



City of Pflugerville

Minutes - Final - Draft

City Council

Tuesday, November 27, 2018

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 7:00 p.m. Mayor Pro Tem Omar Peña and Councilmembers Doug Weiss, Jeff Marsh, Rudy Metayer and Jim McDonald were in attendance. Councilmember Mike Heath entered the meeting at 7:14 p.m. City employees attending: Sereniah Breland, City Manager; Charlie Zech, City Attorney; Trey Fletcher, Assistant City Manager; Lauri Gillam, Assistant City Manager; Karen Thompson, City Secretary; Jennifer Stubbs, Assistant City Secretary; Emily Barron, Planning Director; Terri Toledo, Communications Director; Amy Good, Finance Director; Jennifer Coffey, Library Director; Jessica Robledo, Police Chief; Jason Smith, Assistant Police Chief; Manny Duarte, Interim Development Engineering Director; Amy Giannini, City Engineer.

2. Opening

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

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

B. Pledge of Allegiance to the Texas State Flag

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

C. Moment of Silence

Mayor Gonzales observed a moment of silence.

3. Items of Community Interest

Mayor Pro Tem Peña noted Mayor Gonzales' upcoming birthday.

Mr. Weiss noted the Pfarmers Market being held on December 11 and December 18.

4. Presentation

- 4A. [2018-7203](#) Presentation of Government Finance Officers Association awards to the

City of Pflugerville.

Mayor Gonzales announced that the Finance Department received three GFOA awards during the past year: the Distinguished Budget Presentation Award for the 2018 fiscal year budget and Certificates of Achievement for Excellence in Financial Reporting (CAFR) for the fiscal year ended September 30, 2017 and the Popular Annual Financial Report (PAFR) for the fiscal year ended September 30, 2017. He stated that this is the fourteenth consecutive award for the City's budget, the fourteenth consecutive award for the City's CAFR, and the eighth consecutive award for the City's PAFR. He presented the awards to the Finance staff in attendance: Amy Good, Finance Director; Lauren Henkes, Assistant Finance Director; Sarah Moody, Budget Analyst; Chris Perez, Senior Accountant; Adrian Corrigan, Accountant; Tracy Hibbs, Utility Business Operations Manager.

5. Public Hearing and Resolution

- 5A. [RES-0564](#) Conduct a public hearing and consider approval of a resolution regarding the Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2017.

Mayor Gonzales opened the public hearing and consideration of the resolution. Ms. Barron provided information. Mr. Metayer commended Ms. Barron on the progress of the program. He asked if they are looking at working with Workforce Solutions or to do something with transit. Ms. Barron stated that they could consider those in the five year plan. She stated that they would need to make sure that they are meeting all the criteria. Ms. Barron answered questions of the Council and there was discussion on the item. Mr. Heath entered the meeting at 7:14 p.m. during the discussion. There were no requests to speak at the public hearing. Mr. McDonald made a motion to close the public hearing. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

Mr. McDonald made a motion to approve the resolution for the CDBG Consolidated Annual Performance and Evaluation Report for Program Year 2017. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

6. Public Hearing and Ordinance First Readings

- 6I. [ORD-0439](#) Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING REINVESTMENT ZONE NO. ONE TO INCLUDE ADDITIONAL PROPERTY WITHIN THE CITY OF PFLUGERVILLE, TEXAS; ESTABLISHING THE NEW BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO, INCLUDING ESTABLISHING THE DURATIONAL TERM, APPROVING THE FIRST AMENDED PROJECT PLAN AND REINVESTMENT ZONE FINANCE PLAN AND ADJUSTING THE TAX INCREMENT BASE THEREOF; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Gonzales opened the public hearing and consideration of the ordinance on first reading. Ms. Thompson read the item to include the caption of the ordinance to be considered. Mr. Fletcher and Ms. Barron provided information. David Wallace, Presidium Group, presented on the project. He stated that Cid Galindo, developer, and Naina Magon, Hawes Hill and Associates, were also in attendance. He introduced Ms. Magon and stated she has been working on TIRZ project plan and finance plan amendment. Ms. Magon provided information. Mr. Wallace provided additional information. Mike Marsh, TIRZ Board President, read a statement from Jeff Thompson, TIRZ Boardmember, in support of the amendment of the TIRZ to include the project. Mr. Marsh provided information on how the TIRZ functions. He stated that it does not increase property taxes and the City will get all of the sales tax. He explained the infrastructure and public projects that would be reimbursed by the TIRZ. He spoke in support of the TIRZ expansion as a win for the City and the developer.

Paul Kroschewsky, 308 Deren Lane, stated that he is a citizen of Pflugerville, a real estate broker and taxpayer. He stated that this seems like a lot of government participation, and it seems to him that this project should not rely on subsidy by the City of Pflugerville. He stated if they can't afford parking garages without the City of Pflugerville, maybe it should sit there for a little longer until it can pay for itself.

Tamara Edwards, 2800 Grand Mission way, did not wish to speak but asked that the Mayor enter for the record her opposition. She indicated that she likes the idea of the center, but we need a better deal.

John Biehn, 421 Settlers Valley Drive, did not wish to speak but asked that the Mayor enter for the record his opposition. He indicated that he opposes the huge tax abatement for the property.

Melody Ryan, 1012 Ripley Castle, stated that we need commercial development, but do not need to incentivize residential. She stated that this is too much to give. She stated that it is one-third the size of Stonehill and costs ten times as much. She stated that a 23 million dollar parking garage and a portion of private roads is not a good use of taxpayer funds. She stated that further details are needed for future review of the projections. She stated that 30 years to break even is a bad investment. She stated that it could cost twice as much if the TIRZ issues bonds. She stated that the numbers don't make sense. She urged the Council to deny the TIRZ expansion. She stated if approved, she urges them to decrease the amount and limit the term to 30 years or less and only to reimburse as increment is earned, and to not issue bonds.

Gloria Bass, 17003 Ardisia Drive, did not wish to speak but asked that the Mayor enter for the record her opposition. She indicated that this would be giving away our tax dollars and constraining return for 40 years.

Juliz Ruiz, 2808 Summit Heights Court, did not wish to speak but asked that the Mayor enter for the record her opposition. She indicated that she is opposed to Pacana and asked for no more bonds. She stated that it is too expensive and that we are not in the business of parking garages for Pacana; that the developer should pay, not the taxpayers.

Kim O'Neal, did not wish to speak but asked that the Mayor enter for the record

her opposition. She indicated that she is opposed to the expansion of the TIRZ.

Nick Crissy, 2302 Hayfield Square, stated that he is a resident of Falcon Pointe and has a couple of issues with this idea. He stated one being the city paying 23 million dollars for a parking garage and then the developer owns it, and he stated that 40 years to see a return is not a reasonable amount of time. He stated that this project is ten times the cost of Stonehill per acre. He stated that he does not see how they can justify this to the taxpayers. He stated that they need to think seriously about how they are investing taxpayer dollars. He stated they will fight this. He asked where Falcon Pointe is a part of this and stated that it is miles away. He stated that they need to stop and see that this is not a good investment.

Tammy Smith, 1221 New Meister #1221, stated that she is here to speak in support of the Pecan Street District. She stated that she heard from the Pflugerville Community Development Corporation (PCDC) study that the city needs office space, and this has a potential to bring 1 million sq ft of office space. She stated that her company just looked for relocation and they looked for a parking garage and housing close by. She stated that this project offers both. She stated that people complain about the tax rate, but they need to think long term. She stated that the biggest portion of our tax rate is the school district, so when we look at the taxes and we complain about it, we need to get money to the school district. She stated that this would really help our tax rate in the long run. She stated that all the growth is occurring on the east side and we need to invest on the west side. She stated that we don't want to leave half of our city out.

Bob Reichenbach, 309 Cottonwood Lane, stated that he sent all the council a memo via email. He stated that he is a senior and he has learned that it is the property appraisals, not the taxes, that kills them. He stated that they are on a fixed income. He stated that he thinks the feel of Pflugerville would change with this. He stated that the appraisals are going to go through the roof and that is a big problem for him. He stated that he will be very negatively impacted by this project, that the whole thing is to increase the appraised values. He stated he would like to keep the old feel of Pflugerville and not bring big parking garages and big skyscraper office buildings.

Jeff Coleman, former mayor, provided some history. He stated when he opened his office in the Windermere Center 18 years ago, this was an empty field across the street and it is still a big ugly piece of property. He stated that it will change Pflugerville for the better. He stated that when this came to Council in 2009, we started thinking about what Pflugerville could be. He stated that in 2006, the Council voted for tax incentives for Stonehill and if they hadn't done that they would still be in the process of trying to get Stonehill developed and we would still be driving to Round Rock and Cedar Park to shop. He stated that ultimately, this is the right thing for Pflugerville. He stated that they are going to pay an incredible amount of taxes and this will help. He stated that last night, his daughter had a birthday party and she asked him to meet her at the Domain. He stated that afterwards, they walked to the Apple Store, because we don't have anything like that in Pflugerville. He stated for the people that say that it is going to come, no it's not, not without incentive. He stated if you want something that is a place that draws people here, let them create the place. He asked that the Council vote for this.

Mr. Wallace and Mr. Fletcher addressed questions of the Council. Mr. Fletcher indicated that most concerns would be addressed in the agreement with the developer to be complete in April 2019. Mayor Pro Tem Peña stated that he would like to see more of the timeline with milestones. Mr. Heath asked why they have to act today and what the urgency is. He asked about the Traffic Impact Analysis (TIA) and roadways and how that figures into the dollars here. He asked why the developer doesn't go get its own financing for the project. Mr. Heath stated that he wants to see their financial capability be brought forward. Mr. Marsh stated TIA information is on p. 289 of the Council packet. Mr. Marsh explained that TIRZ is standard course of action for the greenspace. Mr. Metayer stated that without this, it would just be greenspace. Mayor Pro Tem Peña stated to Mr. Galindo that he has been trying to get off the ground for 10 years, he asked what has changed. Mr. Wallace provided information on the investment of his company. Mr. Wallace asked that they vote in favor tonight and allow questions to be answered in the next two weeks to keep them on the timeframe to approve on second reading on December 11, 2018. He stated that using the assessed value as of January 1st of this year is the reason. Mr. Metayer asked what smart parking tools they are looking at. Cid Galindo provided information. He stated that being able to use the facility as efficiently as possible for parking and to bring in the latest wayfinding technology and to build to allow for retrofitting in the future if needed are their goals.

Amy Madison, PCDC Executive Director, stated that they are always looking for opportunities to bring in headquarters and right now they don't have any office space.

Ken Dalfonso, PCDC President, stated that the PCDC is not taking a position on this and multiple boardmembers have different opinions on this. He stated that we need office space and primary jobs, but the question is why here, other than it has been vacant for a long time. He stated that when you pick a location and start developing infrastructure that we create winners and losers. He asked if we let the neighbors know their taxes would increase and what it would do to downtown. He stated that he would pick the center of the city and this is on the west side. He asked if they should take the bird in hand and do it now. He stated that he would like this to be studied more and put it all on the paper.

Mr. Weiss stated that he is about the numbers and he likes the idea to eat what you catch. He stated that this development needs to be able to pay for the infrastructure. He stated that the question of what infrastructure we want is up to question. He stated that the debt is not issued until after they perform and we never go negative on the debt. He stated that nothing is issued until the plan works out. Mr. Metayer stated that he would like more details. Mr. Marsh stated that is the benefit of the TIRZ, that it pays for itself. He stated that the developer takes the risk and puts the improvements on the ground. He stated that it incentivizes the development, but doesn't put the city at risk. Mayor Gonzales stated they won't get to the development agreement until spring and it can certainly be worked out by then. There was continued discussion.

There were no additional requests to speak at the public hearing.

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

Mr. Marsh made a motion to approve the ordinance on first reading. Mayor Gonzales seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-no, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.

Mayor Gonzales called for a recess at 9:00 p.m. He reconvened the meeting at 9:12 p.m.

6A. [ORD-0436](#)

Conduct a public hearing and consider approving an ordinance on first reading 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 LOTS 1 AND 2, CONSISTING OF 2 ACRES OUT OF THE 685 BUSINESS CENTRE SUBDIVISION AND BEING LAND SITUATED IN THE HENRY BLESSING SURVEY NO. 3, ABSTRACT NO. 99, AND THE SEFRIN EISELIN SURVEY NO. 1, ABSTRACT 265, TRAVIS COUNTY, TEXAS, LOCATED GENERALLY WEST OF F.M. 685 AND DIRECTLY NORTH OF JUSTICE CENTER DRIVE; TO BE KNOWN AS JUSTICE CENTER REZONING (REZ1809-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Gonzales opened the public hearing and consideration of the ordinance on first reading. Ms. Thompson read the item to include the caption of the ordinance to be considered. Ms. Barron provided information. Steve Gallaway, applicant, addressed the Council and offered to answer any questions. Mr. McDonald asked if he has a proposed use for the property. Mr. Gallaway stated that he works for the owner and they want to sell the property and a change to GB2 offers a few other uses. Ms. Barron answered questions of the Council.

There were no additional 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.

Mr. McDonald made a motion to approve the ordinance on first reading rezoning the property from General Business 1 to General Business 2. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

6B. [ORD-0429](#)

Conduct a public hearing and consider approving an ordinance on first reading with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY INCORPORATING AN APPENDIX A. FEE SCHEDULE, RELATING TO THE PROCESSING OF PERMIT APPLICATIONS AND OTHER SERVICES; REPLACING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND DECLARING AN EFFECTIVE DATE. (CA1810-01)

Mayor Gonzales opened the public hearings simultaneously for items 6B, 6C, 6D, 6E, 6F and 6G. Ms. Thompson read the items to include the captions of the ordinances to be considered. Ms. Barron provided information on the ordinances under consideration and answered questions of the Council. A need for amendment to account for "trips per day" in the ordinances for Appendix A, Appendix B and Subchapter 3 was noted. There were no requests to speak at the public hearings. Mayor Pro Tem Peña made a motion close the public hearings on items 6B, 6C, 6D, 6E, 6F and 6G. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

6C. [ORD-0430](#)

Conduct a public hearing and consider approving an ordinance on first reading with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY INCORPORATING AN APPENDIX B. APPLICATION SUBMITTAL AND CONTENT REQUIREMENTS RELATING TO THE PROCESSING OF PERMIT APPLICATIONS AND OTHER SERVICES; REPLACING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND DECLARING AN EFFECTIVE DATE. (CA1810-02)

Mayor Gonzales opened the public hearings simultaneously for items 6B, 6C, 6D, 6E, 6F and 6G. Ms. Thompson read the items to include the captions of the ordinances to be considered. Ms. Barron provided information on the ordinances under consideration and answered questions of the Council. A need for amendment to account for "trips per day" in the ordinances for Appendix A, Appendix B and Subchapter 3 was noted. There were no requests to speak at the public hearings. Mayor Pro Tem Peña made a motion close the public hearings on items 6B, 6C, 6D, 6E, 6F and 6G. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

6D. [ORD-0431](#)

Conduct a public hearing and consider approving an ordinance on first reading with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY AMENDING SUBCHAPTER 1, GENERAL PROVISIONS, BY REMOVING THE SEQUENCE OF PERMITS SECTION, REPLACING THE VIOLATIONS AND PENALTY SECTIONS, 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 1 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$2,000.00; AND DECLARING AN EFFECTIVE DATE. (CA1810-03)

Mayor Gonzales opened the public hearings simultaneously for items 6B, 6C, 6D, 6E, 6F and 6G. Ms. Thompson read the items to include the captions of the ordinances to be considered. Ms. Barron provided information on the ordinances under consideration and answered questions of the Council. A need for amendment to account for "trips per day" in the ordinances for

Appendix A, Appendix B and Subchapter 3 was noted. There were no requests to speak at the public hearings. Mayor Pro Tem Peña made a motion close the public hearings on items 6B, 6C, 6D, 6E, 6F and 6G. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

6E. [ORD-0432](#)

Conduct a public hearing and consider approving an ordinance on first reading with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY AMENDING SUBCHAPTER 2, ADMINISTRATION, BY UPDATING ROLES AND RESPONSIBILITIES; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND DECLARING AN EFFECTIVE DATE. (CA1810-04)

Mayor Gonzales opened the public hearings simultaneously for items 6B, 6C, 6D, 6E, 6F and 6G. Ms. Thompson read the items to include the captions of the ordinances to be considered. Ms. Barron provided information on the ordinances under consideration and answered questions of the Council. A need for amendment to account for "trips per day" in the ordinances for Appendix A, Appendix B and Subchapter 3 was noted. There were no requests to speak at the public hearings. Mayor Pro Tem Peña made a motion close the public hearings on items 6B, 6C, 6D, 6E, 6F and 6G. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

6F. [ORD-0433](#)

Conduct a public hearing and consider approving an ordinance on first reading with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY AMENDING SUBCHAPTER 3, PROCEDURES, BY PROVIDING FOR CONSISTENT PROVISIONS RELATING TO THE EXPIRATION OF APPLICATIONS AND MODIFIED PROVISIONS FOR THE APPEAL PROCESS; AND AMENDING SUBCHAPTER 20, DEFINITIONS, BY ADDING CORRESPONDING DEFINITIONS; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 157, SUBCHAPTER 3 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$2,000.00; AND DECLARING AN EFFECTIVE DATE. (CA1810-05)

Mayor Gonzales opened the public hearings simultaneously for items 6B, 6C, 6D, 6E, 6F and 6G. Ms. Thompson read the items to include the captions of the ordinances to be considered. Ms. Barron provided information on the ordinances under consideration and answered questions of the Council. A need for amendment to account for "trips per day" in the ordinances for Appendix A, Appendix B and Subchapter 3 was noted. There were no requests to speak at the public hearings. Mayor Pro Tem Peña made a motion close the public hearings on items 6B, 6C, 6D, 6E, 6F and 6G. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

- 6G.** [ORD-0434](#) Conduct a public hearing and consider approving an ordinance on first reading with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY AMENDING SUBCHAPTER 8, NONCONFORMITIES, BY UPDATING PROVISIONS RELATING TO NEWLY ANNEXED TERRITORY, VESTING RIGHTS, AND THE CONTINUATION OF LEGAL NONCONFORMING SITES; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 157, SUBCHAPTER 8 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$2,000.00; AND DECLARING AN EFFECTIVE DATE. (CA1810-06)

Mayor Gonzales opened the public hearings simultaneously for items 6B, 6C, 6D, 6E, 6F and 6G. Ms. Thompson read the items to include the captions of the ordinances to be considered. Ms. Barron provided information on the ordinances under consideration and answered questions of the Council. A need for amendment to account for "trips per day" in the ordinances for Appendix A, Appendix B and Subchapter 3 was noted. There were no requests to speak at the public hearings. Mayor Pro Tem Peña made a motion close the public hearings on items 6B, 6C, 6D, 6E, 6F and 6G. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

- 6B.** [ORD-0429](#) Conduct a public hearing and consider approving an ordinance on first reading with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY INCORPORATING AN APPENDIX A. FEE SCHEDULE, RELATING TO THE PROCESSING OF PERMIT APPLICATIONS AND OTHER SERVICES; REPLACING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND DECLARING AN EFFECTIVE DATE. (CA1810-01)

Mayor Pro Tem Peña made a motion to approve the ordinance on first reading as read (with the amended language to reflect "trips per day.") Mr. McDonald seconded the motion. All voted in favor. The motion carried.

- 6C.** [ORD-0430](#) Conduct a public hearing and consider approving an ordinance on first reading with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY INCORPORATING AN APPENDIX B. APPLICATION SUBMITTAL AND CONTENT REQUIREMENTS RELATING TO THE PROCESSING OF PERMIT APPLICATIONS AND OTHER SERVICES; REPLACING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND DECLARING AN EFFECTIVE DATE.

(CA1810-02)

Mayor Pro Tem Peña made a motion to approve the ordinance on first reading read (with the amended language to reflect "trips per day.") Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

6D. [ORD-0431](#)

Conduct a public hearing and consider approving an ordinance on first reading with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY AMENDING SUBCHAPTER 1, GENERAL PROVISIONS, BY REMOVING THE SEQUENCE OF PERMITS SECTION, REPLACING THE VIOLATIONS AND PENALTY SECTIONS, 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 1 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$2,000.00; AND DECLARING AN EFFECTIVE DATE. (CA1810-03)

Mr. Metayer made a motion to approve the ordinance on first reading as read. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

6E [ORD-0432](#)

Conduct a public hearing and consider approving an ordinance on first reading with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY AMENDING SUBCHAPTER 2, ADMINISTRATION, BY UPDATING ROLES AND RESPONSIBILITIES; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND DECLARING AN EFFECTIVE DATE. (CA1810-04)

Mr. Metayer made a motion to approve the ordinance on first reading as read. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

6F. [ORD-0433](#)

Conduct a public hearing and consider approving an ordinance on first reading with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY AMENDING SUBCHAPTER 3, PROCEDURES, BY PROVIDING FOR CONSISTENT PROVISIONS RELATING TO THE EXPIRATION OF APPLICATIONS AND MODIFIED PROVISIONS FOR THE APPEAL PROCESS; AND AMENDING SUBCHAPTER 20, DEFINITIONS, BY ADDING CORRESPONDING DEFINITIONS; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES;

PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 157, SUBCHAPTER 3 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$2,000.00; AND DECLARING AN EFFECTIVE DATE. (CA1810-05)

Mr. Weiss made a motion to approve the ordinance on first reading as read with the one addition of "trips per day." Mr. McDonald seconded the motion. All voted in favor. The motion carried.

6G. [ORD-0434](#)

Conduct a public hearing and consider approving an ordinance on first reading with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY AMENDING SUBCHAPTER 8, NONCONFORMITIES, BY UPDATING PROVISIONS RELATING TO NEWLY ANNEXED TERRITORY, VESTING RIGHTS, AND THE CONTINUATION OF LEGAL NONCONFORMING SITES; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 157, SUBCHAPTER 8 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$2,000.00; AND DECLARING AN EFFECTIVE DATE. (CA1810-06)

Mr. Metayer made a motion to approve the ordinance on first reading as read. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

6H. [ORD-0435](#)

Conduct a public hearing and consider approving an ordinance on first reading with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY AMENDING SUBCHAPTER 14, PARKLAND STANDARDS, BY CLARIFYING PROVISIONS 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. (CA1810-07)

There was no discussion or action on the item. The item was removed from the agenda.

7. Public Comment

There were no requests to address the City Council under the Public Comment item.

Reading of the Consent Agenda

Item 9C was removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

8. Approval of Minutes

- 8A. [2018-7209](#) Approval of the minutes of the November 13, 2018 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

9. Ordinances Second Reading

- 9A. [ORD-0428](#) Approving an ordinance on second reading with a caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS CLOSING, VACATING, ABANDONING AND CONVEYING A PORTION OF THE E.W. PFLUGER ADDITION PUBLIC RIGHT-OF-WAY IN THE CITY OF PFLUGERVILLE, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED WITHOUT WARRANTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

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

- 9B. [ORD-0437](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING RATES, CHARGES AND FEES FOR WATER, WASTEWATER AND SOLID WASTE UTILITY SERVICE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

10. Resolutions

- 10A. [RES-0571](#) Approving a resolution appointing the City of Pflugerville representatives to the Technical Advisory Committee of the Capital Area Metropolitan Planning Organization Transportation Policy Board.

The resolution was approved on the consent agenda.

- 10B. [RES-0579](#) Approving a resolution rescinding Resolution No. 1616-18-02-27-0498 requiring quarterly City Council expense reports in order to manage the process comprehensively as a part of the City's annual budget process.

The resolution was approved on the consent agenda.

11. Other Actions

- 11A. [2018-7210](#) Review of the Quarterly Investment Report for the quarter ending September 30, 2018.

The item was approved on the consent agenda.

Approval of the Consent Agenda

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

Ordinances Second Reading - Removed from the Consent Agenda

- 9C. [ORD-0438](#) 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 TITLE VII (TITLED TRAFFIC CODE), CHAPTER 71 (TITLED PARKING REGULATIONS), SECTION 71.05 (TITLED PARKING PROHIBITED IN CERTAIN DESIGNATED AREAS) BY ESTABLISHING AN ADDITIONAL NO PARKING ZONE ON HEATHERWILDE BOULEVARD; PROVIDING A VIOLATION OF SECTION 71.05 IS A CLASS C MISDEMEANOR PUNISHABLE BY A FINE IN AN AMOUNT NOT TO EXCEED \$200.00; 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.

Mr. Metayer stated that he wanted to give accolades to staff for taking care of this issue. Ms. Giannini provided information. Mr. Heath made a motion to approve the ordinance on second and final reading. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

12. Resolutions

- 12A. [RES-0577](#) Discuss and consider action on a Resolution approving the First Amendment to the First Amended and Restated Water and Adventure Park Ground Lease and Operating Agreement Between the Pflugerville Community Development Corporation (PCDC) and Typhoon Texas, and Related Amendments to the PCDC Annual Budget presented by Amy Madison, PCDC Executive Director.

Amy Madison, PCDC Executive Director, provided information and answered questions of Council. Mr. Heath indicated concerns for changes planned for the intersection of FM 685 at Town Center Drive. Mr. Metayer stated great job and stated that PCDC has found a good partnership. Mr. Weiss stated that as a

member of the PCDC Board he is really excited about it. He stated that it solves all the concerns that he had about the park. Mayor Gonzales provided comments. Mr. Marsh asked about the TxDOT improvements. Ms. Madison provided information and stated that the conceptual design is already approved by TxDOT. Mr. Heath complimented Terrell Palmer, financial advisor, for bringing the PCDC and Typhoon Texas together. Mr. Weiss made a motion to approve. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

- 12B.** [RES-0573](#) Discuss and consider action to approve a resolution appointing a City Council facilities subcommittee.

Council discussed with Ms. Breland. Mr. Heath made a motion to approve with the appointment of Mr. McDonald and Mr. Marsh to the facilities subcommittee. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

- 12C.** [RES-0578](#) Discuss and consider action to approve a resolution establishing a Pflugerville Community Development Corporation (PCDC) review City Council subcommittee.

Council discussion followed with Ms. Breland. Mr. Heath stated a need for the city manager to participate with the PCDC and asked if they should make her a member of the PCDC Board even if it is an ex-officio member. Mr. Weiss suggested an interlocal agreement with duties to be defined. Ms. Breland stated that would be the purpose of the review. Council discussion followed. Mr. Metayer stated that he thinks that we already do this. Mr. Weiss made a motion to table. Mayor Pro Tem Peña seconded the motion. Mr. Weiss rescinded his motion. No action was taken.

- 12D.** [RES-0572](#) Discuss and consider action to approve a resolution appointing a City Council liaison for cooperative efforts with Manville Water Supply Corporation.

Council discussed with Ms. Breland. Mr. Heath made a motion to approve with the appointment of Mayor Pro Tem Peña as the liaison and Mr. Metayer as alternate. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

- 12E.** [RES-0575](#) Review representation and discuss and consider action to approve a resolution appointing a City of Pflugerville representative to the Central Texas Clean Air Coalition of the Capital Area Council of Governments (CAPCOG).

Mr. Heath indicated an interest in continuing as the representative. Mr. Marsh made a motion to approve with the appointment of Mr. Heath. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

- 12F.** [RES-0576](#) Review representation and discuss and consider action to approve a resolution designating a City of Pflugerville representative on the Capital Area Metropolitan Planning Organization (CAMPO) Transportation Policy Board.

There was Council discussion. Mr. Marsh made a motion to appoint Mayor Gonzales as the representative and Mr. Metayer as the designated alternate.

Mr. Heath seconded the motion. All voted in favor. The motion carried.

13. Discuss and consider action

13A. [2018-7207](#) Discuss and consider action to elect a Mayor Pro Tem per City Charter Section 3.06.

Mr. Heath made a motion to appoint Councilmember Peña as Mayor Pro Tem. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

13B. [2018-7212](#) Review representation and discuss and consider action to change City of Pflugerville representation on the Capital Area Council of Governments (CAPCOG) General Assembly.

There was Council discussion. Mayor Gonzales, Mayor Pro Tem Peña and Mr. Heath are the current representatives and agreed to continue to serve. Mr. Marsh made a motion to keep the representation the same. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

13C. [2018-7215](#) Review representation and discuss and consider action to appoint a City Councilmember to serve on the Community Advancement Network (CAN) board of directors.

Mr. Metayer indicated that he enjoys serving on CAN. Mr. Marsh made a motion to keep Mr. Metayer as the representative. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

13D. [2018-7214](#) Discuss and consider action to approve a professional services agreement with Plus Six Engineering, LLC in the amount of \$331,665.00 to provide owner representative services associated with the Central Wastewater Treatment Plant Expansion Project and authorizing the City Manager to enter into negotiations as needed regarding future scope of work and fee proposals.

Ms. Giannini provided information. Mr. Metayer stated that it is a great contract that protects the city. Mayor Pro Tem Peña made a motion to approve. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

14. Adjourn

Mr. Heath made a motion to adjourn. Mr. Marsh seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 10:17 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on December 11, 2018.