



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, August 22, 2023

7:00 PM

1611 Pfennig Lane

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#### Regular Meeting

#### 1. Call to Order

Mayor Victor Gonzales called the meeting to order at 7:00pm. Mayor Pro Tem Doug Weiss and Councilmembers Ceasar Ruiz, Kimberly Holiday, Rudy Metayer, Jim McDonald, and David Rogers were in attendance.

City staff in attendance: Sereniah Breland, City Manager; James Hartshorn, Deputy City Manager; Emily Barron, Assistant City Manager; Thomas Hunter, Assistant City Manager; Trista Evans, City Secretary; Charles Zech, City Attorney; Martie Simpson, Interim Finance Director; John Nguyen, Budget Analyst; Sara King, Assistant Finance Director; Terri Toledo, Director of Management Services; Roger Heaner, Assistant Communications Director; Jeremy Frazzell, Planning and Development Services Director; Robyn Miga, Planning and Development Services Assistant Director; Brandon Pritchett, Public Utility Director; Evan Groeschel, Operations Director; Flip Romero, Communications Director; Jason O'Malley, Police Chief; Robert Polanco, Building Official; Jennifer Coffey Griswold, Library Director.

#### 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 Flag of 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. Public Comment

Pat McCord discussed the PCDC member who was removed from the board and stated citizens needs to know how much the city has committed to spending on a city hall. Mr. McCord discussed the City Manager position as a temporary position and asked the city council to vote no confidence.

#### 4. Presentations

- 4A. [2023-0715](#) Mayor's proclamation recognizing Zeke and Aly Mercado Castro.  
**Mayor Gonzales read and presented the proclamation.**

#### Reading of the Consent Agenda

**Ms. Evans read the captions of the ordinances and stated all items on the consent agenda may be acted upon in a single motion.**

#### 5. Other Actions

- 5A. [ORD-0743](#) Approving an ordinance on first reading with a caption reading: An Ordinance of the City of Pflugerville adopting the 2014 Engineering Design Manual and Construction Standards to include Construction Standard Details, as previously adopted by City Council by Ordinance No. 1206-15-02-24, as amended; replacing all engineering and construction standards in conflict; providing a savings clause; providing for severability; and providing an effective date.  
**The ordinance was approved on first reading on the consent agenda.**
- 5B. [ORD-0734](#) Approving an ordinance on second 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 second reading on the consent agenda.**
- 5C. [ORD-0731](#) Approving an Ordinance on second 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.  
**The ordinance was approved on second reading on the consent agenda.**
- 5D. [2023-0781](#) Approving the minutes of the August 8, 2023 Worksession and August 8, 2023 Regular Meeting.

The minutes were approved on consent agenda.

- 5E. [2023-0775](#) Approving the FY23 Q3 Investment Report.  
The item was approved on the consent agenda.
- 5F. [2023-0786](#) Approving the Pflugerville Community Development Corporation Code of Ethics Policy.  
The item was approved on the consent agenda.
- 5G. [2023-0794](#) Approving a construction contract with Patin Construction in the amount of \$4,546,367 for the construction of the Neighborhood Street Reconstruction Package 1A project, and authorizing the City Manager to execute same.  
The item was approved on the consent agenda.
- 5H. [2023-0797](#) Approving a professional services agreement with Raba Kistner Consulting Inc., in the amount of \$90,480 for construction materials testing services associated with the Neighborhood Street Reconstruction Package 1A project, and authorizing the City Manager to execute same.  
The item was approved on the consent agenda.
- 5I. [2023-0784](#) Approving the Pflugerville Community Development Corporation FY24 Proposed Budget.  
The item was approved on the consent agenda.
- 5J. [RES-1129](#) Approving a resolution with the caption reading: A resolution of the City Council of the City of Pflugerville, Texas, setting a public hearing to discuss and review Chapter 152, Subchapter B, Roadway Impact Fee Ordinance Amendments.  
The resolution was approved on the consent agenda.
- 5K. [RES-1130](#) Approving a resolution adopting water conservation rebates for fiscal year 2024.  
The resolution was approved on the consent agenda.
- 5L. [RES-1133](#) Approving a resolution of the City of Pflugerville, Texas amending the Construction (Public Infrastructure) Plan and Building Plan Review New Commercial fees listed in the Pflugerville Fee Schedule adopted by Ordinance No. 1559-22-09-13, to address required legislative adjustments to value based fees per House Bill 3492.  
The resolution was approved on the consent agenda.
- 5M. [RES-1134](#) Approving a resolution adopting the ES&S Express Vote® Universal

Voting System and DS200 Digital® Precinct Scanner as the voting system to be used in City of Pflugerville elections.

The resolution was approved on the consent agenda.

- 5N. [RES-1135](#) Approving a resolution approving an agreement for benefits consulting services with HUB International and authorizing the City Manager to execute the same.

The resolution was approved on the consent agenda.

### Action on the Consent Agenda

Mayor Pro Tem Weiss moved to approve the consent agenda. Ms. Holiday seconded the motion. Mr. Metayer was not present for the vote, all others voted in favor. The motion carried.

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

## 6. Public Hearings and Ordinances

- 6A. [ORD-0736](#) Conduct a public hearing on an ordinance with the caption reading: An Ordinance of the City of Pflugerville, Texas adopting the Fiscal Year 2024 Budget for the City of Pflugerville, Texas.

Mayor Gonzales read the item and opened the public hearing.

Melody Ryan provided public comment stating the general fund balance is over the 35% that the City usually keeps it at. Ms. Ryan stated there is also an understatement of interest income in the budget and discussed the income revenue. Ms. Ryan discussed projections and how much money the capital fund should be making.

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

- 6B. [ORD-0737](#) Discuss and consider action to approve an ordinance on first reading with the caption reading: An Ordinance of the City of Pflugerville, Texas Adopting the Pflugerville Fee Schedule; Amending Certain Fees and Establishing Costs and Fees Charged by the City of Pflugerville; Providing for a Penalty for a Violation of Section 10.99 of the City Code of Ordinances; and Declaring an Effective Date.

Mayor Gonzales opened the item. Ms. Simpson reviewed the changes in the fees in Development Services, Library, PAWS, Parks, Utility, and Water and Wastewater. Mr. Metayer asked about PAWS fees. Ms. Breland and Ms. McLendon discussed rehoming pets and the ability to waive fees.

James Patterson provided public comment stating concerns about increase in rates in the water bills. Mr. Patterson also voiced concern about increase in rates at the recycle center for brush drop off. Mr. Patterson discussed picking

up leaves from city gutters and streets and stated with the increase in fees he will no longer be able to do so.

Mr. McDonald asked for information about fees from Development Services. Mr. Frazzell and Mr. Polanco provided information. Ms. Coffey provided information about changes in library fees. Mr. Mize provided information about senior trip fees and field use fees. Mr. Ruiz discussed tire fees and brush fees. Discussion followed regarding cost recovery and keeping the fees for brush drop off for residents the same as the previous year.

Mr. Metayer moved to approve the ordinance as amended keeping the brush fees consistent for residents. Mr. Ruiz seconded the motion. Mr. Rogers voted no. All others voted in favor. The motion carried.

7I. [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 a conflict of interest. Mayor Gonzales read the names of those who were in support of the item but did not wish to speak: Robert Alexander, Tonya Alexander, Pam Littlejohn, Manuel Reyes, Kathy McKee, Ryan, McKee, Mike Muellor, Allen Irby. Mr. McDonald provided comment as the owner of Three Legged Goat and provided information about the insurance that the food trucks have. Robert Alexander, owner of one of the food trucks, discussed his conversation with the insurance company about liability. Mr. Ruiz discussed the property owners being the ones to give permission. Mr. McDonald discussed previous conversations they have had with the owners and events supporting downtown. Mayor Gonzales discussed the process of looking at a lease amendment first, then after that an agreement with the food trucks. Mayor Gonzales moved to approve the item. Mr. Metayer seconded the motion. Mayor Pro Tem Weiss discussed the process and staff time. Ms. Holiday asked about the current use of the parking lot. Discussion followed regarding the process and subsequent agreements if the lease is amended. Mayor Gonzales called for the vote: Mr. McDonald abstained, Mayor Pro Tem Weiss - no, Mr. Rogers - no, Mr. Ruiz - yes, Mayor Gonzales - yes, Mr. Metayer - yes, Ms. Holiday - yes. The motion carried.

6E. [ORD-0742](#)

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 Title XV, Land Usage, Chapter 157, Unified Development Code, adopted by Ordinance No. 1073-11-04-12 of the City of Pflugerville, Texas, as amended, by repealing and replacing Subchapter 4.4, Corridor Districts (CL3, CL4, CL5); amending Subchapter 9, Architectural, Site Design, and Layout Provisions, creating 9.10 Corridor District Design Standards; amending Subchapter 11, Landscaping and Screening Standards; and amending Subchapter 20, Definitions, as shown in Exhibit A; to be known as the Corridor District Text Amendments; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date.

Mayor Gonzales opened the public hearing. Mr. Frazzell introduced the amendments to the Unified Development Code (UDC) stating there were multiple meetings with the development community and made changes based on those discussion. Chance Sparks with Freese and Nichols reviewed the activity since the last worksession with council and answered questions about the meetings with developers. Mr. Sparks reviewed testing the code to see what happens when the code is applied to an existing project.

Nancy Ramsey provided public comment and discussed concerns related to higher density. Ms. Ramsey stated changes in size requirements and the proximity of single family attached or townhomes to property lines. Ms. Ramsey discussed the number of units in each structure and the square footage that would increase density.

Ron Thrower discussed water and wastewater situation with his property and discussed what would happen if the code amendments passed. Mr. Thrower discussed testing and stated the amendments will not bring forward the Aspire 2040 plan. Mr. Thrower answered questions from council about the water line. Mr. Frazzell stated when reviewing code amendments they look at all the properties for the comprehensive plan. Mr. Thrower answered questions about the testing process. Mayor Pro Tem Weiss asked about developer responsibility to increase water capacity if needed on the site. Mr. Pritchett provided information for how capacity is measured for the area.

Stuart Shaw stated he agrees with Mr. Thrower about constraint of wastewater in the area and discussed the meeting with staff. Mr. Shaw stated they would have to ask for a specific use permit if they want to do something other than what is in amendments and discussed notices from the city.

Tim Timmerman stated he thinks the notifications were mishandled and discussed the process. Mr. Timmerman stated he thinks more time is needed to take a deeper dive into the amendments. Mayor Gonzales asked what he hopes to achieve if the item is delayed. Mr. Timmerman stated he would like to sit down with consultants to discuss the impact of the changes. Discussion followed regarding the notice process and schedule of meeting with the developers.

Mr. Frazzell stated two protests were received that need to be reviewed, so action on the ordinance is not recommended. Mr. Metayer discussed the options developers have through things such as a specific use permit. Mayor Pro Tem Weiss stated there were conversations with developers and changes were already made based on those conversations. Ms. Breland reviewed the timeline of the process.

Mayor Pro Tem Weiss moved to close the public hearing. Mr. Metayer seconded the motion. All voted in favor. Mr. Metayer moved to postpone the item to the next meeting. Mr. Rogers seconded the motion. Mayor Pro Tem Weiss voted no, all others voted in favor. The motion carried.

**6F.**     [ORD-0725](#)

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

approximately 5.05 acres of unplatted land situated in the Jacob Casner Survey No. 9, Abstract No. 2753, in Travis County, Texas from Agriculture/Development Reserve (A) to Retail (R); to be known as the 1718 Rowe Lane Rezoning (2023-5-REZ); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

**Mayor Gonzales opened the public hearing. Ms. Miga provided information about the request to rezone from Agriculture to Retail and the surrounding area. Dr. Peterman stated he has been living on that property for many years and has seen a lot of changes. Dr. Peterman stated he is grateful for the reception with the Planning and Zoning Commission. There was no one present wishing to speak under the public hearing. Mayor Pro Tem Weiss moved to close the public hearing. Mr. Rogers seconded the motion. All voted in favor.**

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

**6G. [ORD-0732](#)**

Conduct a public hearing and consider action to approve an Ordinance on the first reading with the caption reading: An Ordinance amending the City of Pflugerville Code of Ordinances Title XV Land Usage, Chapter 153, Planning, by repealing and replacing the 2021 Updated Water Master Plan and 2021 Updated Wastewater Master Plan adopted by Ordinance No. 1438-20-04-14 and as referenced in the adoption of the Aspire Pflugerville 2040 Comprehensive Plan by Ordinance No. 1545-22-04-26; providing for a severability; and providing an effective date.

**Mayor Gonzales opened the public hearing. Jessica Vassar with Freese and Nichols reviewed the 5-year growth area, 5-year water and wastewater master plan updates, and reviewed the changes. There was no one present wishing to speak under the public hearing. Mayor Pro Tem Weiss moved to close the public hearing. Mr. Ruiz seconded the motion. Mr. Rogers was not present for the vote. All others voted in favor. The motion carried.**

**Mr. Ruiz moved to approve the ordinance on first reading. Mayor Pro Tem Weiss seconded the motion. Mr. Rogers was not present for the vote. All others voted in favor. The motion carried.**

**6C. [ORD-0735](#)**

Conduct a public hearing and consider approving an annexation ordinance on first reading with the caption: An ordinance of the City of Pflugerville, Texas, annexing, for full purposes, A 15.84-acre tract of land situated in the Zimpelman & Bergen Survey, Section No. 285, Abstract No. 2370, in Travis County, Texas. The property is located at 17409 Cameron Road. Extending the boundaries of the city to include the land; and to be zoned Agriculture/Development Reserve (A); to be known as Meadowlark Preserve Annexation (2023-2-ANX); Binding the land to all of the acts, ordinances, resolutions and regulations of the city; approving a service plan; providing for severability; and providing an effective date.

Mayor Gonzales opened the public hearing. Mr. Frazzell provided information stating the applicant petitioned for the land to be annexed and is associated with the Meadowlark Preserve development agreement. There was no one present wishing to speak under the public hearing. Mayor Pro Tem Weiss moved to close the public hearing. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

Mayor Pro Tem Doug Weiss moved to approve the ordinance on first reading. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

**6D.**    [ORD-0740](#)

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 changing the zoning designation of approximately 1.21- acres of platted land known as Lot 2, Block A of the Springbrook II Business Park, Travis County, Texas, from Light Industrial (LI) to General Business 2 (GB2); to be known as the 1950 Picadilly Drive Rezoning (2023-6-REZ); Providing for Repeal of conflicting ordinances; providing for severability; and providing an effective date.

Mayor Gonzales opened the public hearing. Mr. Metayer recused himself due to conflict of interest. Ms. Miga provided information about the summary of the request and the surrounding area. Applicant Danny Haberman stated he is looking for a place to continue his business and discussed the purpose of the request. There was no one present wishing to speak under the public hearing. Mr. Ruiz moved to close the public hearing. Mayor Pro Tem Weiss seconded the motion. Mr. Metayer abstained. All others voted in favor. The motion carried.

Mayor Pro Tem Weiss moved to approve the ordinance on first reading. Mr. Rogers seconded the motion. Mr. Metayer abstained. All others voted in favor. The motion carried.

**6H.**    [ORD-0739](#)

Conduct a public hearing to consider action to approve ordinance on the first reading; An Ordinance amending Chapter 153 of the Code of Ordinances for the City of Pflugerville, Texas, by amending the Aspire Pflugerville 2040 Comprehensive Plan and adopting the Drainage Master Plan dated August 2022; Providing for severability; and providing an effective date.

Mayor Gonzales opened the public hearing. Mr. Dunsworth introduced Mark Lewis with Half Associates, Inc. Mr. Lewis reviewed drainage concerns in the city and provided information about the drainage master plan and associated projects. There was no one present wishing to speak under the public hearing. Mr. Rogers moved to close the public hearing. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

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

**6I.**    [RES-1131](#)

Conduct a public hearing to approve a resolution of the City Council of the City of Pflugerville, Texas finding there is no feasible and prudent



alternative to the use of a portion of the City of Austin Southern Walnut Creek Trail of the Walnut Creek Greenbelt for the construction of a new pipeline as part of the Secondary Colorado River Raw Water Line project and finding that all reasonable planning has been done to minimize harm to said parkland.

**Mayor Gonzales opened the public hearing. Mr. Dunsworth discussed the pipeline project and reviewed the Parks and Wildlife Code requirements. Mr. Dunsworth discussed the project timeline and impact to the Austin Parkland. Mr. Dunsworth reviewed how it will minimize impact to the park area and the route provided is the best route to meet all the needs. There was no one present wishing to speak under the public hearing. Mr. Rogers moved to close the public hearing. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.**

**Mr. McDonald moved to approve the resolution. Mr. Rogers seconded the motion. All voted in favor. The motion carried.**

**6J. [RES-1132](#)**

Conduct a public hearing to approve a resolution of the City Council of the City of Pflugerville, Texas finding there is no feasible and prudent alternative to the use of a portion of the Travis County Northeast Metropolitan Park, for the construction of a new pipeline as part of the Secondary Colorado River Raw Water Line project and finding that all reasonable planning has been done to minimize harm to said Parkland.

**Mayor Gonzales opened the public hearing. Mr. Dunsworth stated the item is similar to the previous one with it impacting the Northeast Metropolitan Park. Mr. Dunsworth reviewed the route and preserving Travis County's parks. Mr. Dunsworth answered questions from council regarding the review process for migratory birds. There was no one present wishing to speak under the public hearing. Mr. Rogers moved to close the public hearing. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.**

**Mr. Rogers moved to approve the resolution. Mr. Metayer seconded the motion. All voted in favor. The motion carried.**

**7. Regular Agenda**

**7A. [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 the item. Ms. Brinkley discussed the retrofit going into the new building and how some issues with the design came up through the process. Mayor Pro Tem Weiss asked why the challenges were not brought up earlier. Ms. Brinkley provided information about the design process. Mr. Metayer provided comment about the process and timeline. Ms. Brinkley discussed keeping the project moving and reducing risk. Discussion followed regarding risk mitigation. Mr. Rogers asked what happens if there is a failure in the system. Ms. Brinkley provided information. Yue Sun with Ardurra provided information about the project and the feasibility study recommendation. Ms.**

Sun provided information about what can happen if there is a failure. Mr. Pritchett provided information about membranes. Discussion followed regarding financing and costs. Mr. Rogers moved to approve the item. Ms. Holiday seconded the motion. Mayor Pro Tem Weiss voted no. All others voted in favor. The motion carried.

- 7B.** [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.
- Mayor Gonzales** opened the item for discussion. **Mr. Metayer** moved to approve the item. **Mr. McDonald** seconded the motion. **Mayor Pro Tem Weiss** voted no, all others voted in favor. The motion carried.
- 7C.** [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.
- Mayor Gonzales** opened the item for discussion. **Ms. Breland** stated the purpose of the subcommittee is to seek direction about what council wants to see in the city hall. Discussion followed regarding interest in the subcommittee. **Mr. Rogers** moved to appoint **Victor Gonzales, Doug Weiss, and Rudy Metayer** to the subcommittee. **Mr. Ruiz** seconded the motion. All voted in favor. The motion carried.
- 7D.** [2023-0808](#) 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.
- The item was discussed during the earlier posted worksession. No action was taken.
- 7E.** [2023-0809](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding performance evaluation of the City Manager. 2.) Open Session Item: Discuss and consider action regarding the performance evaluation of the City Manager.
- The item was discussed during the earlier posted worksession. No action was taken.
- 7F.** [2023-0712](#) Discussion regarding the Pflugerville Community Development (PCDC) Quarter 3 Financial Report and FY24 Proposed Budget.
- The item was discussed during the earlier posted worksession.
- 7G.** [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).

The item was postponed to the next council meeting.

- 7H. [2023-0791](#) Discussion regarding the 2020 General Obligation Bond Transportation and Parks projects.

The item was postponed to the next council meeting.

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

**9. Adjourn**

Mayor Gonzales adjourned the meeting at 10:41pm.

Respectfully submitted,

Trista Evans, City Secretary

Approved as \_\_\_\_\_ on September 12, 2023.