



# City of Pflugerville

## Minutes - Final - Draft

### City Council

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Tuesday, September 10, 2019

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 7:06 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; James Hartshorn, Assistant City Manager; Karen Thompson, City Secretary; Emily Barron, Planning Director; Jeremy Frazzell, Assistant Planning Director; Robert Polanco, Building Official; Jennifer Coffey, Library Director; Aileen Dryden, Parks Development Manager; Amy Good, Finance Director; Terri Toledo, Communications Director; Maggie Holman, Public Information Officer; Patricia Davis, City Engineer; Jessica Robledo, Police Chief; Shane Mize, Parks and Recreation Director; Suzette Robinson, Public Works Director.

#### 2. Opening

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

Mayor Gonzales lead 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 lead 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 announced that the City would be initiating Stage 3 water restrictions on September 13, 2019. He announced the Police Department's Public Safety Day would take place on September 14, 2019. Mayor Pro Tem Peña announced that seven new officers graduated from the Police Academy.

#### 4. Presentations

- 4A.** [2019-7808](#) Building Department annual presentation.
- Mr. Polanco presented and answered questions of Council.**
- 4B.** [2019-7800](#) Presentation and discussion regarding Kelly Lane intersections.
- Mr. Fletcher presented on the mitigation measures taken regarding Kelly Lane. Mr. Fletcher and Ms. Breland answered questions of Council. There was continued discussion.**
- 4C.** [2019-7820](#) Presentation and discussion regarding the proposed FY20 budget.
- Mayor Gonzales provided comments. Council discussion followed regarding expansion of Kelly Lane budget needs. Mr. Marsh recommended lowering the City Council budget to \$5,000 and using the funds somewhere else or cutting completely from the budget. Mr. Weiss asked regarding the calculation of the sales tax revenue. Ms. Breland stated that they increased over this year's estimate by 7%. Mr. Weiss stated that he wants to make sure we are accurately calculating sales tax, that we have underestimated in the past. Ms. Good stated that last year was the first year of Living Spaces and Costco with unknowns, and she thinks that is why it was underestimated. She stated that she is not aware of large developments coming next year.**
- There was continued Council discussion with Ms. Breland regarding the budget. Council discussed reductions that could be made to the City Council budget.**
- 5. Public Hearing**
- 5A.** [ORD-0478](#) Conduct the first of two public hearings on an ordinance with the caption reading: Tax Levy Ordinance of the City of Pflugerville, Texas for Fiscal Year 2020.
- Mayor Gonzales read the item and opened the public hearing.**
- The following spoke at the public hearing:**
- Jeff Coleman, 14608 Mallard Pond, spoke in opposition to the proposed property tax rate. He spoke regarding the Council decreasing the tax rate by a half a cent each year when he was Mayor. He asked them to find a way to drop the tax rate each year.**
- Henri Traugott, 1227 Swenson Farms Boulevard, spoke in opposition to the proposed property tax rate. He spoke regarding the increases due to home values having gone up and concerns for families that are struggling to make it. He stated that he saw the presentation on growth and that is a lot of revenue stream.**

Bill Harris, 17907 Holderness Lane, spoke in opposition to the proposed property tax rate. He stated that when you get to his age, you look at these tax increases. He stated that he questions a 12.5 percent increase. He stated that he loves Pflugerville and will pay it if he has to.

Timothy Bradberry, 17903 Worley Drive, spoke in opposition to the proposed property tax rate. He stated that the City gets its money from the citizens. He asked the Council to look for places they can cut the budget instead of raising taxes just because they can. He urged them to raise the taxes well below the maximum.

Michael Forsythe, 513 Red Tailed Hawk Drive, spoke in opposition to the proposed property tax rate. He stated that he thinks this is a money grab. He stated concern for people that like Pflugerville but have to move because they cannot afford the taxes. He stated that the taxes are going up with the home values increasing. He stated that the Council needs to relook at the budget and find better ways to take care of the citizens' money.

Lenette Peterson, 2709 Auburn Chestnut Lane, spoke in opposition to the proposed property tax rate. She stated that overtaxation is theft. She stated that citizens are not benefitting from it and taxation is wrong.

Bob Reichenbach, 309 Cottonwood, spoke in opposition to the proposed property tax rate. He stated that he is in the over 65 class and many of his neighbors are widows. He indicated concern that house appraisals are going up and the widows don't know they can protest or are afraid. He stated that living on Social Security is very difficult. He stated that they need to keep this under control and do the hard work to get the number down.

Jessica Crisler, 604 Portchester Castle Path, spoke in opposition to the proposed property tax rate. She stated that she moved from California and the property tax burden here is astounding to her. She stated that she is a stay-at-home mom. She stated that SB2 does not cap what the City can do, it just allows voters to decide with a vote.

Anthony Nguyen, 19905 Tree Sap Way, spoke in opposition to the proposed property tax rate. He asked that the Council keep the property tax rate the same and reduce the budget by \$437,000. He stated that the sales tax was underestimated last year and suggested that they raise the estimate in this year's budget to cover the \$437,000.

Kathryn F. Reichenbach, 309 Cottonwood, spoke in opposition to the proposed property tax rate. She stated that she is living on Social Security and paying for prescriptions and dental with cash. She stated that there will not be enough money at the end of the month if taxes keep increasing. She stated that they love it here and don't want to move, but they will have to. She stated that they pinch every penny just to buy food.

The following did not wish to speak but indicated on their public comment forms to ask that the Mayor announce their opposition for the record:

Marc Page, 17004 Brewer Blackbird Drive

Michael Cochrane, 817 Portchester Castle Path

Bryan Crisler, 604 Portchester Castle Path

Mayor Gonzales provided comments.

There were no additional requests to speak at the public hearing. Mr. McDonald made a motion to close the public hearing. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

Mayor Gonzales announced that the City Council would hold the second public hearing on the tax rate on September 17, 2019 at 6:00 p.m. and would consider action on September 24, 2019 at 7:00 p.m.

## 6. Public Comment

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

## Reading of the Consent Agenda

Items 9C, 10D, 11B and 11C were removed from the consent agenda. Ms. Thompson read the items to include the captions under consideration.

## 7. Approval of Minutes

- 7A. [2019-7792](#) Approval of the minutes of the August 27, 2019 Worksession and Regular Meeting and August 28, 2019 Quorum.

The minutes were approved on the consent agenda.

## 8. Ordinances First Reading

- 8A. [ORD-0474](#) Approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville, Texas granting the amendment to a lease of City property on approximately 27.76 acres, a portion of two tracks of land totaling approximately 48.97 acres of land out of the Joseph Wiehl Survey No. 8, Abstract No. 802, in Travis County, Texas; more specifically described in two deeds to the City of Pflugerville, of record in document numbers 2003038258 and 200303859 of the Official Public Records of Travis County, Texas.

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

## 9. Ordinances Second Reading

- 9A. [ORD-0465](#) 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 157 Unified Development Code, Subchapter 14 Parkland Standards, relating to credit for private park area and amenities and making other administrative revisions; replacing all ordinances in conflict; containing severability and repealer clauses; providing for a penalty for a violation of Chapter 157, Subchapter 14 as a class C misdemeanor and a fine in an amount not to exceed \$2,000; and

declaring an effective date. (CA1908-02)

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

**9B. [ORD-0466](#)**

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 157 Unified Development Code, Subchapter 2 Administration, Section 2.5 regarding the role and responsibility of the Parks and Recreation Commission; replacing all ordinances in conflict; containing severability and repealer clauses; and declaring an effective date. (CA1908-01)

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

**9D. [ORD-0468](#)**

Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, approving the Fourth Amendment to the Development Financing Agreement for Reinvestment Zone Number One, City of Pflugerville, Texas, Authorizing the Mayor to execute said amendment; containing various provisions related to the forgoing subject.

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

**9E. [ORD-0473](#)**

Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, adopting the third amendment to the Fiscal Year 2019 Budget for the City of Pflugerville; and providing an effective date. (utility system repairs).

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

**9F. [ORD-0469](#)**

Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, amending the City of Pflugerville, Texas Code of Ordinances, by amending the definition of private real property; deleting the requirement to pay a fee for return of a sign placed in the City rights of way; deleting Section 154.110 Political and Campaign Signs; repealing all ordinances to the extent they are in conflict; providing for severability; providing no penalty; and providing an effective date.

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

**10. Resolutions**

**10A. [RES-0646](#)**

Approving a resolution reviewing and readopting the Investment Policy of the City of Pflugerville.

The resolution was approved on the consent agenda.

- 10B. [RES-0647](#) Approving a resolution with the caption reading: Resolution of the City of Pflugerville, Texas Adopting a Debt Management Policy of the City of Pflugerville, Texas.

The resolution was approved on the consent agenda.

- 10C. [RES-0643](#) Approving a resolution with the caption reading: Authorizing the City to participate in the City of Fort Worth's Commercial Card Agreement with JP Morgan Chase and authorizing the City Manager to execute same.

The resolution was approved on the consent agenda.

## 11. Other Actions

- 11A. [2019-7782](#) Approving a three-year commercial lease renewal with Vista West Properties, LLC for 203 W. Main Street, Suite C and Suite E and authorizing the City Manager to execute same.

The item was approved on the consent agenda.

## Action on the Consent Agenda

Mayor Gonzales made a motion to approve the consent agenda. Mayor Pro Tem Peña seconded the motion. Mr. Marsh was absent and did not participate in the vote. All present voted in favor. The motion carried.

## Ordinances Second Reading - Removed from the Consent Agenda

- 9C. [ORD-0467](#) Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, approving the second amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number One, City of Pflugerville, Texas; authorizing the City Secretary to distribute such plans; containing various provisions related to the forgoing subject.

Mayor Gonzales read the item to include the caption of the ordinance under consideration. Mr. Metayer requested a presentation. Mr. Fletcher provided information on the Colorado Sand Drive Project and explained that the TIRZ would allow the City to be reimbursed for the project. Mr. Marsh returned to the dais. Mr. Metayer made a motion to approve the ordinance on second reading. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

## 10. Resolutions - Removed from the Consent Agenda

- 10D. [RES-0649](#) Approving a resolution authorizing Manville Water Supply Corporation to award a construction contract for a twelve inch water line along Pflugerville Parkway to the lowest responsible bidder of 3 bids received

on August 28, 2019.

**Mr. Metayer indicated that he had questions regarding the contract. Mr. Zech explained that the agreement was approved in 2014 and the item is to consider approving a resolution to authorize Manville to award a construction contract. Mr. Metayer stated that he understands and can address his questions to the City Attorney outside of the meeting. Mr. Metayer made a motion to approve the resolution as presented. Mr. Marsh seconded the motion. All voted in favor. The motion carried.**

## **11. Other Actions - Removed from the Consent Agenda**

- 11B. [2019-7803](#)** Approving a Supplemental Agreement to the Professional Services Agreement with Johnson Mirmiran Thompson, Inc. in the amount not to exceed \$44,255.00 for professional engineering services associated with an alignment alternatives analysis of the eastern terminus of Kelly Lane at Weiss Lane.
- Mr. McDonald stated that he only wanted to make sure this is in front of the 30% schematic design of Kelly Lane Phase 3. Ms. Breland indicated that it is first. Mr. McDonald made a motion to approve. Mr. Weiss seconded the motion. All voted in favor. The motion carried.**
- 11C. [2019-7768](#)** Approving supplemental agreement #1 with Halff Associates, Inc. in the amount of \$410,505.00 for professional engineering services associated with design and construction of Lake Pflugerville Phase 1 Project and authorizing the City Manager to execute the agreement.
- Mayor Pro Tem Peña requested a presentation. Ms. Dryden provided a summary on the project and discussed with Council. Mayor Pro Tem Peña made a motion to approve the item. Mr. McDonald seconded the motion. All voted in favor. The motion carried.**

## **12. Discuss and consider action**

- 12A. [RES-0650](#)** Approving a resolution with the caption reading: A resolution setting a public hearing under Chapter 311.003 of the Texas Tax Code for the creation of a Tax Increment Reinvestment Zone within the City of Pflugerville, Texas; Authorizing the issuance of notice by the City Secretary of the City of Pflugerville, Texas regarding the public hearing; and directing the City to prepare a preliminary reinvestment zoning financing plan.
- Mr. Fletcher provided information on a proposed new zone to complement Reinvestment Zone No. One which would include downtown and the North Pointe development. He provided information on the steps of the process to create the new TIRZ and answered questions of Council. Mr. Weiss made a motion to approve the resolution setting the public hearing. Mr. Metayer seconded the motion. All voted in favor. The motion carried.**
- 12B. [2019-7790](#)** Discuss and consider action to appoint a delegate to participate at the 2019 Texas Municipal League Annual Business Meeting on behalf of the

City of Pflugerville.

Mr. McDonald nominated Mayor Gonzales to serve as the delegate. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

**12C.** [2019-7791](#)

Discuss and consider action to appoint three representatives to the Capital Area Council of Governments (CAPCOG) General Assembly.

Mr. Weiss made a motion to keep the representation the same with Mayor Gonzales, Mayor Pro Tem Peña and Councilmember Heath. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

## Presentations

**4C.** [2019-7820](#)

Presentation and discussion regarding the proposed FY20 budget.

Mr. Weiss requested to reopen item 4C for continued discussion. Mayor Gonzales reopened item 4C. Mr. Weiss asked if staff could bring back a budget to maintain the current property tax rate. Ms. Breland asked the Council to provide the specific cuts from the General Fund if they would like to reduce the proposed property tax rate. Council discussion followed regarding increasing the sales tax revenues in the proposed budget to provide the funding to maintain the current property tax rate. Mr. McDonald spoke on the recommendation from the Finance and Budget Committee to adopt the proposed rate. He recommended that the Council stay with the proposed property tax rate. Council discussion followed with Ms. Good regarding the sales tax revenue projections. Mr. McDonald spoke on the need to stay with the proposed property tax rate. Ms. Breland noted that the 12.5% property tax increase to the citizens is inaccurate. Mr. Weiss stated that it includes new growth. There was continued discussion regarding the proposed property tax rate. Ms. Breland explained that she can cut from the General Fund, but it is deferring and will cut services. She stated that she could cut chipping. Mr. Breland stated that she has come forward with a conservative budget that is already cut. She stated that she could take funds from Streets and watch them continue to deteriorate. Mr. McDonald stated that he is confident in the budget from staff and the recommendation of the Finance and Budget Committee. Mr. Weiss stated he would like to look at the sales tax revenue projections and to consider lowering the proposed property tax rate. Mr. McDonald stated that he thinks lowering the proposed property tax rate could have longer term impact.

Mayor Gonzales called for a break at 9:50 p.m. He reconvened the meeting at 10:00 p.m.

Ms. Breland stated that she is confident in the budget and if the sales tax revenue projection is increased, she would add additional expenditures to reflect the increased funds. She stated if Council would like to decrease the tax rate, they will need to designate the cuts in the budget. Mayor Gonzales noted that the Council in 2020 would struggle even more. Mr. Marsh suggested cutting the public transportation pilot program at \$276,810. Mr. McDonald stated opposition to cutting that line item. He stated that they have made no steps forward for public transportation. Mayor Pro Tem Peña asked to talk about Pfirecracker Pfest at \$100,000, or Deutschen Pfest is three days, we could make it one day. Ms. Breland stated that the festivals are important and have value in a sense of community and that she thinks it is irresponsible to the quality of

life to cut them. Mr. Marsh stated that he just wanted to cut the Council budget. He stated that the past Council lowered the property tax rate and made the city welcoming. He recommended raising the sales tax projection and getting rid of the Council budget and finding a middle ground. Mr. McDonald asked to motion to close the item and to leave it as proposed. Ms. Breland stated that she would add an item to the September 17, 2019 agenda to allow the City Council to discuss and consider taking action on directing to the City Manager on any changes to the proposed budget and property tax rate to allow for preparation of documents for the final approval on September 24, 2019. Mayor Gonzale closed item 4C. No action was taken.

### 13. Discuss only

Mayor Gonzales announced that the City Council was retiring to executive session for discussion on items 13A and 13B. He read the items and retired to executive session. The time was 10:20 p.m.

#### 13A. [2019-7801](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code to receive legal advice regarding recent legislative changes to the Texas Open Meetings Act.

Discussion on the item took place in executive session. No action was taken.

#### 13B. [2019-7807](#)

1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding economic development agreements for Project Charm and Project Highlands.

Discussion on the item took place in executive session. No action was taken.

#### Executive Session - Closed

Mayor Gonzales reconvened in open session at 10:51 p.m. No action was taken.

### 14. Adjourn

Mayor Pro Tem Peña made a motion to adjourn. Mr. Metayer seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 10:51 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as \_\_\_\_\_ on September 24, 2019.