



City of Pflugerville

Minutes - Final - Draft

City Council

Tuesday, May 23, 2017

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Victor Gonzales called the regular meeting to order at 7:12 p.m. Councilmembers Doug Weiss, Jeff Marsh, Omar Peña, Starlet Sattler and Mike Heath were in attendance. City employees in attendance: Brandon Wade, City Manager; George Hyde, City Attorney; Karen Thompson, City Secretary; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Emily Barron, Planning Director; Terri Toledo, Communications Director; Jennifer Coffey, Library Director; Amy Giannini, City Engineer; Amy Good, Finance Director; Chad Wood, Senior Transportation Engineer; Cindy Pierce, Development Engineering Director; Jacquelyn Smith, CIP Program Manager; Jessica Robledo, Police Chief; Jason Smith; Police Commander.

2. Opening

A. Pledge of Allegiance to the Flag of the United States of America: I pledge allegiance to the flag of the United States of America, and to the republic for which it stands: one nation under God, indivisible, with liberty and justice for all.

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: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

Mayor Gonzales led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

3. Presentations

- 3A. [2017-5842](#) Presentation inviting the public to Pflugerville's Pfirst Coffee with a Cop event.

Chief Robledo invited the public to attend the event on May 26, 2017 from 7:00-9:00 a.m. at Panera Bread.

- 3B. [2017-5860](#) Presentation on the Pflugerville Public Library's Maker Pfest and Summer Reading Program 2017.

Ms. Coffey introduced Bette McDowell, Librarian. Ms. McDowell provided information and a video. Ms. Coffey provided comments.

- 3C.** [ORD-0345](#) Presentation and discussion about the implementation of a required Cross Connection Control and Prevention Program.

The item was postponed. There was no presentation or discussion on the item.

4. Public Hearing and Ordinance First Readings

- 4A.** [ORD-0352](#) Conduct a public hearing and consider approving the first reading of an ordinance with a 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 APPROXIMATE 1-ACRE TRACT OF LAND OUT OF THE JOHN VAN WINKLE SURVEY ABSTRACT NO. 689, LOCATED GENERALLY SOUTHWEST OF THE WILKE RIDGE LANE AND HEATHERWILDE BLVD INTERSECTION FROM AGRICULTURE/CONSERVATION (A) TO GENERAL BUSINESS 1 (GB1); TO BE KNOWN AS THE WILKE RIDGE REZONING (REZ1703-02); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Gonzales opened the public hearing and read the item to include the caption of the ordinance under consideration. Ms. Barron provided information on the request for rezoning. Jenn Henderson, civil engineer representing the applicant, provided information and stated that there are no residences immediately surrounding the property and any alternate zoning would make the property unusable. She stated that David Boggs, applicant; the Dracas, the tenants, owner of D & H Automotive; and Matt Sparkman, lender; were in attendance. She explained that the one-acre lot is the limiting factor. She stated that the applicant is willing to add deed restrictions after he is the owner of the land to limit the allowed uses. She stated that the business (D & H Automotive) has been in Pflugerville for 17 years. She stated that a 4,500 square foot building, 8 bays, and 48 parking spaces would fit on the lot.

Mr. Weiss asked if they would be operating from both locations. Mr. Slavco Draca, owner of D & H Automotive, stated that they would operate just one location.

Ms. Henderson answered Council questions.

Amy Trent, 17912 Narsitin Lane, stated that she lives in the Springbrook neighborhood and spends a lot of time at the park that is adjacent to the lot. She stated concerns for what will happen to the lot in the future. She asked the Council to consider the long term.

Mr. David Boggs indicated to yield his time to Jenn Henderson.

Rodney Jorgensen, 17907 Worley Drive, stated that he wanted to touch on the deed restrictions and being GB1. He stated that he understands that a buffer yard is no longer required because the park is there and there are no single family homes. Ms. Barron provided information. Mr. Jorgensen asked if

vehicles can be stored outside indefinitely. Ms. Barron explained that if they have outside storage, a wall is required. She stated that staff would be working with them during the site development process. Mr. Jorgensen asked who would monitor that. Ms. Barron stated that it would become a code enforcement concern if they were in violation after construction. Mr. Jorgensen stated that he lives in a house that backs up to the park and has concerns for noise and any late night activities. Ms. Barron stated that the hours of operation are not dictated, but the city's noise ordinance is 10:00 p.m. to 7:00 a.m. There was continued discussion with Mr. Jorgensen regarding a wall being required if outdoor storage is greater than 24 hours.

Joe Grimm, 211 Betterman Drive, President of the Springbrook Homeowners Association (HOA), stated that he did have Ms. Henderson reach out to him and he met with Mr. Boggs. He indicated that he has concerns and is confused about the requirement for a barrier wall. He stated that he has concerns that the auto repair place would be parking in the parking lot of the HOA's park. Ms. Barron stated when it is extended for more than 24 hours, that is when they would look at it being automobile outdoor storage. She stated with repairs that occur within a day, it does not rise to outdoor storage. Mr. Grimm stated that even if there is no parking on their property, he thinks it could be unsightly. Mr. Grimm stated that Mr. Draca indicated his hours are 8:00 a.m. to 6:00 p.m. and not on Sunday. Mr. Grimm stated his concerns are what happens in the future with new tenants. Ms. Weiss asked Mr. Grimm if he thinks that the Springbrook HOA might be interested in being included in the deed restrictions. Mr. Grimm asked if the onus would be on the HOA to enforce at their legal cost. Mr. Weiss stated that it would at least give them legal recourse. Mr. Grimm stated that if that gives them more leverage that they will do what they say they are going to do, he does not think there would be objection by the homeowners.

Mayor Gonzales read the following names of those that did not wish to speak but requested the Mayor enter for the record their opposition to the rezoning:

Sara Wilson, 17921 Worley Drive
Richard Wilson, 17921 Worley Drive

Marek Progra, Springbrook resident, voiced concerns for noise with the water tower and asked what it is going to be with this body shop. He stated concerns for noise with car repair. He stated that he wanted to express his opposition.

Council discussion with Ms. Barron followed. Ms. Sattler stated that they currently have vehicles sitting over 24 hours. Ms. Barron stated if they continue that similar operation, they would need to have the wall. Ms. Henderson stated that she does not think any of the cars that sit more than 24 hours are from D & H Automotive, that she thinks that is the body shop.

Mr. Weiss asked if they would consider entering into the deed restrictions with the HOA. Ms. Henderson stated that she believes that Mr. Boggs would entertain that, but it would be a legal matter, not a city matter.

Ms. Barron stated that the second reading is scheduled for June 13, 2017. Mr. Weiss stated that they could vote to approve on first reading and if not satisfied on June 13, 2017, send the ordinance to a third reading. Mr. Hyde clarified that they could then table on second reading and postpone the

second reading of the ordinance, but only send to a third reading if there was a change to the ordinance. Discussion followed.

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

Mr. Weiss stated that he would like the landowner and HOA to come together. Mr. Weiss made a motion to approve the ordinance on first reading. The motion died due to lack of a second. Mr. Weiss discussed an option to table with Mr. Hyde. There were no further motions on the item. No action was taken.

4B. [ORD-0353](#)

Conduct a public hearing and consider approving the first reading of an ordinance with a 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 REZONING APPROXIMATELY A 1.79-ACRE LOT, LEGALLY DESCRIBED AS LOT 40A BLOCK P CAMBRIDGE HEIGHTS COMMERCIAL SUBDIVISION REVISED PLAT LOT 40 BLOCK P IN PFLUGERVILLE, TRAVIS COUNTY, TEXAS, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF WEST PFLUGERVILLE PARKWAY AND GRAND AVENUE PARKWAY FROM AGRICULTURE/CONSERVATION (A) TO GENERAL BUSINESS 1 (GB1) ZONING DISTRICT; TO BE KNOWN AS THE CVS AT GRAND AVENUE REZONING (REZ1703-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Gonzales opened the public hearing and read the item to include the caption of the ordinance under consideration. Ms. Barron provided information on the request for rezoning. There were no requests to speak at the public hearing. Mr. Weiss made a motion to close the public hearing. Mr. Heath seconded the motion. All voted in favor. The motion carried.

Mayor Gonzales made a motion to approve the ordinance on first reading. Mr. Heath seconded the motion. All voted in favor. The motion carried.

5. Public Comment

Gregory Pope stated that he listened to the discussion at the worksession and that he is a business owner in downtown. He thanked the Council for their refocus on downtown. He stated that they may have the cart before the horse, that there is a need to determine what is downtown. He stated that he thinks there is a need to make a smaller focus, that signage is needed and they need to make the new populace aware that downtown is here. He extended his appreciation to the Council and stated that he is proud to be in downtown Pflugerville.

Reading of the Consent Agenda

Items 7A, 8B, and 9A were removed from the consent agenda. Ms. Thompson read the items under consideration.

6. Approval of Minutes

- 6A.** [2017-5870](#) Approval of the minutes of the May 9, 2017 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

8. Resolutions

- 8A.** [RES-0424](#) Approving a resolution with the caption reading: RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS, CONSENTING TO THE ANNEXATION OF APPROXIMATELY 4.64 ACRES OF LAND INTO TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 17; IMPOSING CERTAIN CONDITIONS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

The resolution was approved on the consent agenda.

9. Other Actions

- 9B.** [2017-5843](#) Authorizing the City Manager to execute special warranty deeds, as an executory interest holder, accepting the conveyance of real property to the City of Pflugerville as public parkland in the Carmel development described as: a 1.218 acre tract of land out of the John Liesse Survey No. 18, Abstract 496; a 7.058 acre tract of land out of the Joseph Wiehl Survey No. 8, Abstract 802 and William Caldwell Survey No. 66, Abstract 162; a 25.25 acre tract of land out of the John Liesse Survey No. 18, Abstract 496; a 43.52-acre tract of land out of the John Liesse Survey No. 16, Abstract 496; and a 0.48-acre tract of land out of the John Liesse Survey No. 16, Abstract 496; all within Travis County, Texas.

The item was approved on the consent agenda.

- 9C.** [2017-5867](#) Authorizing the City Manager to execute a conditional purchase agreement and associated conveyance documents between Phillip Dulock and Leandra Dulock and the City of Pflugerville as necessary to acquire real property interests for the Pfennig Lane Roadway Improvements Project.

The item was approved on the consent agenda.

- 9D.** [2017-5879](#) Appointing Carl Moore, Jr. as a regular member of the Library Board with a term ending December 31, 2018.

The item was approved on the consent agenda.

Action on the Consent Agenda

Mayor Gonzales made a motion to approve the consent agenda. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

7. Ordinances Second Reading - Removed from the Consent Agenda

- 7A. [ORD-0354](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE SECOND AMENDMENT TO THE FISCAL YEAR 2017 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Gonzales read the item to include the caption of the ordinance under consideration on second reading. Ms. Gillam provided detail on the amendments. Mr. Heath made a motion to approve the ordinance on second reading as presented. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

8. Resolutions - Removed from the Consent Agenda

- 8B. [RES-0425](#) Approving a resolution with the caption reading: RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR BANKING SERVICES.

Ms. Gillam provided information on the recommendation to execute a contract for banking services with First Texas Bank and discussed with Council. Mr. Heath made a motion to approve the resolution as presented. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

Other Actions - Removed from the Consent Agenda

- 9A. [2017-5686](#) Review of the Quarterly Investment Report for the quarter ending March 31, 2017.

Ms. Gillam provided information. Mr. Heath made a motion to approve the item as presented. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

10. Ordinances First Reading

- 10A. [ORD-0355](#) Discuss and consider action to approve an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, BY ADOPTING A CITY COUNCIL CITY CHARTER REMOVAL HEARING PROCESS AS TITLE I, CHAPTER 12, SECTION 12.01 THROUGH 12.04 TITLED CITY CHARTER REMOVAL HEARING PROCESS; PROVIDING A CUMULATIVE CLAUSE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT WITH

THE AMENDED SECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Gonzales read the item to include the caption of the ordinance under consideration. Mr. Hyde provided information on the ordinance providing a process for the charter requirements adopted in the November 2016 election. Discussion followed. Mr. Marsh made a motion to approve the ordinance on first reading. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

10B. [ORD-0356](#)

Discuss and consider action to approve an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, BY AMENDING TITLE III ENTITLED ADMINISTRATION, BY AMENDING CHAPTER 30 ENTITLED CITY OFFICIALS, BY ADDING SECTION 30.20, ET. SEQ. ENTITLED ACTING CITY MANAGER; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING NO PENALTY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Gonzales read the item to include the caption of the ordinance under consideration. Mr. Wade provided information on the ordinance which would provide a hierarchy of people by position title that will serve as acting city manager in absence of the city manager. Discussion followed. Ms. Sattler made a motion to approve the ordinance on first reading. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

10C. [ORD-0357](#)

Discuss and consider action to approve an ordinance on first reading with the caption reading: AN ORDINANCE AMENDING CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE III BY REPLACING CHAPTER 35.22 REGARDING TRAVEL AND EXPENSE POLICY; ADOPTING AN ACCOUNTABLE PLAN PURSUANT TO IRC SEC. 162 AND RELEVANT IRS REGULATIONS AND PROCEDURES, REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.

Mr. Hyde and Mr. Wade explained that more review of the wording is needed regarding application of the ordinance for employees. The item was postponed.

11. Discuss and consider action

11A. [2017-5868](#)

Discuss and consider action to award a construction contract for the Field Operations and Maintenance Facility project to G. Hyatt Construction, Inc., the lowest responsible bidder of six (6) bids received on May 11, 2017, in the amount of \$2,816,520.00 and authorizing the City Manager to execute same.

Ms. Giannini provided information. She stated that G. Hyatt Construction, Inc. bid the base bid at \$2,720,000.00 and alternates No. 1, No. 3, No. 5, and No. 8 at

\$96,000, -\$14,297 (deduct), \$4,000, and \$10,817, respectively. She stated that staff recommends awarding the construction contract for the Field Operations and Maintenance Facility project to the lowest responsible bidder, G. Hyatt Construction, Inc., in the amount of \$2,816,520.00 to include the base bid and alternates No. 1, No. 3, No.5, and No. 8. She answered questions of the Council. A representative of G. Hyatt Construction answered questions regarding the polished concrete deduct. Mr. Heath asked questions regarding the site planning. Ms. Giannini provided information on utility improvements to be performed by staff. Mr. Heath asked if it would cost more to use city crews than the contractor. There was continued Council discussion with Ms. Giannini. Mr. Marsh made a motion to approve as presented. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

11B. [2017-5832](#)

Discuss and consider action to approve a First Amendment to the Chapter 380 Economic Development Agreement between the City of Pflugerville, Texas and Living Spaces Furniture, LLC.

Mr. Fletcher provided information, stating at Council's direction, they have removed reference to the traffic signal. He stated that this item reduces square footage by 24% and retail and pad sites are unaffected. He stated that incentives are based on revenues and they do not anticipate any negative impact. Mr. Heath made a motion to approve as presented. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

11C. [RES-0428](#)

Discuss and consider action to approve a resolution with the caption reading: RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS REQUESTING THAT THE PFLUGERVILLE COMMUNITY DEVELOPMENT CORPORATION (PCDC) PROVIDE FUNDS IN THE FISCAL YEAR 2018 BUDGET FOR SPECIFIED ROAD PROJECTS TO STIMULATE ECONOMIC GROWTH.

Mr. Wade stated that they have had presentations from Tom Word over the last several weeks which included several streets that could be funded by the PCDC. He stated that this resolution would request that the PCDC provide funds in their FY 18 budget to begin those projects. Mr. Heath asked if this had been mentioned to the PCDC. Mr. Wade stated that he has mentioned it to Amy Madison. Mr. Wade indicated the cost for the proposed streets would be a bit over \$700,000 per year. Mr. Heath asked if it was primarily because the roadways are beyond repair, stating that these that need repair don't necessarily effect the best prioritization. He stated that it is good for discussion but that it needs to be more proactive. Mr. Weiss stated that he concurs that this would not be the best use of economic development dollars. He stated that no jobs would be created with these roads. Mr. Heath stated that he thinks this is part of the discussion regarding cooperation between the City and PCDC. Ms. Sattler suggested holding a joint worksession. Mr. Marsh stated to agree and discussion continued. Mr. Heath stated regarding the PCDC operations, that he would like to know what the effectiveness of the travel is and how we are actually recruiting people. Mr. Weiss suggested holding a joint worksession on June 27, 2017. Mr. Heath made a motion to table the item. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

11D. [2017-5890](#)

Discuss and consider action regarding draft zoning and expansion of the downtown district. (Requested by Councilmember Jeff Marsh)

Mr. Wade asked for direction from the Council on the earlier worksession discussion. Mr. Barron provided the downtown boundary map. Mr. Marsh stated that he likes the boundary and he would like to continue moving forward with something like this. He indicated that he would like to discuss the boundary tonight. Mr. Heath suggested looking at a zoning overlay with specific uses for the downtown and an architectural overlay. Mr. Marsh stated to agree with that. Mr. Heath suggested leaving the boundary as it is and to let it ebb and flow as it develops. He stated that he thinks they need to continue working on it. He suggested going to the creek at the park north on Railroad and further to the south as well. He stated that he would like to go big with the boundaries to initiate public interest and input. Mr. Weiss stated that the center needs to be entertainment, restaurant, and services. Mr. Heath suggested appointing a subcommittee of Council to spearhead this. Discussion followed. Mr. Marsh and Mr. Weiss were to co-chair the subcommittee.

Victor Johnson, President of the Pflugerville Downtown Association, indicated appreciation to the Council for refocusing on the downtown area and offered their support.

Mr. Marsh asked the Council if they would like to expand the boundaries to include the Gilleland Creek pool.

Mr. Wade suggested letting staff draw a new map with the 2 subcommittee councilmembers.

Mr. Marsh indicated a motion that he and Councilmember Weiss would serve as the downtown reinvigoration subcommittee and they and staff would bring back the map. Mr. Heath seconded the motion. All voted in favor. The motion carried.

11E. [2017-5873](#)

Discuss and consider action regarding future agenda items.

Mr. Marsh requested to hold a joint worksession with the PCDC on June 27, 2017. Mr. Heath stated that he would like just one item on that agenda.

Mayor Pro Tem Peña requested future agenda items to discuss annexation, curfew, distracted driving, and the police budget.

Mr. Heath requested an executive session item for discussion regarding the roles, responsibilities and performance of the city manager.

Mr. Weiss asked for the following items on July 11, 2017: agricultural zoning, safe routes to school program, evaluation of school zones and timing of those and speed limits, and a small amendment to the sign ordinance.

12. Discuss only

12A. [2017-5887](#)

Discussion regarding the Five Year Capital Improvement Plan to add future mobility projects.

Discussion on the item took place during the earlier worksession. There was no discussion on the item at the regular meeting.

- 12B.** [2017-5834](#) Discussion regarding traffic impact fees and the traffic impact analysis (TIA) ordinance. (Requested by Councilmember Mike Heath)

Discussion on the item took place during the earlier worksession. There was no discussion on the item at the regular meeting.

- 12C.** [2017-5835](#) Discussion regarding driveway spacing requirements. (Requested by Councilmember Mike Heath)

Discussion on the item took place during the earlier worksession. There was no discussion on the item at the regular meeting.

- 12D.** [2017-5848](#) Discuss development restrictions in the floodplain. (Requested by Mayor Pro Tem Omar Peña)

Mayor Pro Tem Peña stated that he thinks it would be a good item for broader discussion. Ms. Pierce, the City's Floodplain Administrator, provided information and stated that the City's requirements meet or exceed FEMA requirements and that development is allowed in the floodplain with restrictions. She provided information on the requirements and answered questions of Council. Mr. Heath stated that he thinks through the budget cycle they should consider a development drainage plan and that they should talk about drainage utility fees in the future.

- 12E.** [2017-5877](#) 1.) Executive Session Item: Discussions regarding deliberations on economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code and consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning economic development negotiations regarding:
1. Project Sydney. (Requested by Councilmember Mike Heath)

Mayor Gonzales announced that the Council was retiring to executive session on the item. He read the item and retired to executive session. The time was 9:08 p.m. Mayor Gonzales reconvened in open session at 9:30 p.m. No action was taken.

13. Adjourn

Mr. Heath made a motion to adjourn. Ms. Sattler seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on June 13, 2017.