



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, December 11, 2018

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

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; Trey Fletcher, Assistant City Manager; Lauri Gillam, Assistant City Manager; Karen Thompson, City Secretary; Jennifer Stubbs, Assistant City Secretary; Terri Toledo, Communications Director; Emily Barron, Planning Director; Amy Giannini, City Engineer; Amy Good, Finance Director.

2. Opening

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

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

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.

3. Items of Community Interest

Mr. Metayer complimented all participants of the holiday parade. Mayor Gonzales commended Mr. Metayer for his holiday wardrobe and Mr. McDonald for his three-legged goat holiday sweater.

4. Public Comment

W.C. Kolinek, 18108 Monarch Butterfly, voiced safety concerns for the intersections of Colorado Sand and Pflugerville Parkway; and Colorado Sand and Lonestar Parkway.

Alejandro Grana, 1220 Cottonwood Creek Trail, Cedar Park, provided

information on the Human Values Fest to be held on April 6, 2019 at the Weiss High School Performing Arts Center.

Ernest Tomes, 16701 Heatherwilde, stated that he would like to see progress on public transportation door-to-door service for handicapped. He stated that he wanted to make sure the city is working on it.

Steve Wuertz, 202 S. 1st, stated that they would request in a few months to establish a more formal (Central Business District) boundary as the alley. He voiced concerns regarding the 200-foot radius used for petitions on rezonings, as their lots are generous lots and most of the property in his area is commercial and homeowners don't have an effective way to petition to stand up to a rezoning. He stated that he would like to see the radius expanded to 500 feet and asked what they need to make that change.

Kim Waters, Pflugerville Pets Alive, reported that the dog jog event was very successful with 150 runners. She reported on issues that the group had in holding the event at the park.

Reading of the Consent Agenda

Items 6A, 8B, 8C and 8D were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

5. Approval of Minutes

- 5A. [2018-7224](#) Approval of the minutes of the November 16, 2018 Worksession and November 20, 2018 Special Meeting and November 27, 2018 Regular Meeting.
- The minutes were approved on the consent agenda.

7. Ordinances Second Reading

- 7A. [ORD-0436](#) 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 REZONING LOTS 1 AND 2, CONSISTING OF 2 ACRES OUT OF THE 685 BUSINESS CENTRE SUBDIVISION AND BEING LAND SITUATED IN THE HENRY BLESSING SURVEY NO. 3, ABSTRACT NO. 99, AND THE SEFRIN EISELIN SURVEY NO. 1, ABSTRACT 265, TRAVIS COUNTY, TEXAS, LOCATED GENERALLY WEST OF F.M. 685 AND DIRECTLY NORTH OF JUSTICE CENTER DRIVE; TO BE KNOWN AS JUSTICE CENTER REZONING (REZ1809-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
- The ordinance was approved on second and final reading on the consent agenda.

- 7B. [ORD-0429](#) Approving an ordinance on second 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 INCORPORATING AN APPENDIX A. FEE SCHEDULE, RELATING TO THE PROCESSING OF PERMIT APPLICATIONS AND OTHER SERVICES; REPLACING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND DECLARING AN EFFECTIVE DATE. (CA1810-01)

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

- 7C. [ORD-0430](#) Approving an ordinance on second 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 INCORPORATING AN APPENDIX B. APPLICATION SUBMITTAL AND CONTENT REQUIREMENTS RELATING TO THE PROCESSING OF PERMIT APPLICATIONS AND OTHER SERVICES; REPLACING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND DECLARING AN EFFECTIVE DATE. (CA1810-02)

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

- 7D. [ORD-0431](#) Approving an ordinance on second 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 1, GENERAL PROVISIONS, BY REMOVING THE SEQUENCE OF PERMITS SECTION, REPLACING THE VIOLATIONS AND PENALTY SECTIONS, AND MAKING OTHER ADMINISTRATIVE REVISIONS; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 157, SUBCHAPTER 1 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$2,000.00; AND DECLARING AN EFFECTIVE DATE. (CA1810-03)

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

- 7E. [ORD-0432](#) Approving an ordinance on second 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 2, ADMINISTRATION, BY UPDATING ROLES AND RESPONSIBILITIES; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND DECLARING AN EFFECTIVE DATE. (CA1810-04)

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

7F. [ORD-0433](#)

Approving an ordinance on second 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 3, PROCEDURES, BY PROVIDING FOR CONSISTENT PROVISIONS RELATING TO THE EXPIRATION OF APPLICATIONS AND MODIFIED PROVISIONS FOR THE APPEAL PROCESS; 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 3 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$2,000.00; AND DECLARING AN EFFECTIVE DATE. (CA1810-05)

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

7G. [ORD-0434](#)

Approving an ordinance on second 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 8, NONCONFORMITIES, BY UPDATING PROVISIONS RELATING TO NEWLY ANNEXED TERRITORY, VESTING RIGHTS, AND THE CONTINUATION OF LEGAL NONCONFORMING SITES; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 157, SUBCHAPTER 8 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$2,000.00; AND DECLARING AN EFFECTIVE DATE. (CA1810-06)

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

8. Resolutions

8A. [RES-0584](#)

Approving a resolution rejecting all bids received for the Justice Center Sewer and Drainage Improvements Project.

The resolution was approved on the consent agenda.

9. Other Actions

- 9A. [2018-7229](#) Approving the Mayor's appointment of Bruce Tabor to the Personnel Appeal Board for a three-year term beginning January 1, 2019.
The item was approved on the consent agenda.
- 9B. [2018-7226](#) Approving the selection of DCS Engineering, LLC, CP&Y, Inc., and Freese and Nichols, Inc. to provide services associated with the Weiss Lane Lift Station and Force Main Analysis and System Upgrades Projects and authorizing the City Manager to enter into negotiations as needed regarding scopes of work and fee proposals.
The item was approved on the consent agenda.
- 9C. [2018-7227](#) Approving a supplemental agreement with Halff Associates, Inc. in the amount of \$120,934.00 for professional engineering services associated with the Black Locust Drive Pavement Rehabilitation Project included in the 2019 Pavement Maintenance Program.
The item was approved on the consent agenda.

Action on the Consent Agenda

Mayor Gonzales made a motion to approve the consent agenda. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

6. Ordinances First Reading - Removed from Consent Agenda

- 6A. [ORD-0440](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FOURTH AMENDMENT TO THE FISCAL YEAR 2018 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE (4th quarter amendments).
Mayor Gonzales opened and read the item to include the caption of the ordinance under consideration. Mr. Heath stated that he requested that the item be removed from the consent agenda in order to be forward and open. He asked for a summary of the changes for the public. Ms. Gillam provided a summary. Mayor Pro Tem Peña made a motion to approve the ordinance on first reading. Mr. Heath seconded the motion. All voted in favor. The motion carried.

Resolutions - Removed from Consent Agenda

- 8B. [RES-0512](#) Approving a resolution of the City Council of the City of Pflugerville, Texas authorizing amendment of the non-annexation development agreement by

and between the City of Pflugerville and RRE Austin Solar LLC, its successors and assigns, to extend deadlines.

Mayor Gonzales opened and read the item for consideration. Mayor Pro Tem Peña stated that he asked that the item be removed from the consent agenda to allow for a presentation. Michael Dennison, Recurrent Energy, stated that they last addressed the Council in May 2018 and at that time the Council requested to see further progress prior to approval. He reported that they have had significant progress in that Recurrent closed on 200 acres of the project and signed a power purchase agreement with Austin Energy for the full 900 acres (144 megawatts) to come on line in December 2020. He requested City Council approval. Discussion followed. A concern was noted that the City Council would need to approve the assignment of the agreement. Mr. Fletcher explained that the agreement runs with the property. Mr. Zech stated that the agreement requires that the City approve the assignment. Mr. Zech was to bring applicable paperwork forward at the December 18, 2018 special meeting for consideration. Mayor Pro Tem Peña made a motion to table the item. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

8C. [RES-0581](#)

Approving a resolution approving the Mayor's nomination and appointment of Jeffrey Thompson to Position 1, Chuck Lesniak to Position 3 and Scott Williams to Position 5 of the City of Pflugerville Reinvestment Zone No. One (Falcon Pointe TIRZ) Board of Directors for two-year terms beginning January 1, 2019.

Mayor Gonzales provided information on his nomination and appointment of Jeff Thompson, Chuck Lesniak, and Scott Williams and requested City Council approval. He noted that Mr. Thompson and Mr. Williams would be reappointments to the TIRZ Board and Mr. Lesniak would be a new appointment. Mr. Lesniak provided information on his qualifications and answered questions of Council. Discussion followed with input from Ms. Breland and Ms. Thompson. Mr. Metayer made a motion to approve. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

8D. [RES-0582](#)

Approving a resolution approving the Mayor's nomination and appointing Jeffrey Thompson, Position 1, as chairman of Reinvestment Zone No. One (Falcon Pointe TIRZ) for a one-year term beginning January 1, 2019.

Mayor Gonzales stated that he nominates Jeff Thompson to serve as Chair of the TIRZ Board and read a statement from Mr. Thompson indicating his interest in serving and his intention to resign from the Pflugerville Community Development Corporation Board of Directors. Mr. Weiss made a motion to approve. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

10. Ordinances Second Reading

10A. [ORD-0439](#)

Discuss and consider action to approve an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING REINVESTMENT ZONE NO. ONE TO INCLUDE ADDITIONAL PROPERTY WITHIN THE CITY OF PFLUGERVILLE, TEXAS; ESTABLISHING THE NEW

BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO, INCLUDING ESTABLISHING THE DURATIONAL TERM, APPROVING THE FIRST AMENDED PROJECT PLAN AND REINVESTMENT ZONE FINANCE PLAN AND ADJUSTING THE TAX INCREMENT BASE THEREOF; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Barron provided information. David Wallace, Presidium Group, and Naina Magon and David Hawes, Hawes Hill and Associates, answered questions of Council. Mr. Hawes explained that it is based on the performance by the developer. He stated that infrastructure is built by the developer and if the developer doesn't perform, then the developer doesn't get paid. Ms. Barron answered additional questions of Council.

Tammy Smith, spoke in favor. She provided a letter from Ed Ramos of the Pflugerville Independent School District regarding impact to the school district which showed the school district would get \$4.9 million in additional debt service tax collections and result in a projected student growth of 169 students which could be absorbed within the current schools in the project's attendance zones.

Pat Epstein, 603 Princeton Drive, spoke in favor. She stated that it will stimulate positive. She stated that Pflugerville will continue to grow and it needs economic stimulus. She stated that the project will create an atmosphere that will spread beyond and into the downtown area.

Charlie Torres, 1122 Black Canyon Street, spoke in favor. He stated that the planning that has been done for this project is amazing. He stated that the public improvements there will make an impact. He stated that he loves the city so much and what they have done to have a wonderful city and school district and that this will have a positive impact to the schools. He stated that once the project gets going it will help the school district a lot.

Victor Johnson, 405 Stansted Manor Drive, spoke in favor. He stated that they have heard that it will have a good impact for the school and the city's finances. He stated that this is an excellent plan and will provide 1 million sq. feet in office and retail space. He stated that this is going to be a great commercial anchor and will encourage additional development.

Jeff Coleman, former mayor, spoke in favor. He stated that after 9 years, they have never found a better way to encourage development that otherwise wouldn't happen.

Amelia Folkes, 21012 Windmill Ridge, spoke on the importance of the walkable development. She stated that she is the city's greatest publicist and within her work she moves people to Pflugerville and Round Rock and she encourages people to look at Pflugerville for the best schools, Costco and all that Pflugerville has to offer. She stated that she is in favor of parking garages as they preserve green space and are better for the walkable aspect. She stated that the project will have a positive impact on schools, which is really important. She stated that we need to develop more on the west side to spread the development across Pflugerville, not just develop on the east side.

There was continued discussion of the Council. Mayor Gonzales called for a vote on the item. Mr. Weiss made a motion to approve the ordinance on second reading. Mr. Marsh 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, Mayor Gonzales-yes. The motion carried.

11. Adjourn

Mr. Marsh made a motion to adjourn. Mr. Metayer seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 8:19 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on January 8, 2019.