



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, July 25, 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, Jim McDonald, and David Rogers were in attendance. Councilmember Rudy Metayer was not in attendance.

City staff in attendance: Sereniah Breland, City Manager; James Hartshorn, Deputy City Manager; Emily Barron, Assistant City Manager; Trista Evans, City Secretary; Charles Zech, City Attorney; Jeremy Frazzell, Planning and Development Services Director; Robyn Miga, Assistant Planning and Development Services Director; Cassie Balderas, Public Information Officer; Brandon Pritchett, Public Utility Director; Jason O'Malley, Police Chief; Andrea Brinkley, CIP Director; Jeff Dunsworth, City Engineer; Shane Mize, Parks and Recreation 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. Items of Community Interest

Mayor Gonzales invited everyone to the Talk the Walk event on August 3rd at Pfluger Park at 8am.

Mayor Gonzales invited everyone to the Small Stage Music Series on July 28 at the Best Little Plaza in Texas.

Mr. Rogers congratulated Girl Scout troupe 1587 for going to the National Convention, and thanked the Parks and Recreation department and the city for

providing support.

#### 4. Public Comment

Ron Thrower provided public comment regarding the Unified Development Code amendments stating concerns about urban developments on certain properties. Mr. Thrower stated those developments need to have connectivity and it is hard to put that level of commercial development in an area that is not connected. Mr. Thrower stated he will continue to engage with city staff, the commission, and council.

Dillon Shipper spoke in opposition to the new zoning stating it is not feasible in the marketplace and will cause rents to rise and become affordable. Mr. Shipper stated that the existing wastewater capacity would be a struggle with the new zoning and requested 60-90 days to talk through it before it gets voted on.

#### 5. Presentations

- 5A. [2023-0587](#) Conduct a presentation on the Parks and Recreation Department.

Mr. Mize introduced the Parks and Recreation department reviewing their core functions and what the department offers. Mr. Mize reviewed projects completed and in progress and answered questions from council. Mr. Mize discussed projects on the horizon, playground and shade replacement, and engineering projects. Mr. Mize reviewed annual visits and awards and grants received by the department. Mayor Gonzales asked about the increase in engagement. Mr. Mize provided information about expectations of the community to find entertainment within the City.

- 5B. [2023-0686](#) Mayor's proclamation declaring July 25, 2023 as Tony Bennett Day in the City of Pflugerville.  
Mayor Gonzales read the proclamation.

#### Reading of the Consent Agenda

Ms. Evans stated item 6G. was removed from the consent agenda, read the caption of the ordinance, and stated all remaining items can be acted upon in a single motion.

#### 6. Other Actions

- 6A. [ORD-0721](#) Approving an ordinance on second reading: An Ordinance of the City Council of the City of Pflugerville, Texas amending the City of Pflugerville's Unified Development Code; Providing for expiration dates of permits and projects; providing for permit application; providing for process for determining vested rights.

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

- 6B. [2023-0668](#) Approving the minutes of the July 11, 2023 Worksession, July 11, 2023

Regular Meeting, July 17, 2023 Worksession and July 18, 2023 Worksession.

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

- 6C. [2023-0593](#) Approving an agreement with The Brandt Companies, LLC in the amount of \$206,698 for the furnishing and installation of the Justice Center back-up generator, and authorizing the City Manager to execute the same.

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

- 6D. [2023-0662](#) Approving a conditional purchase agreement and associated conveyance documents between J.M. Properties, Ltd., (Parcel No. 10) and the City of Pflugerville as necessary to acquire real property interests for the Secondary Colorado River Raw Water Line Project and authorizing the City Manager to execute the same.

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

- 6E. [2023-0656](#) Approving a conditional purchase agreement and associated conveyance documents between Skinner Lands Travis County, LLC., (Parcel No. 47) and the City of Pflugerville as necessary to acquire real property interests for the Secondary Colorado River Raw Water Line Project and authorizing the City Manager to execute the same.

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

- 6F. [2023-0218](#) Approving a credit agreement for roadway impact fees with LRF2 AUS Meister Lane LLC, in the amount of \$2,141,521.44 for the construction of an extension of Kenney Fort Blvd, located south of SH 45 generally between Meister and New Meister Lane; and authorizing the City Manager to execute the same.

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

- 6H. [RES-1111](#) Approving a resolution authorizing the City Manager to execute a Post-Annexation Provision of Services Agreement, providing that upon annexation the City will provide standard City services to a tract of land totaling 15.84-acre tract of land, situated in the Zimpelman & Bergen Survey, Section No. 285, Abstract No. 2370 in Travis County, Texas, within the City's extraterritorial jurisdiction. The property is located at 17409 Cameron Road to be known as the Meadowlark Preserve Annexation (2023-2-ANX).

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

- 6I. [RES-1122](#) Approving a resolution of the City of Pflugerville, Texas, proclaiming Pflugerville the Trail Capital of Texas.

The resolution was approved on the consent agenda.

## Action on the Consent Agenda

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

Items pulled from the consent agenda will be addressed under Item 9.

## 7. Public Hearings and Ordinances

- 7A. [RES-1099](#) Conduct a public hearing and consider action to approve a resolution regarding the Community Development Block Grant (CDBG) Annual Action Plan for Program Year 2023.

Mayor Gonzales read the item and opened the public hearing. Mr. Frazzell reviewed the FY23 income limits summary and stated that a consolidated plan is completed every five years with the next being in 2024. Mr. Frazzell reviewed community development and housing needs, project priorities, and anticipated projects. Mr. Rogers asked how much of the scholarship money is used. Mr. Frazzell provided information about work to get more people involved in the next year. Mayor Gonzales asked about any unused money. Mr. Frazzell stated there are ways to reallocate the funds. Mayor Pro Tem Weiss stated he has received feedback that the city is putting the money in the right place.

There was no one present wishing to speak under the public hearing. Mayor Pro Tem Weiss moved to close the public hearing. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

Mayor Gonzales moved to approve the resolution. Mr. Ruiz seconded the motion. All voted in favor. The motion carried.

- 7B. [ORD-0729](#) Conduct a public hearing and consider action to approve an ordinance on first and final reading with the caption reading: Ordinance Authorizing the Issuance and Sale of City of Pflugerville, Texas Combination Tax and Limited Revenue Certificates of Obligation; Levying an Ad Valorem Tax and Pledging Certain Net Revenues in Support of the Certificates; Approving an Official Statement, a Purchase Agreement and Other Agreements; Establishing Procedures for Selling and Delivering the Certificates and Authorizing Other Matters Related to the Certificates.

Mayor Gonzales read the item and opened the public hearing. Dusty Traylor with RBC Capital provided information about the item stating it is for a delegated sale while when approved by council authorizes staff to sign the final sale documents. Mr. Traylor stated it allows for flexibility in the market.

Mayor Gonzales read item 7C. and opened the public hearing. Mr. Traylor stated item 7C. was a similar situation as 7B. and reviewed the limited tax bonds that were voter approved from 2020.

Mayor Pro Tem Weiss stated 7B. is for public works expansion design and several road projects. Mr. Traylor provided information about the bond rating. Mr. Rogers asked about the state of the market and anticipated rise in rates. Mr. Traylor provided information about the market and the delegated sale process that accounts for that.

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.

Mayor Pro Tem Weiss moved to approve the ordinance on first and final reading. Ms. Holiday seconded the motion. All voted in favor. The motion carried.

**7C.**    [ORD-0730](#)

Conduct a public hearing and consider action to approve an ordinance on first and final reading with the caption reading: Ordinance Authorizing the Issuance and Sale of City of Pflugerville, Texas Limited Tax Bonds; Levying Ad Valorem Tax in Support of the Bonds; Approving an Official Statement, a Purchase Agreement and Other Agreements; and Authorizing Other Matters Related to the Bonds.

Discussion on the item is included under item 7B. ORD-0729. There was no one present wishing to speak under the public hearing. Mayor Gonzales 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 and final reading. Mayor Pro Tem Weiss seconded the motion. All voted in favor. The motion carried.

**8.    Regular Agenda**

**8A.**    [2023-0551](#)

Discuss and consider action regarding regulation of short term rentals in the City of Pflugerville.

Mayor Gonzales stated the item is postponed to the next meeting so Mr. Metayer could be present as he requested the item.

**8C.**    [2023-0620](#)

Discuss and consider action regarding adding prior litigation with the City of Pflugerville as a disqualifier for bid projects.

Mayor Gonzales opened the item for discussion. Mayor Gonzales discussed the concern regarding entities that had prior litigation with City responding to bids for another project. Mr. McDonald stated he shared the concern. Mr. Rogers stated consideration that it not be a permanent limitation. Mr. Zech stated he is comfortable including a provision within the procurement process and stated the City has the authority to take general litigation history into analysis of proposals. Mr. Zech stated a prohibition up to five years since involved in litigation could be used. Mr. Zech answered questions from council about what can be included and possible time frames. Mayor Pro Tem Weiss stated a time frame may not need to be included by a general review of prior litigation may be appropriate. Discussion followed regarding allowing flexibility. Mr. Zech stated he will work on language to include a provision regarding being involved in litigation with City of Pflugerville being part of the analysis of

proposals.

8D. [2023-0659](#)

Discuss and consider action regarding Texas Municipal League legislative priorities and resolutions.

Mayor Gonzales opened the item for discussion. Mayor Pro Tem Weiss stated he is interested in something related to toll roads, the way the city adds facilities to toll roads, and how they calculate costs. Mr. Rogers stated he is interested in the ESD related resolutions that TML put forward last time, particularly one related to public officials determining tax rates and not being annexed without council approval. Mr. McDonald asked if there is a way to argue against the preemption bill that made it through. Mr. Zech stated it will be litigated for a while.

8E. [2023-0685](#)

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.

Mayor Gonzales stated the item would be postponed so it can be discussed at a meeting when all of council is present.

8F. [2023-0666](#)

Discussion regarding the Unified Development Code amendments.

Mayor Gonzales opened the item.

Stuart Shaw provided public comment stating concern about the rezoning of CL5 and asked for postponement to have some time to talk about it. Mr. Shaw stated it is not feasible to develop that in the marketplace today and places an undue burden on developers and will become unaffordable. Mr. Shaw stated concern about wastewater across SH45.

8B. [2023-0570](#)

Discuss and consider action regarding removal and appointments to the Pflugerville Community Development Corporation board of directors.

Mayor Gonzales opened the item for discussion. Mayor Gonzales discussed some challenges he has experienced serving on the PCDC Board and discussed the role of the board to make the best decisions for the projects that come forward. Mayor Gonzales discussed the council's role in appointing the right people to the board and spoke about concerns of a board member. Mr. McDonald spoke about his experience also serving on the board and discussed the board being open to disagreements and discussions in general. Mr. Rogers spoke about his previous experience on the PCDC board and discussed the usefulness of having a devil's advocate. Mayor Pro Tem Weiss discussed the type of influence some members can have on the board. Mr. Ruiz stated he trusts those who are serving on the board and will follow their recommendation. Mayor Gonzales moved to removed Anthony Nguyen from the PCDC Board. Ms. Holiday seconded the motion. The vote was as follows: Mayor Gonzales - yes, Mr. Ruiz - yes, Mr. McDonald - yes, Mayor Pro Tem Weiss - yes, Mr. Rogers - no, Ms. Holiday - yes. The motion carried.

Mayor Gonzales stated it leaves a vacancy on the board and would like to entertain discussion about having a third councilmember on the PCDC Board. Mr. McDonald stated Mayor Pro Tem Weiss has served on the board in the past

and would be a good addition. Mr. Ruiz stated he would also be open to serving on the board. Discussion followed regarding the process of appointments and dismissals. Mayor Pro Tem Weiss stated he would be happy to serve through the end of 2023, then look to Mr. Ruiz to take over. Mr. McDonald moved to appoint Doug Weiss to PCDC Place 4 until the end of 2023. Mr. Ruiz seconded the motion. The vote was as follows: Mayor Pro Tem Weiss - yes, Mayor Gonzales - yes, Ms. Holiday - yes, Mr. Ruiz - yes, Mr. Rogers - no, Mr. McDonald - yes. The motion carried.

- 8G. [2023-0654](#) Discussion regarding city owned and leased land in Downtown Pflugerville.

The item was discussed during the previous posted worksession.

## 9. Discuss and Consider Items Pulled from Consent Agenda

- 6G. [RES-1121](#) Approving a resolution authorizing the City Manager to execute an Interlocal Cooperation Agreement for Public Health Services between the City of Austin and the City of Pflugerville.

Mayor Gonzales opened the item for discussion. Mayor Pro Tem Weiss stated he asked for the item to be pulled to discuss the fee schedule. Todd Mers, Program Manager with Austin Public Health provided information about the process and discussed fees. Mr. Ruiz asked why the city went with Austin Public Health previous. Ms. Breland provided information about the previous providers. Mr. Ruiz spoke about concern with the fees stating they are not in line with Pflugerville. Discussion followed regarding staffing and experience with Austin Public Health. Mr. Ruiz suggested looking to someone else or an internal department for next year. Mayor Pro Tem Weiss stated concern regarding the fee for a two day festival. Mr. Mers stated they have assigned a staff to reach out about how other cities handle special events. Discussion followed regarding fees for the City of Austin being used as the same fees for the City of Pflugerville. Discussion followed regarding going to the Austin City Council and timing required.

Ms. Holiday moved to approve the item. Mr. Rogers seconded the motion. The vote was as follows: Mayor Gonzales - yes, Ms. Holiday - yes, Mr. Rogers - no, Mr. Ruiz - no, Mr. McDonald - yes, Mayor Pro Tem Weiss - no. The motion failed.

Mr. Rogers asked about postponing the item to allow for further discussion. Marcel Elizondo, Division Chief, stated they need to bring it six weeks in advance for Austin City Council which is why they need it today. Discussion followed regarding the services provided by Austin Public Health. Mr. Rogers moved to reconsider. Mayor Pro Tem Weiss seconded the motion. All voted in favor. The motion carried. Mr. Ruiz voiced his concern with the fees associated with the agreement.

Ms. Holiday moved to approve the item. Mr. Rogers seconded the motion. All voted in favor. The motion carried.

## Adjourn

Mayor Gonzales adjourned the meeting at 9:25pm.

Respectfully submitted,

Trista Evans, City Secretary

Approved as submitted on August 8, 2023.