,536.67 and authorizing the City Manager to execute the same.
- The item was approved on the consent agenda.**
- 6I.**    [2023-0714](#)            Approving the purchase of shade installation services at Black Locust and Pflugerville Heights Parks and playground equipment installation services at Royal Pointe Park from The PlayWorks, Inc. in the amount of \$93,068.27 and authorizing the City Manger to execute the same.
- The item was approved on the consent agenda.**
- 6J.**    [RES-1125](#)              Approving a resolution regarding submittal of approved Texas Municipal League resolutions.
- The resolution was approved on the consent agenda.**

## Action on the Consent Agenda

Mr. Rogers 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 11.

## 7. Public Hearings and Ordinances

- 7A. [ORD-0731](#) Conduct a public hearing and consider action to approve an Ordinance on first reading with a caption reading: An Ordinance amending the City of Pflugerville Code of Ordinances Title XV Land Usage, Chapter 153, Planning, by repealing and replacing the 2015 Reclaimed Water Master Plan adopted by Ordinance 1198-15-01-27 and as referenced in the adoption of the Aspire Pflugerville 2040 Comprehensive Plan by Ordinance No. 1545-22-04-26; providing for severability; and providing an effective date.

Mayor Gonzales read the item and opened the public hearing. Mr. Pritchett provided an overview of the reclaimed water master plan as presented at the worksession. There was no one present wishing to speak under the public hearing. Mr. Rogers asked if the plan can be approved only up to Phase 1. Mr. Pritchett discussed the schedule and outlined the structure of the master plan. Mr. Rogers discussed concerns about the cost of the following phases. Mr. Pritchett stated each plan will be evaluated before it is implemented. Mayor Gonzales discussed the master plan as a document to be reviewed and changed as needed. Mayor Pro Tem Weiss stated it is a document to state where the city wants to go in the future. Mr. Rogers stated he would like to see more build out in Phase 1 area. Mr. Pritchett answered questions from council about water capacity.

Mr. Rogers moved to close the public hearing. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

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

## Budget and Finance

- 8A. [2023-0688](#) Discuss and consider action to approve the appointment of Tracy Waldron as Finance Director.

Mayor Gonzales opened the item for discussion. Tracy Waldron introduced herself and discussed her previous work experience. Mr. Metayer asked what she brings to Pflugerville. Ms. Waldron discussed her experience in the public sector and using the whole finance team. Mr. McDonald moved to approve the appointment of Tracy Waldron as Finance Director. Mr. Rogers seconded the motion. All voted in favor. The motion carried.

- 10K. [2023-0748](#) Discuss and consider action regarding amending the Lease Agreement

with D.J.R. Investments, Wordyisms, to allow food truck vendors in the parking lot, and authorizing the City Manager to negotiate and execute the same.

Mayor Gonzales opened the item for discussion. Mr. McDonald recused himself due to conflict of interest. Ms. Barron reviewed the request to host up to two food trucks on the Wordyisms property that is currently leased by the city which requires an amendment to the agreement. Mr. Rogers asked about management of food trucks. Ms. Holiday asked about benefit to the city. Mayor Gonzales asked about the process. Ms. Barron provided information about the process.

Mayor Gonzales stated the following people were in support of the item but did not wish to speak: Manuel Reyes, Abraham Galuar, Robert Alexander, Lynde Skellenger, Chelsea Robertson, Marilyn Klassen.

Charlie Torres stated he enjoys going to the business and getting food right there. Mr. Torres stated it is nice to have somewhere they can go and has a lot of friends who are in support of the item.

Pam Littlejohn stated she has been in the restaurant world for over 40 years and discussed her experience with the food truck business. Ms. Littlejohn discussed her experience in Pflugerville and staff who came with her from downtown Austin.

Tonya Alexander provided information about her food truck business. Ms. Alexander stated Pflugerville can be a thriving food hub and discussed why downtown Pflugerville is an attractive destination.

Susan Meyer stated she lives nearby and it is exciting to see what is going on in downtown Pflugerville. Ms. Meyer stated Pflugerville needs more activity and everything is being well attended.

Terry Newsom stated he is not against food trucks and discussed the property being next to the Three Legged Goat owned by Mr. McDonald and Mr. McDonald asking people to be in favor of the item.

Mr. Rogers stated he is a fan of food trucks and is also concerned that the city does not have expertise in management food trucks and possible liability. Mayor Gonzales asked about the responsibility of the city in the parking lot. Ms. Barron provided information about use of the parking lot. Mayor Pro Tem Weiss asked if this is offered elsewhere in the city.

Pam Littlejohn discussed insurance on her food truck and other food truck locations that are no longer available. Mayor Gonzales asked if insurance on the truck covered liability on the city. Mr. Zech stated it did not. Ms. Alexander stated the property where she is currently located was purchased by the city and she has to find a new location. Mayor Gonzales discussed liability for use in the area and discussed developing a strategy for food trucks. No action was taken.

**8C.** [2023-0729](#)

Conduct a presentation on the FY24 Proposed Budget.

Mayor Gonzales opened items 8C. and 8D. Ms. Simpson reviewed the key

budget assumptions including revenue, expenditures, and debt service. Mr. Rogers asked how many full time employees were being added. Mr. Hartshorn stated seven and provided information. Ms. Breland stated she asked staff to be lean this year. Ms. Simpson reviewed tax rate definitions and calculations. Mr. Hartshorn discussed debt costs and facility projects. Discussion followed regarding city owned property. Mr. Hartshorn reviewed the tax rate stating it is less than the 2020 approved voter bonds anticipated. Discussion followed regarding sales tax revenue. Ms. Simpson reviewed tax rate comparison to other cities, stating each city has its own model and may have different utilities. Discussion followed regarding the comparison. Ms. Simpson reviewed the historical tax rate and proposed expenditures. Ms. Simpson answered questions from council about the change in the fund balance due to anticipated facility additions.

Melody Ryan provided public comment discussing the increase in the operating budget over the last two years. Ms. Ryan asked about the amount of projected interest and the amount budgeted to transportation. Ms. Ryan asked if that amount is feasible. Mr. Ryan asked what the increase in the tax rate is due to non voter approved items and stated budget to actual is more informative than comparing budget to budget.

**8D.** [RES-1124](#)

Discuss and consider action to approve a resolution to set a proposed maximum 2023 property tax rate supporting the Fiscal Year 2024 (FY24) budget and schedule the date for the public hearing.

The item was opened with item 8C. Mr. Metayer moved to approve the item as presented to set a proposed maximum 2023 property tax rate of \$0.5362 per \$100 of valuation supporting the FY24 budget and scheduling a public hearing for September 12, 2023 at 7pm at the Justice Center. Mr. McDonald seconded the motion. Mr. Rogers voted no, all others voted in favor. The motion carried.

**10H.** [2023-0551](#)

Discuss and consider action regarding regulation of short term rentals in the City of Pflugerville.

Mayor Gonzales opened the item for discussion. Mr. Rogers stated the concern is primarily about noise. Mayor Gonzales asked if group homes would be managed differently than short term rentals. Mr. Zech provided information about regulations and answered questions about what can and cannot be prohibited. Discussion followed regarding HOAs and their ability to regulate short term rentals. Mayor Pro Tem Weiss discussed regulating from a nuisance perspective and asked and asked about the current noise complaint process. Discussion followed regarding citations being given to the individual causing the noise versus the homeowner. Mr. Ruiz asked how much of a problem it is in the city.

Urcha Dunbar Crespo gave public comment about concerns in residential neighborhoods with short term rentals because they do not know who they are or what they are planning on doing. Ms. Dunbar Crespo stated some homeowners screen tenants but others do not. Ms. Dunbar Crespo spoke about concerns regarding recent litigation that struck down the City of Austin ordinance. Mr. Rogers asked if suggesting a town hall was a good idea and discussed safety concerns.

Mayor Pro Tem Weiss stated some apartment complexes host short term rentals and discussed hotel property tax. Mr. Zech stated that would be a good

way to identify short term rentals and provided comment about zoning use.

Melody Ryan provided public comment stating she serves on the HOA board for her neighborhood and they received several complaints. Ms. Ryan suggested getting ahead of the game.

Mr. Rogers provided comment about discussion with another resident who had concerns. Mr. Ruiz asked if it is a nuisance problem or a short term rental problem. Discussion followed regarding enforcement. Mr. Rogers moved to ask staff to lay the groundwork for a town hall with relevant stakeholders. The motion failed for lack of a second.

## 9. First Supplemental Agenda

### [RES-1108](#)

Discuss and consider action to approve a resolution ordering a General Election for November 7, 2023 for the election of Council Place 2, Council Place 4, and Council Place 6.

Mayor Gonzales opened the item for discussion. Mayor Pro Tem Weiss moved to approve the resolution. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

### [RES-1126](#)

Discuss and consider action to approve a resolution ordering a Special Election for November 7, 2023 for consideration of amendments to the City's Charter.

Mayor Gonzales opened the item for discussion.

Terry Newsom provided public comment regarding the council compensation at \$1 per resident. Mr. Newsom discussed the last Charter Review Commission who voted not to include compensation. Mr. Newsom provided information about other area councils in central Texas stating many do not get paid. Mr. Newsom discussed average salaries of similar sized cities and stated if compensation is going to be added it should be in line with other cities.

Melody Ryan provided public comment stated she disagreed with the proposal. Ms. Ryan stated charter amendments are typically considered by a Charter Review Commission and the last one did not approve compensation. Ms. Ryan discussed the increased tax rate, pros and cons of a paid city council. Ms. Ryan discussed the growth of the city and how it would impact council pay with the proposal.

Mr. McDonald reviewed his proposal to remove the Executive Assistant to the City Council position that was approved last time but they have not been able to materialize that role.

Mr. McDonald discussed the compensation proposal that could be used as a direct salary, to hire a staffer, or to allocated towards a project. Mr. McDonald discussed his process of coming up with the amount. Mayor Gonzales stated people are often shocked to hear they do not get compensation and discussed the amount of work that goes into serving on council stating there should be some compensation. Mr. Ruiz stated he is not comfortable with the number and asked Mr. Newsom and Ms. Ryan how much they thought would be reasonable. Discussion followed regarding the average of similar sized cities.

Jonathan Coffman provided public comment stating he believes in diversification of council and allowing more people to be represented. Mr. Coffman discussed using the median salary in Pflugerville as a way to calculate the amount and setting a baseline threshold and evaluating as the city reaches build out.

Mr. McDonald discussed putting more value on the position. Mr. Rogers stated not charging makes it noble. Ms. Holiday stated she got into this knowing it did not pay but it does eliminate some people like her who would want to run for the position. Discussion followed regarding dates of elections and charter election laws. Mr. McDonald moved to consider an amendment to the charter that councilmembers should be compensated. Mayor Gonzales seconded the motion. The vote was as follows: Mayor Gonzales - yes, Mr. Rogers - no, Mr. Metayer - no, Mr. McDonald - yes, Ms. Holiday - yes, Mayor Pro Tem Weiss - no, Mr. Ruiz - yes. The motion carried.

Mayor Gonzales called a recess at 10:56pm. Mayor Gonzales reconvened the meeting in open session at 11:11pm.

Mr. McDonald asked about tying the compensation to the population. Discussion followed regarding compensation options. Mayor Pro Tem Weiss moved to continue the conversation about council compensation on a charter amendment election for this November 2023 election. Mr. McDonald seconded. The vote was as follows: Mayor Gonzales - yes, Mr. McDonald - yes, Mr. Metayer - no, Mr. Ruiz - yes, Mayor Pro Tem Weiss - no, Mr. Rogers - no, Ms. Holiday - no. The motion failed. Discussion followed regarding the wording of the motion and discussion on the topic continued.

Discussion followed regarding suggested amounts for compensation. Mayor Gonzales made a motion for \$12,000 compensation for the mayor and \$9,000 for council. Mr. Ruiz seconded the motion. The vote was as follows: Mr. Metayer - no, Mayor Gonzales - yes, Mr. Rogers - no, Mr. McDonald - yes, Ms. Holiday - yes, Mr. Ruiz - yes, Mayor Pro Tem Weiss - no. The motion carried.

Mr. Zech reviewed the charter amendment language with the amendment. Mr. McDonald moved to approve the resolution calling a special election for charter amendments for the compensation language as stated by legal and removal of the Executive Assistant to City Council position. Mayor Gonzales seconded the motion. The vote was as follows: Mayor Pro Tem Weiss - yes, Mr. Rogers - no, Mayor Gonzales - yes, Mr. Metayer - no, Mr. McDonald - yes, Ms. Holiday - yes, Mr. Ruiz - yes. The motion carried.

## 10. Regular Agenda

- 8B. [2023-0728](#) Conduct a presentation on the FY24 Utility Cost of Service Study and Rate Recommendation.

Mayor Gonzales opened the item for discussion. Grant Rabon with NewGen Strategies stated they conducted an update to the water and wastewater cost of service and discussed the primary difference is a large increase in capital improvement projects. Mr. Rabon reviewed the revenue requirement forecast and the forecasted rates for water and wastewater service. Mr. Rabon reviewed the historical rates for the city. Discussion followed regarding the



benchmarking residential rate comparisons with surrounding cities. Mr. Pritchett discussed the items that impact rates. Mr. Metayer asked about the least amount required to maintain bond covenants.

Mayor Gonzales called a recess at 11:55pm. Mayor Gonzales reconvened the meeting at 12:02am. Mr. Pritchett discussed requirements for the Texas Water Development Board and WIFIA qualifications. Mr. Metayer asked about the minimum amount needed to meet all the requirements. Ms. Breland discussed historical rates in Pflugerville. Mr. Pritchett discussed utility projects throughout the city. Mr. Rogers asked for detail regarding the raw water line project. Mr. Pritchett provided information and stated this will come back for action at the next meeting.

**10C.** [2023-0707](#)

Discuss and consider action to approve a change order to the construction contract with PLW Waterworks, LLC., in the amount of \$15,793,187 associated with the Water Treatment Plant Expansion Project and authorize the City Manager to execute the same.

Mayor Gonzales opened items 10C. and 10D. together. Ms. Brinkley reviewed the project status of the Water Treatment Plant Expansion Project. Ms. Brinkley discussed membrane retrofit challenges and reviewed the proposed membrane building. Mayor Pro Tem Weiss asked about the necessity and the timing asking why there is such a large change order. Ms. Brinkley discussed the project and previous discussions. Mayor Pro Tem stated concern about the size of the change order. Mr. Rogers asked about the risk that the change order is intended to mitigate. Ms. Brinkley and Mr. Pritchett provided information. Discussion followed regarding the expense. Mr. Thomas stated the items can return to the next meeting with discussion on the questions asked by council.

**10D.** [2023-0703](#)

Discuss and consider action to approve a Professional Services Supplemental Agreement with Ardurra Group, Inc. in the amount of \$775,252.00 for professional engineering services associated with the Water Treatment Plant Facility Expansion Project construction phase services, and authorizing the City Manager to execute the same.

Discussion on the item is included under item 10C. 2023-0707.

**10E.** [2023-0757](#)

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

Mayor Gonzales read the item and stated council was retiring to executive session at 12:41pm. Mayor Gonzales reconvened the item in open session at 1:00am. No action was taken.

**10A.** [2023-0658](#)

Discuss and consider action to approve a resolution regarding a TIRZ reimbursement request for the public infrastructure associated with the NorthPointe East Development.

Mayor Gonzales stated the item was postponed at the request of the applicant.

- 10B.** [2023-0712](#) Discussion and presentation regarding the Pflugerville Community Development (PCDC) Quarter 3 Financial Report.  
**There was no discussion on the item.**
- 10F.** [2023-0685](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for discussion regarding the Texas Open Meetings Act. 2.) Open Session Item: Discuss and consider action regarding the Texas Open Meetings Act.  
**There was no discussion on the item.**
- 10G.** [2023-0749](#) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding evaluation of the City Manager's management of the Planning and Development Services Department.  
**There was no discussion on the item.**
- 10I.** [2023-0677](#) Discuss and consider action on tools and potential policies and procedures related to city growth and incorporation of territory within the City's extraterritorial jurisdiction (ETJ).  
**There was no discussion on the item.**
- 10J.** [RES-1127](#) Discuss and consider action to approve a resolution of the City of Pflugerville, Texas appointing a City Council City Hall Vision and Programming Subcommittee.  
**There was no discussion on the item.**
- 10L.** [2023-0585](#) Discussion regarding a legislative update and Texas Municipal League legislative priorities from Focused Advocacy.  
**The item was discussed during the earlier posted worksession.**
- 10M.** [2023-0619](#) Discussion regarding the proposed Reclaimed Water Master Plan.  
**The item was discussed during the earlier posted worksession.**
- 10N.** [2023-0559](#) Discussion regarding consolidation of right of way acquisitions at a project level.  
**The item was discussed during the earlier posted worksession.**
- 11. Discuss and Consider Items Pulled from Consent Agenda**
- 6C.** [2023-0695](#) Approving a memorandum of understanding between the National Insurance Crime Bureau (NICB) and the City of Pflugerville for the right to access and use the ISO ClaimSearch and authorizing the Chief of Police to execute same.

Mayor Gonzales opened the item for discussion. Chief O'Malley provided information stating NICB is a database for all insurance agencies for officers to check for fraud at no cost. Mayor Pro Tem Weiss stated access to the database helps the department recover property. Mayor Pro Tem Weiss moved to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

**12. Adjourn**

Mayor Gonzales adjourned the meeting at 1:02am.

Respectfully submitted,

Trista Evans, City Secretary

Approved as \_\_\_\_\_ on August 22, 2023.