



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, February 27, 2018

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

The City Council is scheduled to hold a Worksession starting at 6:00 p.m. Please see the Worksession Agenda for a list of items for discussion at the Worksession.

1. Call to order

Mayor Victor Gonzales called the regular meeting to order at 7:04 p.m. Councilmembers Doug Weiss, Mike Heath, Jeff Marsh, Rudy Metayer, Jim McDonald and Mayor Pro Tem Omar Peña were in attendance. City employees attending: Trey Fletcher, Interim City Manager; Charles Zech, City Attorney; Karen Thompson, City Secretary; Jennifer Stubbs, Assistant City Secretary; Amy Giannini, City Engineer; Chad Wood, Senior Transportation Engineer; Jennifer Coffey, Library Director; Jessica Robledo, Police Chief; Mayo Neyland, Police Commander; James Hemenes, Parks Director; Aileen Dryden, Park Development Manager; Cindy Pierce, Development Engineering Director; Emily Barron, Planning Director; James Wills, Public Works Director; Wiley Webb, Utility Superintendent; Robert Polanco, Building Official.

2. Opening

A. Pledge of Allegiance to the Flag of the United States of America: I pledge allegiance to the flag of the United States of America, and to the republic for which it stands: one nation under God, indivisible, with liberty and justice for all.

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: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

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.

Items were addressed in the order as recorded in the minutes.

3. City Council Announcements

Mr. Metayer stated that the Pflugerville Independent School District did a great job at the career fair last week and that he was impressed to see a variety of different careers, in particular what the Future Farmers of America (FFA) did. Mr. McDonald reported that Black Pflugerville and the Pflugerville Library had an inspiring event that helped highlight the historic Colored Addition cemetery. He also thanked Mayor Gonzales for participating.

4. Public Hearing and Ordinance First Readings

- 4A. [ORD-0390](#) Conduct a public hearing and consider approving the first reading of an ordinance 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 TWO (2) SEPARATE PARCELS WITHIN THE 7.96-ACRE WELLSPOINT ONE, SECTION TWO SUBDIVISION GENERALLY LOCATED NORTH OF THE SOUTH HEATHERWILDE BOULEVARD AND EAST WELLS BRANCH PARKWAY INTERSECTION WITH PARCEL ONE (1), CONSISTING OF 3.710 ACRES, BEING REZONED FROM LIGHT INDUSTRIAL (LI) TO GENERAL BUSINESS 1 (GB1) DISTRICT, AND PARCEL TWO (2), CONSISTING OF 4.249 ACRES, BEING REZONED FROM LIGHT INDUSTRIAL (LI) TO GENERAL BUSINESS 1 (GB1), AND COLLECTIVELY TO BE KNOWN AS THE BISON BUILDING RETROFIT REZONING (REZ1712-01); 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. Ms. Thompson read the item to include the caption of the ordinance under consideration. Ms. Barron provided information regarding the requested rezoning. Council discussion followed with the applicant representatives Allan Moritz and Brandon Frye, Concordia Boardmembers, regarding the timeline, traffic, parking, and size of facility and projected population of the school. Ms. Barron and Concordia's traffic consultant, Bobak Tehrany, provided information during the discussion. There were no requests to speak at the public hearing. Mayor Pro Tem Omar Peña made a motion to close the public hearing. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

Mr. Weiss made a motion to approve the ordinance on first reading with an effective date of February 27, 2018. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

- 4B. [ORD-0394](#) Conduct a public hearing and consider approving the first reading of an ordinance 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 A TRACT OF LAND CONSISTING OF APPROXIMATELY 19.851 ACRES OF LAND OUT OF THE ELNATHAN BEBEE SURVEY NO. 03 ABSTRACT

NO. 53, AND BEING GENERALLY LOCATED BETWEEN E. PFLUGERVILLE PKWY AND BLACK LOCUST DRIVE, AND EAST OF HEATHERWILDE BLVD AND E. PFLUGERVILLE PKWY INTERSECTION, FROM AGRICULTURE/CONSERVATION (A) TO SINGLE FAMILY MIXED USE (SF-MU), COLLECTIVELY TO BE KNOWN AS BLACK LOCUST TOWNHOMES REZONING (REZ1712-02); 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. Ms. Thompson read the item to include the caption of the ordinance under consideration. Ms. Barron provided information. Travis Moltz, engineer representing the applicant, provided information regarding the 180-unit townhome project. Matt Gebert, owner of the property to the east, asked if the townhomes would be rentals. Mr. Moltz indicated that he believes that they will be rentals. Mr. Gebert indicated concerns for the access to the townhomes from Pflugerville Parkway. Ms. Barron provided information on the vehicular access to the project for those travelling from the east on Pflugerville Parkway. Council discussion with Ms. Barron continued. Tracey Dockter asked if anything has been brought up regarding the school district and indicated concerns for the school populations. Mr. Weiss stated that he believes that Brookhollow Elementary was under capacity. Ms. Barron confirmed that Brookhollow was under capacity. Ms. Dockter stated concerns for the rough condition of Black Locust and further deterioration by truck traffic. Mr. Heath stated that the city is doing road maintenance inventories and would provide road maintenance. There were no additional requests to speak at the public hearing. Mr. Marsh made a motion to close the public hearing. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

Mr. Marsh made a motion to approve the ordinance on first reading as read with an effective date February 27, 2018. Mr. McDonald seconded the motion. The vote was: Mr. Weiss-yes; Mr. Marsh-yes; Mayor Pro Tem Peña-no; Mr. Metayer-yes; Mr. Heath-no; Mr. McDonald-yes; Mayor Gonzales-yes. The motion carried.

5. Public Comment

Anthony Nguyen stated that the Greenridge Homeowners Association had just had a board meeting and all thanked the City Council for the traffic signal at Cheyenne Valley Drive. He stated regarding the police security database that he thinks it is a great idea to register residential security cameras. He reported on his nomination to the Travis Central Appraisal District (TCAD) Board that there are 13 jurisdictions and were four nominations. He stated that he visited many of the entities and that he believes he will be elected. He provided information on the TCAD Board. Mr. Nguyen stated that he has noticed that the City of Round Rock has very quick meetings and that they do not place travel and mileage reimbursements on the Council agendas. He stated that he does not think that the City Council should need to place these on the agenda for approval, maybe just to place a report and focus on the larger things. He stated that he thinks there is a use for Councilmembers to attend conferences.

Leslie Schmidt spoke under public comment regarding item 7A to express her concerns regarding speed of traffic, traffic accidents and resulting property

damage and injuries, even one fatality in this location. She stated that it is a dangerous street and is a cut through. Mayor Gonzales stated that they could pull the item from the consent agenda and discuss it again later in the meeting.

11. Discuss and consider action

- 11H. [2018-6584](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding the search and selection of a Municipal Judge and the interim process to include interview of potential Municipal Judge candidate(s). 2.) Open Session Item: Discuss and consider action to appoint a Municipal Judge.

Mayor Gonzales announced that the City Council was retiring to executive session for discussion on the item. He read the item and retired to executive session. The time was 7:50 p.m. Mayor Gonzales reconvened in open session at 8:25 p.m. No action was taken.

Reading of the Consent Agenda

Items 7A, 7B and 9A were removed from the consent agenda. Ms. Thompson read the items under consideration.

6. Approval of Minutes

- 6A. [2018-6575](#) Approval of the minutes of the February 13, 2018 Worksession and Regular Meeting.
The minutes were approved on the consent agenda.

8. Resolutions

- 8A. [RES-0498](#) Approving a resolution rescinding resolution 1268-10-10-12-0012 and requiring quarterly City Councilmember expense reports.
The resolution was approved on the consent agenda.

9. Other Actions

- 9B. [2018-6565](#) Approving a Storm Water Facilities Maintenance Covenant, License and Agreement for the Costco development, located southeast of the intersection of SH 130 and Kelly Lane, and authorizing the City Manager to execute the agreement.
The item was approved on the consent agenda.
- 9C. [2018-6577](#) Approving a reimbursement request from Mayor Victor Gonzales for business meeting mileage expenses in the amount of \$32.16 for attendance at an EOC management program meeting on January 11, 2018, the Capital Alamo Connection Study on January 31, 2018, and the

TML Policy Committee Meeting on February 2, 2018.

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. Mayor Gonzales stepped down from the dais. Mayor Pro Tem Peña presided.

7. Ordinances Second Reading - Removed from the Consent Agenda

- 7A. [ORD-0395](#) 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 72 (TITLED TRAFFIC SCHEDULES), SCHEDULE III (TITLED STOP SIGNS ON PUBLIC STREETS) BY ESTABLISHING ADDITIONAL STOP SIGNS LOCATIONS IN THE WINDERMERE SUBDIVISION; PROVIDING FOR A VIOLATION OF CHAPTER 72 AS A CLASS C MISDEMEANOR AND 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. (Establishing an all-way stop at the intersection of Edgemere Drive and Knottingham Drive.)

Mayor Pro Tem Peña opened and read the item for consideration to include the caption of the ordinance under consideration. Mr. Wood offered to present on the item. Mr. Weiss requested additional comment from Leslie Schmidt who spoke on the item during public comment. Ms. Schmidt stated that she would like to eliminate wrecks and damage to property and is asking for assistance with 18-wheelers cutting through the neighborhood. Council discussion with Ms. Schmidt followed. Mayor Gonzales returned to the dais during the discussion.

Mr. Wood explained that he is recommending an all-way stop at this location due to sight restrictions and safety concerns due to the adverse sight line. He noted that the volume of traffic does not provide warrant for an all-way stop. Mr. Weiss asked if they could also have a directed patrol for speed control. Mr. Heath and Mr. Metayer also suggested the speed cart. Mayor Gonzales asked if they could address the 18-wheeler traffic. Mr. Fletcher stated that some are going to the wastewater plant, which is appropriate, vs. the cut through traffic, which is not.

Mr. Marsh made a motion to approve the ordinance on second reading as read. Mr. Weiss seconded the motion. There was further Council discussion with Mr. Wood. All voted in favor. The motion carried.

- 7B. [ORD-0398](#) 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 72 (TITLED TRAFFIC SCHEDULES), SCHEDULE III (TITLED STOP SIGNS ON PUBLIC

STREETS) BY ESTABLISHING ADDITIONAL STOP SIGNS LOCATIONS IN STONE HILL TOWN CENTER; PROVIDING FOR A VIOLATION OF CHAPTER 72 AS A CLASS C MISDEMEANOR AND 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.

Mayor Gonzales opened and read the item for consideration to include the caption of the ordinance under consideration. Mr. Weiss stated that he does not believe that this ordinance covers the other stop signs at the intersection. Mr. Wood stated that it was the intent that it include all of the noted stop signs. Discussion followed. Mr. Fletcher stated that they would verify the ordinance wording. Mr. Heath asked if they were going to review all of the traffic circulation in the shopping center. Mayor Pro Tem Peña requested a future agenda item on the topic. Mayor Pro Tem Peña made a motion to approve the ordinance on second reading. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

9. Other Actions - Removed from the Consent Agenda

- 9A. [2018-6573](#) Submission of the 2017 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.

Mr. Heath and Mr. Metayer provided comments. Commander Mayo Neyland conducted a presentation on the item and discussed with the Council. Mayor Pro Tem Peña made a motion to approve the item. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

10. Discuss only

- 10A. [2018-6574](#) Report from Councilmember Jim McDonald regarding the Texas Economic Development Council Economic Development Sales Tax Workshop held in Austin, Texas on December 8, 2017 and Texas Municipal League Newly Elected City Officials Workshop held in San Antonio, Texas on January 19, 2018.

Mr. McDonald provided a report on the item.

- 10B. [2018-6569](#) Presentation and discussion about the East Pflugerville Parkway Reconstruction Project.

Ms. Giannini provided an introduction to the item. Mr. Wood provided information regarding the project and plans to close Pflugerville Parkway East from Colorado Sands Boulevard to Becker Farm Road during the road construction. He provided information on the traffic control plan and answered questions of the Council. Mr. Weiss indicated concerns for detouring traffic through the neighborhood during the summer and suggested shutting down the section of roadway during the school year instead. Discussion followed. Ms. Giannini reviewed the current project schedule and indicated that they would

try to initiate an earlier construction start date if possible, but that construction would extend into the summer months.

- 10C. [2018-6568](#) Presentation and discussion about the central wastewater treatment plant expansion project land use assumptions and future demand projections.

Mayor Pro Tem Peña stated that he has spoken to staff and he believes that the options that they presented are the most viable and best for the long term. Mr. Heath stated that he still wanted to see the land use assumptions and that he wants to make sure the City has adequate capacity for future growth. Mr. Fletcher provided information. Ms. Giannini presented on the master plan, current CIP projects, land use assumptions and the current expansion of the central wastewater treatment plant. Mr. Wills and Mr. Darren Strozewski, DCS Engineering, provided information. Mr. Kendall King, Freese and Nichols, provided information on a solution to provide additional capacity at the central wastewater treatment plant if needed in the future by using a membrane bioreactor instead of upsizing the current system. He stated that they could reserve the location site in case it is needed and could expand incrementally if needed in the future up to 4 MGD. Mr. Heath indicated he was satisfied with the solution.

11. Discuss and consider action

- 11A. [2018-6485](#) Discuss and consider action to approve a Supplemental Agreement #1 with Freese and Nichols, Inc. in the amount of \$3,442,165 for professional engineering services associated with the plant expansion final design and bid phase services for the Central Wastewater Treatment Plant.

Mayor Pro Tem Peña stepped down from the dais due to a conflict of interest in that his brother-in-law has a substantial interest in the company. Ms. Giannini provided information and discussion with the Council followed regarding the cost. Mr. Heath stated that he is a fan of cost/fixed fee. He stated that the multiplier is higher than he is used to. Ms. Giannini stated that it is generally in line. Mr. Marsh made a motion to approve the item. Mr. Heath seconded the motion. All present voted in favor. Mayor Pro Tem Peña did not participate in the discussion or vote on the item. The motion carried.

- 11B. [RES-0499](#) Discuss and consider action to approve a resolution with the caption reading: RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING THE NORTH POINTE ECONOMIC DEVELOPMENT PROJECT RESOLUTION 1539-17-01-24-0384 TO EXTEND PROPERTY ACQUISITION DEADLINE TO MARCH 31, 2018.

Mr. Fletcher stated that the item was being presented for consideration at the request of the buyer to provide additional time for the closing of the property. He noted that the buyer, Tomas Shelig, was in attendance. Mr. Weiss made a motion to approve the item. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

- 11D. [2018-6514](#) Discuss and consider action to provide direction regarding changes to the ordinance regarding travel and expense policy.

Mr. Weiss asked for clarification from the City Attorney on Section E1 as he believes that the ordinance provides approval for the expenses listed. Mr. Zech reviewed the section and concurred with the interpretation. With this clarification, it was noted that no further consideration or action was needed.

11C. [2018-6564](#)

Discuss and consider action to authorize the City Manager to approve the purchase and installation of athletic field lighting equipment, and the purchase of parking lot lighting equipment for the 1849 Park Project from Musco Sports Lighting, LLC in the amount of \$1,421,633.00 utilizing the Texas Association of School Boards (TASB) cooperative purchasing contract (BuyBoard).

Mr. Hemenes provided a presentation and answered questions of the Council. Mr. Tod Spears, with Musco Lighting, answered additional questions of the Council. Mr. Marsh made a motion to approve 11C as presented. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

11E. [RES-0496](#)

Discuss and consider action to approve a resolution with the caption reading: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AUTHORIZING ACCEPTANCE OF THE SPECIAL COMMISSIONERS' AWARD AND DIRECTING THE CITY MANAGER AND CITY ATTORNEY, OR THEIR RESPECTIVE DESIGNEES, TO TAKE ALL NECESSARY ACTIONS TO COMPLETE EMINENT DOMAIN PROCEEDINGS, INCLUDING AUTHORIZING THE ISSUANCE OF A CHECK IN THE AMOUNT OF THE AWARD AND DEPOSITING THE SAME WITH THE TRAVIS COUNTY COURT CLERK FOR THE ACQUISITION OF 0.7272 OF ONE ACRE OF LAND IN FEE-SIMPLE FOR RIGHT OF WAY PURPOSES AND 0.1139 ACRES OF LAND FOR A PERMANENT DRAINAGE EASEMENT OUT OF THE EDWARD FLINT SURVEY NO. 11, ABSTRACT NO. 277, TRAVIS COUNTY, TEXAS AND BEING OUT OF THAT TRACT OF LAND DESCRIBED AS 16.6069 ACRES IN DEED TO HENNA 735 LLC, OF RECORD IN DOCUMENT NO. 2013195014, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; BEING PROPERTY OWNED AND CLAIMED BY HENNA 735 LLC; AND PROVIDING AN EFFECTIVE DATE.

Mr. Heath made a motion to approve. Mr. Marsh seconded the motion. Mr. Weiss was absent from the dais and did not vote on the item. All present voted in favor. The motion carried.

11F. [RES-0497](#)

Discuss and consider action to approve a resolution with the caption reading: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AUTHORIZING ACCEPTANCE OF THE SPECIAL COMMISSIONERS' AWARD AND DIRECTING THE CITY MANAGER AND CITY ATTORNEY, OR THEIR RESPECTIVE DESIGNEES, TO TAKE ALL NECESSARY ACTIONS TO COMPLETE EMINENT DOMAIN PROCEEDINGS, INCLUDING RATIFYING THE ISSUANCE OF A CHECK IN THE AMOUNT OF THE AWARD AND

DEPOSITING THE SAME WITH THE TRAVIS COUNTY COURT CLERK FOR THE ACQUISITION OF 0.4431 OF ONE ACRE OF LAND IN FEE-SIMPLE FOR RIGHT OF WAY PURPOSES AND 0.0634 OF ONE ACRE OF LAND FOR A PERMANENT DRAINAGE EASEMENT OUT OF THE EDWARD FLINT SURVEY NO. 11, ABSTRACT NO. 277, TRAVIS COUNTY, TEXAS AND BEING OUT OF THAT TRACT OF LAND DESCRIBED AS 2.026 ACRES IN DEED TO KELLYWEISS LLC, OF RECORD DOCUMENT NO. 2017072497, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; BEING PROPERTY OWNED AND CLAIMED BY KELLYWEISS LLC; AND PROVIDING AN EFFECTIVE DATE.

Mr. Heath made a motion to approve. Mr. McDonald seconded the motion. Mr. Weiss was absent from the dais and did not vote on the item. All present voted in favor. The motion carried.

11G. [2018-6576](#)

Discuss and consider action regarding future agenda items.

Mr. Metayer requested an item to discuss Travis County plans for Emergency Services Districts. Mr. Heath requested a worksession to discuss strategic plan prioritization and the negotiation of professional services, the type of contract and what the City expects. Mr. Marsh noted the items not yet addressed from November 28, 2017, to prioritize the strategic plan and a naming in remembrance of Britta Herzog. Mayor Pro Tem Peña requested to recognize JB Marshall, outgoing Municipal Judge, for his service to the City.

12. Discuss only

12A. [2018-6578](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code and deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code regarding the purchase, exchange, lease, transfer and/or sale of real property related to the Weiss Lane Roadway Project.
2.) Open Session Item: Discussion regarding the purchase, exchange, lease, transfer and/or sale of real property related to the Weiss Lane Roadway Project.

There was no discussion on the item at the regular meeting. Discussion on the item took place in executive session during the earlier worksession.

13. Adjourn

Mr. Weiss made a motion to adjourn. Mr. Heath seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 10:34 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on March 13, 2018.