



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, February 28, 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; Jennifer Coffey Griswold, Library Director; Brandon Pritchett, Public Utility Director; Evan Groeschel, Operations Director; Jeremy Frazzell, Planning and Development Services Director; Carlo Franco, Special Projects Manager; Terri Toledo, Director of Management Services; Andrea Brinkley, CIP Director; Isaac Espinoza, Project Manager; Cassie Balderas, Public Information Officer; Kevin Jaeger, Utility Manager.

#### 2. Opening

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

Mayor Gonzales let 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. Items of Community Interest

Mayor Gonzales stated the city is hosting an open house for Downtown Streetscape Master Plan March 1 at the Library.

Mayor Gonzales stated applications for 2023's water conservation "Pflourishing Pflora Rebate" are now available.

Mayor Gonzales stated the Greater Pflugerville Job Pfair is March 25 at Pflugerville High School.

Mayor Gonzales stated city crews and contractors are still hard at work

collecting limbs and debris.

Mr. Rogers reminded everyone it is still Girl Scout cookie season through Sunday.

Mr. Metayer stated it is the end of Black History Month and Pflugerville was one of the first communities to create and Equity Commission. Mr. Metayer spoke about the importance of bringing all voices to the table and the inclusive nature of the Commission to bring everyone working together.

Mr. McDonald stated he is celebrating his birthday down the street on Friday

#### 4. Public Comment

Meme Styles introduced herself stating she is a social science research fellow. Ms. Styles stated last week the community came together to discuss hair discriminatory challenges and thanked the councilmembers who joined. Ms. Styles reviewed study data of discrimination of black women in the work place due to hairstyle. Ms. Styles urged the city to get behind the CROWN Act which is to protect the rights of community members who choose to wear natural hair styles and stated passing the CROWN Act would send a powerful message that the city values diversity, equity, and inclusivity.

#### Reading of the Consent Agenda

Ms. Evans stated items 5B., 5J., and 5N. were pulled from the consent, read the captions of the ordinances and stated all items remaining on the consent agenda may be acted upon in a single motion.

#### 5. Other Actions

- 5A. [ORD-0690](#) Approving an ordinance on second reading with a caption reading: An Ordinance of the City of Pflugerville, Texas, Amending Ordinance No. 1478-20-02-09 of the City of Pflugerville, Texas, as amended, by amending the Hill Country Bible Church Planned Unit District (PUD) District approved in ORD 1479-21-02-09, by adding a use within the non-residential districts to allow the use of veterinary clinic for an approximately 48.126 acres of land, out of the T.J. Chambers Survey, Abstract No. 7, the John Vanwinkle Survey, Abstract No. 786, and the Elnathan Bebee Survey, Abstract 53, all in Travis County, Texas to continue to be known as the Hill Country Bible Church Planned Unit District Development (PUD) District (2022-4-PUD); providing for a repeal of conflicting ordinances; providing for severability; and providing for an effective date.

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

- 5C. [ORD-0699](#) Approving an ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville vacating an approximately .193 acres of Meister Lane right-of-way, situated in the J. Van Winkle Survey, Abstract No. 787, the P. Conrad Survey, Abstract No. 200, and the W.

Barker Survey, Abstract No. 107, City of Pflugerville, Travis County, Texas, being part of Meister Lane, a variable width right-of-way, and being more particularly described in Exhibit A; declaring that such property is unnecessary for use by the public; authorizing the Mayor or City Manager to execute a vacation of the right of way releasing public interest and control of this right-of-way; providing a severability clause; and providing an effective date.

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

**5D.** [ORD-0700](#)

Approving an ordinance on second reading with the 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 120.3 acres of unplatted land situated in the William Caldwell Survey No. 66, Abstract No. 162, City of Pflugerville, in Travis County, Texas, from Agriculture/Development Reserve (A) to Single-Family Mixed Use (SF-MU), Neighborhood Services (NS), Public Facilities (PF), and Single-Family Residential (SF-R); to be known as the Murchison Tract Rezoning (2022-6-REZ); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

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

**5E.** [2023-0196](#)

Approving the minutes of the February 14, 2023 Worksession, February 14, 2023 Regular Meeting, and February 21, 2023 Joint Meeting with the Pflugerville ISD Board.

**The minutes were approved on the consent agenda.**

**5F.** [2023-0190](#)

Approving a contract with T. Morales Company Electrical & Controls, Ltd. in the amount of \$335,300 for the Pre-purchase of Pump Station Electrical Equipment associated with the Second Colorado River Raw Water Pump Station Expansion Project and, authorizing the City Manager to execute the same.

**The item was approved on the consent agenda.**

**5G.** [2023-0192](#)

Approving a contract with Evoqua Water Technologies Canada, Ltd., in the amount of \$696,000 for the purchase of Arch Supported Retractable Membrane Covers for the Water Treatment Plant Expansion Project and authorizing the City Manager to execute the same.

**The item was approved on the consent agenda.**

**5H.** [2023-0198](#)

Approving a Professional Services Agreement with Kimley-Horn in the amount of \$1,285,932 for professional engineering services associated with the Cottonwood West Lift Station, and authorizing the City Manager to execute the same.

The item was approved on the consent agenda.

- 5I. [2023-0204](#) Approving an agreement with the Pflugerville Chamber of Commerce in the amount of \$106,670 associated with tourism and the Convention and Visitors Bureau project, and authorizing the City Manager to execute the same.

The item was approved on the consent agenda.

- 5K. [2023-0205](#) Approving the FY23 Q1 Investment Report.

The item was approved on the consent agenda.

- 5L. [RES-1075](#) Approving a resolution with a caption reading: A Resolution of the City of Pflugerville, Texas authorizing the vacation, abandonment and release of an existing drainage easement located at the northwest corner of Immanuel Road and Wells Branch Parkway, originally granted to the City by easement recorded in Travis County Real Property Records Document No. 1999062527.

The resolution was approved on the consent agenda.

- 5M. [RES-1076](#) Approving a resolution with a caption reading: A Resolution of the City of Pflugerville, Texas authorizing the vacation, abandonment and release of a portion of an existing drainage and public utility easement located north of Wells Branch Parkway and west of Immanuel Road, originally granted to the City by easement recorded in Travis County Real Property Records Document No. 1999062525.

The resolution was approved on the consent agenda.

- 5O. [RES-1081](#) Approving a resolution of the City of Pflugerville, Texas, and the state of Texas approving Advance Funding Agreement for the Intersection Improvements at FM 685 and Copper Mine Overpass/SH130, and authorizing the City Manager to execute the agreement.

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. All 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-0683](#) Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: An Ordinance of the City of Pflugerville,

Texas, Amending Ordinance No. 1563-22-10-11 of the City of Pflugerville, Texas, as amended, by changing the zoning designation of an approximate 3.248 acres of unplatted land situated in the John Davis Survey No. 13, Abstract No. 231, City of Pflugerville, in Travis County, Texas, from Agriculture/Development Reserve (A) to Urban Center (Level 5: CL5) to be known as the East Pflugerville Parkway Commercial Rezoning (2022-5-REZ); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

**Mayor Gonzales read the item and opened the public hearing. Mr. Frazzell provided information about the request to rezone the location to Urban Center which is consistent with surrounding zoning. Mr. Frazzell stated the Planning and Zoning Commission recommended approval unanimously and it is consistent with the Aspire 2040 Comprehensive Plan.**

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

## **7. Regular Agenda**

- 7A. [2023-0195](#)** Presentation and submission of the 2022 Racial Profiling Data Report to the City Council as required by Texas Statute Code of Criminal Procedure, Chapter 2 General Duties of Officers, Art. 2.132 Law Enforcement on Racial Profiling.

**Mayor Gonzales opened the item for discussion. Chief O'Malley stated each year the City is required to submit the report and Pflugerville takes the data and analyzes it. Eric Fritsch, Ph.D. provided a history overview of the requirements of the data and Texas Racial Profiling Law. Dr. Fritsch stated data is collected for each traffic stop and that the Pflugerville Police Department is in compliance with Texas law. Dr. Fritsch reviewed total stops by race/ethnicity in 2022 and total stops compared to city population. Mr. Metayer stated the stops do not separate from Pflugerville residents and non-residents. Dr. Fritsch explained that it is required to be shown a certain way by the Texas Commission on Law Enforcement (TCOLE) and that there are issues with assessing the stop data in this way. Dr. Fritsch answered questions from council about the data comparison and stated internal benchmarks are the best way to review this kind of data. Chief O'Malley stated every month he reviews each officer's searches, who they are searching and what they are finding. Chief O'Malley discussed the importance of hit rates, when a search results in a discovery.**

**Mr. Ruiz asked about determining an individuals race/ethnicity. Mr. McDonald discussed an opportunity to work together to create a new standard that tells the correct story. Dr. Fritsch reviewed traffic stop outcomes and noted the higher percentage of written warnings. Mr. Metayer asked if that was becoming an industry standard. Dr. Fritsch stated it is moving in that direction, Pflugerville is on the high end showing stops being used as a learning experience and working with the community. Mayor Pro Tem Weiss discussed**

probable cause searches that do not result in contraband. Chief O'Malley stated he would look into it.

Mr. Metayer discussed the need for more cities to look for pragmatic and appropriate information on this topic for a more applicable standard. Mr. Rogers asked about agencies that do not report to TCOLE. Dr. Fritsch stated he does not have the information on who does not, but they are fined. Mr. Metayer asked if other city police departments look as closely at the data internally. Chief O'Malley stated there are not many other agencies he knows of in central Texas that do. Mr. McDonald stated he wants a way of showing the kind of department Pflugerville has.

**7B.** [2023-0089](#) Conduct a presentation regarding the FY23 Q1 Financial Update.

The item was discussed during the previously posted worksession.

**7C.** [2023-0123](#) Discussion regarding a legislative update from Focused Advocacy.

The item was discussed during the previously posted worksession.

**7D.** [2023-0157](#) Conduct a presentation from Oncor regarding freeze event.

The item was discussed during the previously posted worksession.

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

**5B.** [ORD-0694](#) Approving an ordinance on second 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 approving a Specific Use Permit for a Multi-Family Mixed-Use Development on approximately 20-acres zoned Urban Center Corridor Level 4 (CL4) District located at 17314 Weiss Lane, to be known as the Weiss Lane Mixed Use Specific Use Permit (2022-6-SUP); Providing a cumulative and repealer clause; providing for a severability clause; and providing an effective date.

Ms. Evans read the caption of the ordinance. Mr. Metayer stated he wanted to pull the item in light of conversation with the school board and discussed the location as a major corridor. Mr. Metayer moved to approve the ordinance on second reading. Mr. Rogers seconded the motion. The vote was as follows: Mayor Pro Tem Weiss - no, Mr. Metayer - no, Ms. Holiday - yes, Mr. Rogers - yes, Mr. McDonald - yes, Mayor Gonzales - yes, Mr. Ruiz - yes.

**5J.** [2023-0202](#) Approving an amendment to the agreement with KC Tree for a not to exceed amount of \$700,000 and adding 12 additional days for winter storm limb and brush removal, and authorizing the City Manager to execute the same.

Ms. Evans read the item. Mr. Metayer stated he wanted to highlight what the city is doing for its citizens. Mayor Pro Tem Weiss stated he sees great posts and feedback on the City social media. Mr. Groeschel provided information

about the fourteen trucks working in the city and reviewed discussions with the contractor regarding ways to get the work done. Mayor Gonzales discussed beginning to see neighborhoods cleared out and the perspective of the pile that is building up. Mr. McDonald discussed the disposal pile and work being done to maintain progress. Mr. McDonald asked about where the money is allocated from. Ms. Breland provided information. Mr. Metayer moved to approve the item. Mr. Rogers seconded the motion. All voted in favor. The motion carried.

**5N.**    [RES-1080](#)

Approving a resolution adopting the FM685 Corridor Study.

Ms. Evans read the item. Mr. Metayer stated he would like information about the superstreet concept. Ms. Barron provided information about the two options comparing the urban boulevard to superstreet. Mr. Rogers asked if there are any superstreet examples. Ms. Barron stated not to her knowledge, the ones that were around were converted to highways. Ms. Barron provided information in formation about the purpose of the study. Mr. Rogers asked about CAMPO's feedback. Ms. Barron stated they generally gave feedback for the urban concept. Mr. Metayer discussed the history of the MoKan Corridor and connectivity. Ms. Barron stated the urban corridor does not present connectivity issues for the future. Mr. Rogers moved to approve the resolution. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

**9.    Adjourn**

Mayor Gonzales adjourned the meeting at 8:26pm.

Respectfully submitted,

Trista Evans, City Secretary

Approved as submitted on March 14, 2023.