



# City of Pflugerville

## Minutes - Final - Final

### City Council

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Tuesday, February 12, 2019

7:00 PM

100 East Main Street, Suite 500

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#### Regular Meeting

The City Council is scheduled to hold a Worksession starting at 5:00 p.m. Please see the Worksession Agenda for a list of items for discussion at the Worksession.

#### 1. Call to order

Mayor Pro Tem Omar Peña called the regular meeting to order at 7:02 p.m. Councilmembers Doug Weiss, Jeff Marsh, Rudy Metayer, Mike Heath and Jim McDonald were in attendance. Mayor Victor Gonzales was absent. 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; Emily Barron, Planning Director; Terri Toledo, Communications Director; Jennifer Coffey, Library Director; Patricia Davis, Interim City Engineer; Chad Wood, Senior Transportation Engineer; Wayne Granger, Streets Superintendent; Wiley Webb, Utilities Superintendent; Rhonda McLendon, Animal Welfare Services Director; Jessica Robledo, Police Chief; Jason Smith, Assistant Police Chief; Manny Duarte, Interim Development Engineering Director.

#### 2. Opening

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

Boy Scout Troop 4277 lead the Pledge of Allegiance to the Flag of the United States of America.

##### B. Pledge of Allegiance to the Texas State Flag

Boy Scout Troop 4277 lead the Pledge of Allegiance to the Texas State Flag.

##### C. Moment of Silence

Mayor Pro Tem Peña observed a moment of silence.

#### 3. Items of Community Interest

Mr. Metayer congratulated staff on the opening of the 1849 Park. Mr. Marsh stated that the City is accepting veteran photos for the Youth Advisory Council Images of Service project.

#### 4. Presentation

- 4A. [2019-7363](#) Mayor's proclamation declaring February 2019 as Black History Month.

**Mayor Pro Tem Omar Peña read the proclamation and presented it to the local leaders and community members in attendance. He thanked those in attendance for their contributions to the community and for attending the meeting this evening.**

- 4B. [2019-7353](#) Pflugerville Animal Welfare Services (PAWS) Department annual presentation.

**Ms. McLendon presented on the item.**

#### 5. Public Hearing and Ordinance First Readings

- 5A. [ORD-0443](#) 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 5.84 ACRES OF AN UNPLATTED TRACT LOCATED AT THE SOUTH TERMINUS OF WILLOW ST. FROM RETAIL (R) AND GENERAL BUSINESS 1 (GB1) DISTRICTS TO SINGLE FAMILY MIXED USE (SF-MU) DISTRICT, AND APPROXIMATELY 1.25 ACRES OF AN UNPLATTED TRACT LOCATED AT THE EAST TERMINUS OF E. PFLUGER ST. FROM SINGLE FAMILY SUBURBAN (SF-S) TO SINGLE FAMILY MIXED USE (SF-MU) DISTRICT; TO BE KNOWN AS THE TOWNHOMES OF OLD TOWN EAST REZONING (REZ1805-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Mr. Marsh stepped down due to his having a conflict of interest on the item in that he has a substantial interest in Bolin Steger Homes, the proposed builder of the project. He did not participate in the discussions or vote on the item. Mayor Pro Tem Peña read the item to include the caption of the ordinance under consideration and opened the public hearing. Ms. Barron provided information. She stated that staff recommends approval of the rezoning and the Planning and Zoning Commission recommended approval with a vote of 6 to 1. Mike Marsh, representing the applicant, presented on the request for rezoning. Mike Marsh answered questions of the Council. He stated that the planned development is 38 detached single family homes in a condo regime.**

**Jeff Reeb, 600 E. Pfluger St, spoke against the extension of Willow and the issues it would cause. He stated that they could work out the details of the project but that the city requires the extension of Willow and he does not agree with that.**

**Stephen Lohrstorfer, 1203 Drake Elm Dr, voiced concerns for traffic going**

through the neighborhood. He ask the Council to tell them that they are going to do a traffic study. He stated concern for traffic on FM685 and Pecan Street.

Belinda Beyer, 102 Willow St, stated that the project is nice and good. She stated that they would like consideration of not extending Willow. She asked if there could be a North and South Willow without connection.

Diane Anderson, 605 Paul St, stated that she is very concerned about traffic going through the neighborhood. She stated she would like to keep their neighborhood separate. She stated that it seems like a lot of traffic. She stated that she would like to make that area a parkland to connect the trails. She stated that if they can stop Willow at the end of their neighborhood, that would be fairly good.

Mike Marsh, 2504 Dunes Dr, stated that these are legitimate questions of the neighbors but this is a rezoning. He stated that their concerns are site development concerns and the City Planning and Engineering Departments would address those concerns. Mr. Marsh stated that the neighbors have stated that the public hearing is the last time that they will have input as site development is at the staff level. He stated that he had to agree with them. He asked the Council to approve the rezoning on its merits and then let the staff get into the details of the site development plans.

Ms. Barron addressed questions of the Council. Mr. Heath asked regarding the traffic impact. Ms. Barron stated that it will not trigger a traffic impact analysis and the developer is not required to do one. She stated that the City could do its own. Mr. Heath asked Mr. Wood if this would be a cut-through. Mr. Wood stated that it is possible, but the City is making improvements to Pecan and Dessau. Mr. McDonald asked if two entrances is required for the development. Ms. Barron stated that 99 dwellings is the threshold for the fire department and this does not require it.

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 presented voted in favor. Mr. Marsh was not present and did not participate in the discussion or votes on the item. The motion carried.

Ms. Breland provided information on the rezoning process for the item and stated that the second reading of the ordinance is scheduled for February 26, 2019. Mr. Weiss stated that this rezoning is a reduction in intensity. He made a motion to approve the ordinance on first reading. Mr. Metayer seconded the motion. He stated that there is an issue with what could be developed there with the current zoning and this is regarding the zoning. Mr. Heath stated regarding transportation and connectivity that there is still an opportunity for Willow to not connect, that the neighbors need to keep track of the processes and make their voices heard. The vote was: Mr. Weiss-yes, Mayor Pro Tem Peña-no, Mr. Metayer-yes, Mr. Heath-yes, Mr. McDonald-yes. Mr. Marsh was not present and did not participate in the discussion or votes on the item. The motion carried.

**5B.** [ORD-0442](#)

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 LOTS 1 AND 2, PFLUGERVILLE EAST BUSINESS PARK FROM AGRICULTURE/DEVELOPMENT RESERVE (A) TO GENERAL BUSINESS 1 (GB1) DISTRICT; TO BE KNOWN AS 508 OLD AUSTIN HUTTO ROAD REZONING (REZ1811-02); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Peña read the item to include the caption of the ordinance under consideration and opened the public hearing. Mr. Marsh returned to the dais. Ms. Barron provided information. She stated that staff recommends approval of the rezoning and the Planning and Zoning Commission recommended approval. Ms. Barron answered questions of Council. Stephen Lohrstorfer, 1203 Drake Elm Dr, indicated concerns for traffic to be generated. Ms. Breland reported that the City will be bidding the Old Austin Hutto Road project this spring which was a part of the 2018 bond election. Mr. Fletcher provided information on the City currently updating its Transportation Plan and seeking public input on traffic challenges and problems in the community. 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.

Ms. Breland answered Council questions regarding the rezoning request and Ms. Barron provided additional information. Mr. McDonald made a motion to approve the ordinance on first reading. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

**5C.**    [ORD-0441](#)

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 TRAVIS CENTRAL APPRAISAL DISTRICT PARCEL ID 281471, AN UNPLATTED TRACT BISECTED BY W. PFLUGERVILLE PKWY, FROM AGRICULTURE/DEVELOPMENT RESERVE (A) TO SINGLE FAMILY MIXED USE (SF-MU) DISTRICT FOR APPROXIMATELY 28.316 ACRES ALONG THE NORTH SIDE OF W. PFLUGERVILLE PKWY (TRACT 1), AND FROM AGRICULTURE/DEVELOPMENT RESERVE (A) TO MULTI-FAMILY 20 (MF-20) DISTRICT FOR APPROXIMATELY 21.455 ACRES ALONG THE SOUTH SIDE OF W. PFLUGERVILLE PKWY (TRACT 2); TO BE KNOWN AS THE CIELO REZONING (REZ1811-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Peña read the item to include the caption of the ordinance under consideration and opened the public hearing. Ms. Barron provided information. Geoff Guerrero, applicant, provided information and answered questions of the Council. Ms. Barron answered questions of the Council. There were no additional requests to speak at the public hearing. Mr. Heath made a motion to close the public hearing. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

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

## 6. Public Comment

Kathy Tomasino, 2516 Amen Corner, stated that she was there with Donna McKay representing the Save the Golf Course Committee. She stated that she thinks the golf course is a great amenity and that they want to keep it as a golf course. Mayor Pro Tem Peña read a comment form from Donna McKay that she did not wish to speak but requested to state for the record her support for the golf course.

Mayor Pro Tem Peña called for a break at 8:28 p.m. He resumed the meeting at 8:34 p.m.

## Reading of the Consent Agenda

Items 9C, 9E and 10A were removed from the consent agenda. Ms. Thompson read the items to include the caption of the ordinance under consideration.

## 7. Approval of Minutes

- 7A. [2019-7356](#) Approval of the minutes of the January 22, 2019 Worksession and Regular Meeting.
- The minutes were approved on the consent agenda.

## 8. Ordinances First Reading

- 8A. [ORD-0452](#) Approving 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 VII (TITLED TRAFFIC CODE), CHAPTER 71 (TITLED PARKING REGULATIONS), SECTION 71.05 (TITLED PARKING PROHIBITED IN CERTAIN DESIGNATED AREAS) BY ESTABLISHING ADDITIONAL NO PARKING ZONES ON CALPLY DRIVE; 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.
- The ordinance was approved on first reading on the consent agenda.

## 9. Resolutions

- 9A.**    [RES-0597](#)            Approving a resolution with a caption reading: A RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING THE VACATION, ABANDONMENT AND RELEASE OF AN EXISTING WATER LINE EASEMENT ORIGINALLY GRANTED TO THE CITY IN DOCUMENT NUMBER 2005084470 AS RECORDED IN THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS ON MAY 13, 2005.
- The resolution was approved on the consent agenda.**
- 9B.**    [RES-0592](#)            Approving a resolution supporting an annual community engagement project and authorizing the City Manager to annually create and facilitate the same.
- The resolution was approved on the consent agenda.**
- 9D.**    [RES-0595](#)            Approving a resolution authorizing the City Manager to execute a Post-Annexation Provision of Services Agreement with the Pflugerville Independent School District, providing that upon annexation the City will provide standard City services to a tract of land totaling approximately 149.96 acres situated in the Joseph Wehl Survey No. 8, Abstract No. 802, Travis County, Texas, and a tract of land encompassing Weiss Lane road and right-of-way that is adjacent to the 149.96-acre tract, in which both tracts are generally located along Weiss Lane, between E. Pecan Street and Cele Road within the City's extraterritorial jurisdiction.
- The resolution was approved on the consent agenda.**
- 9F.**    [RES-0599](#)            Approving a resolution approving the second amendment to the Carmel development agreement between the City of Pflugerville and CE Development, Inc. authorizing additional revisions to the original agreement regarding internal and boundary roadway improvements and annexation and authorizing the City Manager to execute the same.
- The resolution was approved on the consent agenda.**
- 10.    Other Actions**
- 10B.**   [2019-7364](#)            Authorizing the City Manager to execute three dedication deeds for multiple final platted, public open space lots within the Highland Park development.
- The item was approved on the consent agenda.**
- 10C.**   [2019-7365](#)            Approving an interlocal agreement with the City of Fort Worth for the implementation of a procurement card purchasing program.
- The item was approved on the consent agenda.**

### **Action on the Consent Agenda**

Mr. Heath made a motion to approve the consent agenda. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

## 9. Resolutions - Removed from the Consent Agenda

- 9C. [RES-0594](#) Approving a resolution directing the City Manager to implement procedures to grant waivers of certain discretionary fees and processes for federal employees affected by a Federal Government shutdown.

An amended resolution was provided on the dais to provide additional clarification that the resolution would apply to current and future federal shutdowns. Mr. Marsh stated concerns for approving the resolution for those affected by federal shutdowns when there are others that have their own downturns. He stated that it seems fair to extend to everyone or no one. Mr. Weiss stated that this just delays payment. There was continued discussion. Ms. Breland noted that the City has had only one request for assistance from a federal employee. Mr. Metayer stated that he thinks that a federal shutdown is an extraordinary situation. Mr. Heath stated that he agrees with Mr. Marsh but stated that he finds that this does no harm. Mr. Weiss made a motion to approve the resolution as amended. Mr. McDonald seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-no, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-yes, Mr. McDonald-yes. The motion carried.

- 9E. [RES-0598](#) Approving a resolution approving the First Amendment to the Consent Agreement between the City of Pflugerville, Texas and Travis County Municipal Utility District No. 23, consenting to the annexation of additional land into the boundaries of the district and authorizing additional revisions to the original agreement and authorizing the City Manager to execute the same.

Mr. Marsh asked why they are voting on this MUD when they are not discussing other MUDs because we are waiting for the adoption of a MUD policy by the City Council. Mr. Weiss noted that this is an in-city MUD. Ms. Breland stated that the MUD policy would be coming to Council on February 26, 2019. Mr. Fletcher provided information on the item. Mr. Metayer agreed that Mr. Marsh has a valid point. Mr. McDonald stated that they could address those concerns in the near term. Mr. Weiss made a motion to approve the resolution on item 9F. Mr. McDonald seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-no, Mayor Pro Tem Peña-yes, Mr. Metayer-no, Mr. Heath-no, Mr. McDonald-yes. The motion failed with at 3 to 3 tie vote.

## 10. Other Actions - Removed from the Consent Agenda

- 10A. [2019-7342](#) Authorizing the City Manager to execute a contract for concrete sidewalk removal and replacement services to Xevex Construction, the lowest responsible bidder of two bids, in the amount of \$17/sq.ft.

Mr. Marsh stated that he thinks that they could do better on the pricing. Council discussion with Mr. Granger and Mr. Wood followed. Ms. Breland stated that she is unsure if they would do better if they rebid it or if any savings would be worth the time and cost of rebidding. Mr. Weiss made a motion to approve item 10A as presented. Mr. Metayer seconded the motion. The vote was: Mr.

Weiss-yes, Mr. Marsh-no, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-no, Mr. McDonald-yes. The motion carried.

Ms. Breland the City Council to reconsider their approval of 9F, since she would be unable to execute an agreement on 9F without the approve of 9E. She stated that she could bring back both 9E and 9F for consideration at the next meeting. Mr. Heath made a motion to reconsider item 9F. Mr. Marsh seconded the motion. The vote was: Mr. Weiss-no, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-no, Mr. Heath-yes, Mr. McDonald-no. The motion failed with a 3 to 3 tie vote.

## 9. Resolutions - Removed from the Consent Agenda

- 9E. [RES-0598](#) Approving a resolution approving the First Amendment to the Consent Agreement between the City of Pflugerville, Texas and Travis County Municipal Utility District No. 23, consenting to the annexation of additional land into the boundaries of the district and authorizing additional revisions to the original agreement and authorizing the City Manager to execute the same.

Mr. Weiss made a motion to reconsider item 9E. Mr. McDonald seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-no, Mr. McDonald-yes. The motion carried.

Mr. McDonald made a motion to approve 9E. Mr. Weiss seconded the motion. Ms. Breland stated that this is 14 acres and it meets our current standards. She stated that it does not have all of the conditions of the others. Council discussion followed. The vote was: Mr. Weiss-yes, Mr. Marsh-no, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-no, Mr. McDonald-yes. The motion carried.

## 11. Discuss and consider action

- 11A. [2019-7355](#) Discuss and consider action regarding a future City Council Special Meeting date, location and topics.

Council discussed that they had previously scheduled a worksession date. Mr. Heath made a motion to move forward with the worksession on March 16. Ms. Breland clarified that the worksession was previously set for February 16. The motion died due to lack of second. Mr. Metayer stated moving forward they should vote on these matters. There was Council discussion. Ms. Breland asked if they could get some dates. She stated some items on the agenda are the 130 overlay and strategic plan. She stated a need to discuss topics and time. She recommended bringing in a facilitator. The Council discussed possible dates, dates to exclude and possible meeting locations. Ms. Breland suggested afternoons of April 2 and April 12. Discussion followed. Mr. Marsh made a motion for April 2 and April 12 in the afternoons. There was continued discussion. The motion died due to lack of second. Mr. Heath made a motion that one of the days is April 2. Mr. Marsh seconded the motion. Mr. Heath-yes, Mr. Metayer-no, Mr. Marsh-yes, Mr. Weiss-yes, Mr. McDonald-yes. Mayor Pro Tem Peña did not vote. The motion carried. Mr. Metayer indicated that he is not available on April 2. Mr. Heath made a motion to reconsider April 2. Mr. McDonald seconded the motion. Mr. McDonald recommended that they do a



Doodle to establish proposed dates. Discussion followed. All voted in favor. The motion carried. Mr. Weiss made a motion to decline April 2. Mr. Heath seconded the motion. All voted in favor. The motion carried. Mayor Pro Tem Peña made a motion for the City Manager to send out a Doodle to determine the best dates for a worksession. Mr. Heath seconded the motion. All voted in favor. The motion carried.

## 12. Adjourn

Mr. Heath made a motion to adjourn. Mr. Weiss seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 9:33 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as presented on February 26, 2019.