



# City of Pflugerville

## Minutes - Final - Final

### City Council

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Tuesday, February 25, 2020

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 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 7:00 p.m. Mayor Pro Tem Omar Peña and Councilmembers Doug Weiss, Jeff Marsh, Rudy Metayer, Mike Heath and Jim McDonald were in attendance. City employees attending: Sereniah Breland, City Manager; Charles Zech, City Attorney; Trey Fletcher, Assistant City Manager; James Hartshorn, Assistant City Manager; Karen Thompson, City Secretary; Emily Barron, Planning Director; Amy Good, Finance Director; Maggie Holman, Public Information Officer; Jennifer Coffey Griswold, Library Director; Patricia Davis, City Engineer; Jason Smith, Assistant Police Chief; Vicky Rudy, Interim Public Works Director; Rhonda McLendon, Animal Welfare Services Director; Jessica Robledo, Police Chief; Terri Toledo, Communications Director; Tracy Hibbs, Utility Business Operations Manager.

#### 2. Opening

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

Mayor Gonzales lead 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

Mayor Gonzales lead 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.

#### 3. Items of Community Interest

Mayor Pro Tem Peña reminded everyone that there is currently an election and asked citizens to get out and vote. Mr. Marsh thanked the community for attending the Lion's Club Chili Supper last week. Mr. Metayer announced that the Travis County Expunction Clinic is on February 29, 2020.

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

#### 4. Presentations

- 4A. [2020-8240](#) Presentation on the United States Census 2020.

John Lawler, Travis County Census Program Manager, presented and answered questions of Council. Ms. Breland provided information on the City's public outreach efforts regarding the Census. There was continued discussion with Mr. Lawler.

- 4B. [2020-8201](#) Pflugerville Animal Welfare Services Department (PAWS) annual presentation.

Ms. McLendon presented on the item and answered questions of Council. Carley Cardwell, President of Friends of the Pflugerville Animal Shelter, spoke on the donations to the shelter. Brianna Perry, Vice President, was also in attendance.

#### 6. Public Comment

Bob Reichenbach, 309 Cottonwood Lane, stated that he is hearing about fees and charges that are being considered to be adjusted in an increased way. He stated when they make the budget in October, they are supposed to build these adjustments into the budget. He voiced concerns for the \$96.7 million bond election and that not being enough and we are going to ask people to pay more fees. He asked the Council to be more proactive in the budgeting process.

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

- 5A. [ORD-0508](#) 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. 1203-15-02-24 of the City of Pflugerville, Texas, as amended, by changing the zoning designation of approximately 8.284 acres, of unplatted land out of the George M. Martin survey, Abstract No. 9, in Travis County, Texas, from Agriculture/Development Reserve (A) to Single Family Mixed Use (SF-MU) district; to be known as the Villarreal development project rezoning (REZ2001-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

Mayor Gonzales opened the public hearing and read the item to include the caption of the ordinance to be considered on first reading. Ms. Barron provided information and answered questions of Council. There were no 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.

Mr. McDonald 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, Mayor Gonzales-yes. The motion carried.**

**5B. [ORD-0509](#)**

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. 1203-15-02-24 of the City of Pflugerville, Texas, as amended, by changing the zoning designation of approximately 2.2013 acres, Lot 1a from the Milestone Pecan Street Re-Subdivision, from General Business 2 (GB2) to General Business 1 (GB1) district; to be known as the Heatherwilde office condos rezoning (REZ2001-03); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

**Mayor Gonzales opened the public hearing and read the item to include the caption of the ordinance to be considered on first reading. Ms. Barron provided information and answered questions of Council. Mr. Heath made a motion to close the public hearing. Mr. Weiss seconded the motion. All voted in favor. The motion carried. Mr. Heath confirmed that there were no people signed up to speak at any of the public hearings.**

**Ms. Barron answered additional questions of Council. 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-0510](#)**

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. 1203-15-02-24 of the City of Pflugerville, Texas, as amended, by changing the zoning designation of an approximate 1.0 acre lot out of the John Van Winkle Survey, Abstract no. 689, Travis County, Texas, from Agriculture/Development Reserve (A) to Retail (R) and lot 43 an approximate 2.3 acre lot & lot 44 an approximate 4.5 acre lot out of the Springbrook One Section One Subdivision from Single Family Suburban (SF-S) to Parks Facilities and Open Space (PF); to be known as the Wilke Ridge Rezoning (rez2001-02); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

**Mayor Gonzales opened the public hearing and read the item to include the caption of the ordinance to be considered on first reading. Ms. Barron provided information and answered questions of Council. There were no 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.**

**Mr. Heath made a motion to approve the ordinance on first reading. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.**

**5D. [ORD-0506](#)**

Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: An ordinance amending Ordinance No. 1203-15-02-24 of the City of Pflugerville Code of Ordinances Title XV Land Usage, Chapter 157 Unified Development Code by amending

Subchapter 4, Zoning Districts and Use Regulations, Section 4.6.4 Home Occupation, by adding provisions relating to vehicles, equipment, and materials associated with home occupations, and prohibiting certain home occupations; amending Section 4.6.5 relating to screening for outdoor display and storage; and amending Subchapter 20, Definitions, by adding corresponding definitions; replacing all ordinances in conflict; containing severability and repealer clauses; providing for a penalty for a violation of Chapter 157, Subchapter 4 as a class C misdemeanor and a fine in an amount not to exceed \$2,000.00; and declaring an effective date.

**Mayor Gonzales opened the public hearing and read the item to include the caption of the ordinance to be considered on first reading. Ms. Barron provided information and answered questions of Council. There was Council discussion. Mr. Marsh stated that he thinks that they should use trip count instead of the type of business. Mr. Metayer stated that if there is another path, he thinks that would be better. There were no requests to speak at the public hearing. Mr. Heath made a motion to close the public hearing. Mr. Weiss seconded the motion. All voted in favor. The motion carried.**

**There was continued discussion. Mr. Weiss made a motion to approve the ordinance on first reading to include the restrictions on massage therapy and breeding. Mayor Gonzales 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-no, Mayor Gonzales-yes. The motion failed. Mr. Metayer asked that the ordinance be brought back. Ms. Breland asked for specific suggestions for amendment.**

**Ms. Barron asked Council if they would consider approving the amendment relating to screening for outdoor display and storage. Mr. McDonald made a motion to approve the ordinance on first reading as amended amending Section 4.6.5 relating to screening for outdoor display and storage. Mr. Heath seconded the motion. All voted in favor. The motion carried. Mr. McDonald ask to return to the item later in the meeting.**

**5E. [ORD-0507](#)**

Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: An ordinance amending Ordinance No. 1203-15-02-24 of the City of Pflugerville Code of Ordinances Title XV Land Usage, Chapter 157 Unified Development Code by amending Subchapter 4, Zoning Districts and Use Regulations, by updating provisions relating to temporary uses and structures, integrating mobile food vendor provisions, and establishing a Temporary Use Permit process in Section 4.7; amending provisions relating to Mobile Food Vendors and Parks in Sections 4.9 and 4.10; amending Subchapter 20, Definitions, by adding corresponding definitions; and repealing Title IX General Regulations, Chapter 98 Temporary Storage Structures in its entirety; replacing all ordinances in conflict; containing severability and repealer clauses; providing for a penalty for a violation of Chapter 157, Subchapter 4 as a class C misdemeanor and a fine in an amount not to exceed \$2,000.00; and declaring an effective date.

Mayor Gonzales opened the public hearing and read the item to include the caption of the ordinance to be considered on first reading. Ms. Barron provided information and answered questions of Council. There were no requests to speak at the public hearing. Mr. Heath made a motion to close the public hearing. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

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

[ORD-0506](#)

Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: An ordinance amending Ordinance No. 1203-15-02-24 of the City of Pflugerville Code of Ordinances Title XV Land Usage, Chapter 157 Unified Development Code by amending Subchapter 4, Zoning Districts and Use Regulations, Section 4.6.4 Home Occupation, by adding provisions relating to vehicles, equipment, and materials associated with home occupations, and prohibiting certain home occupations; amending Section 4.6.5 relating to screening for outdoor display and storage; and amending Subchapter 20, Definitions, by adding corresponding definitions; replacing all ordinances in conflict; containing severability and repealer clauses; providing for a penalty for a violation of Chapter 157, Subchapter 4 as a class C misdemeanor and a fine in an amount not to exceed \$2,000.00; and declaring an effective date.

Council returned to item 5D at Mr. McDonald's earlier request. Mayor Pro Tem Peña suggested to discuss at a worksession. Mr. McDonald indicated agreement. Discussion was to take place at a worksession in March.

## Reading of the Consent Agenda

Items 10B, 10C, 10D and 10E were removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

### 7. Approval of Minutes

- 7A. [2020-8237](#) Approval of the minutes of the February 11, 2020 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

### 8. Ordinance First Reading

- 8A. [ORD-0514](#) Approving an ordinance on first reading as amended 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 Traffic Code, Chapter 71 Parking Regulations, section 71.05 parking

prohibited in certain designated areas by establishing an additional No Parking Zone on Picadilly Drive between 7:00 a.m. and 4:00 p.m.; providing for a violation of section 71.05 as a misdemeanor and a fine amount not to exceed \$500.00; 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 as amended on the consent agenda.**

## 9. Ordinance Second Reading

- 9A. [ORD-0512](#) Approving an ordinance on second 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 (solid waste and engineering fees).

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

## 10. Other Actions

- 10A. [2020-8177](#) Review of the FY19 Investment Reports.

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

- 10F. [2020-8243](#) Approving a Work Authorization Number 2020-3 as a supplement to the professional services agreement for the Water Treatment Plant Engineering Services with DCS Engineering, LLC. in the amount of \$55,000 for professional services associated with the Raw Water Strainer Installation Project.

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

## Action on the Consent Agenda

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

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

- 10B. [2020-8232](#) Submission of the 2019 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.

**Chief Robledo reported there were 13,602 stops and she reviewed the statistics. Mr. Heath complimented the transparency of the information provided in the**

report. Mr. McDonald noted that there were only two complaints in which evidence was found not to support. Mr. Heath made a motion to accept the report. Mr. Weiss seconded the motion. Mayor Pro Tem Peña commended the work of Chief Robledo and there were additional comments. All voted in favor. The motion carried.

**10C.** [2020-8246](#)

Approving First Amended and Restated Interlocal Cooperation Agreement between the City of Pflugerville and the Pflugerville Independent School District (ISD) for the following police related services: Reduction in hours the City of Pflugerville provides Partial Dispatch Services (as established by the Pflugerville ISD).

Mr. Weiss stated that he wanted to make sure the Council was aware that this would reduce the City's revenue but would not reduce the City's costs. Discussion followed with Ms. Breland. Mr. Heath noted the increase of calls year over year to the City's Dispatch. Mr. McDonald noted that he believed that they had also not added an employee which was requested in the budget last year. Mr. McDonald made a motion to approve the item. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

**10D.** [2020-8194](#)

Approving First Amended Agreement for supplement to an agreement for the Transportation Master Plan with Kimley-Horn and Associates, Inc. in the amount of \$85,000 for professional engineering services associated with the preparation of a Roadway Impact Fee Study.

Mr. Heath asked for a review of roadway impact fees. Ms. Barron and Jake Gutekunst, Kimley-Horn and Associates, provided information and answered questions of Council. Mr. Heath made a motion to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

**10E.** [2020-8236](#)

Approving Work Authorization No. 2020-2 with Seven Arrows Land Staff, LLC. in the amount of \$93,750.00 for right-of-way services for the Kelly Lane Phase 2 roadway project.

Mr. Heath stated that he just wanted people to know that the City is moving forward with this project. Mr. Heath made a motion to approve the item. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

**11. Discuss and consider action**

**11A.** [2020-8239](#)

Discuss and consider action to approve a professional services agreement with Kimley-Horn in the amount of \$297,122 for professional engineering services associated with the Highland Park interceptor and decommissioning of Highland Park Lift Station project and authorizing the City Manager to execute the same.

Ms. Davis provided information and answered questions of Council. Mayor Pro Tem Peña made a motion to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

**11B.** [2020-8202](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for discussion

regarding contractual issues relating to the Grand Avenue Parkway Pavement Project. 2.) Open Session Item: Discuss and consider action regarding the Grand Avenue Pavement Project.

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

- 11C.** [2020-8249](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for discussion regarding litigation: Cash Construction Company, Inc. vs. the City of Pflugerville. 2.) Open Session Item: Discuss and consider action regarding litigation: Cash Construction Company, Inc. vs. the City of Pflugerville.

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

### **Executive Session**

**Mayor Gonzales announced that the City Council was retiring to executive session on items 11D and 11E. He read the items and retired to executive session. The time was 9:10 p.m.**

- 11D.** [2020-8238](#) 1.) Executive Session Item: Pursuant to Chapter 551.072 of the Texas Government Code, deliberations regarding the purchase, exchange, lease, transfer and/or sale of real property related to the SH 45 Water and Wastewater Line Extension project. 2.) Open Session Item: Authorizing the City Manager to execute a purchase agreement with HPN Investments, Inc. for a Wastewater Line Easement and Temporary Construction Easement to acquire real property interests for the SH 45 Water and Wastewater Line project.

**Discussion on the item took place in executive session.**

- 11E.** [2020-8247](#) 1.) Executive Session Item: Pursuant to Chapter 551.072 of the Texas Government Code, deliberations regarding the purchase, exchange, lease, transfer and/or sale of real property related to the SH 45 Water and Wastewater Line Extension project. 2.) Open Session Item: Discuss and consider action regarding the purchase, exchange, lease, transfer and/or sale of real property related to the SH 45 Water and Wastewater Line Extension project.

**Discussion on the item took place in executive session.**

### **Executive Session - Closed**

- 11D.** [2020-8238](#) 1.) Executive Session Item: Pursuant to Chapter 551.072 of the Texas Government Code, deliberations regarding the purchase, exchange,



lease, transfer and/or sale of real property related to the SH 45 Water and Wastewater Line Extension project. 2.) Open Session Item: Authorizing the City Manager to execute a purchase agreement with HPN Investments, Inc. for a Wastewater Line Easement and Temporary Construction Easement to acquire real property interests for the SH 45 Water and Wastewater Line project.

**Mr. Heath made a motion to approve authorizing the City Manager to execute a purchase agreement with HPN Investments. Mr. McDonald seconded the motion. All voted in favor. The motion carried.**

**11E.** [2020-8247](#)

1.) Executive Session Item: Pursuant to Chapter 551.072 of the Texas Government Code, deliberations regarding the purchase, exchange, lease, transfer and/or sale of real property related to the SH 45 Water and Wastewater Line Extension project. 2.) Open Session Item: Discuss and consider action regarding the purchase, exchange, lease, transfer and/or sale of real property related to the SH 45 Water and Wastewater Line Extension project.

**There was no discussion on the item in open session. No action was taken on the item.**

**12. Adjourn**

**Mayor Gonzales adjourned the meeting at 9:28 p.m.**

**Respectfully submitted,**

**Karen Thompson  
City Secretary**

**Approved as presented on March 10, 2020.**