



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, March 13, 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 worksession to order at 7:00 p.m. Mayor Pro Tem Omar Peña and Councilmembers Jim McDonald, Jeff Marsh, Rudy Metayer, Doug Weiss, and Mike Heath were in attendance. City employees attending: Trey Fletcher, Interim City Manager; Charles Zech, City Attorney; Karen Thompson, City Secretary; Jennifer Stubbs, Assistant City Secretary; Jessica Robledo, Police Chief; Jennifer Coffey, Library Director; Terri Toledo, Communications Director; Amy Good, Finance Director; James Hemenes, Parks & Recreation Director; Amy Giannini, City Engineer; Cindy Pierce, Development Engineering Director; Caroline Davis, Acting Municipal Judge; Maggie Holman, Special Events Coordinator; Aileen Dryden, Park Development Manager; Robert Polanco, Building Official; Chad Wood, Senior Transportation Engineer; James Wills, Public Works Director; Sheila Wiora, Assistant Parks & Recreation Director.

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.

3. City Council Announcements

Mr. Weiss stated that he wanted to let the citizens know Pflugerville Council of Neighborhood Associations (PfCONA) is holding a town hall meeting with House Representative Celia Israel next Thursday at 7:00 p.m. at the Falcon Pointe Clubhouse. Mr. McDonald stated there will be a cemetery clean up this Saturday at 9:00 a.m. at the Historic Colored Addition Cemetery. Mr. Metayer gave kudos to the Police Department for working with other agencies concerning the bombings happening in Austin. Mr. Metayer provided comments regarding Draylen Mason, the young man who passed away in the bombing.

4. Presentations

- 4A. [2018-6602](#) Recognition presentation to J.B. Marshall for service to the City of Pflugerville as Municipal Judge.
- Mayor Gonzales provided comments and presented a plaque to Judge J.B. Marshall. Judge Marshall provided comments.
- 4B. [2018-6604](#) Pflugerville Police Department receives transparency award from Measure Austin.
- Ms. Meme Styles with Measure Austin, provided an award to the Pflugerville Police Department for transparency with the launch of the new digital crime map and support to community policing. Chief Robledo provided comments.
- 4C. [2018-6617](#) Recognition of Mr. Anthony Nguyen as a member of the Travis County Appraisal District Board of Directors representing eastern Travis County.
- Mayor Gonzales provided comments and introduced Mr. Anthony Nguyen. Mr. Nguyen provided comments.
- 4D. [2018-6612](#) Presentation of Texas Recreation and Park Society (TRAPS) Gold Medal Award to Parks and Recreation.
- Mr. Hemenes presented the Texas Recreation and Park Society Gold Medal Award which was awarded to the Parks and Recreation Department.

5. Public Comment

Kathy Tomasino, 2516 Amen Corner, stated that she is on the Save Blackhawk Golf Course Committee and she wants to keep them in the forefront. She stated that they want to show that the benefits outweigh the initial costs and they want to keep the zoning as agriculture/conservation or green space district.

Mr. Anthony Nguyen, 19905 Tree Sap Way, reiterated what Councilmember Weiss mentioned about the PfCONA meeting next Thursday, that check-in begins at 6:45 p.m. and the meeting starts at 7:00 p.m. with House Representative Ceila Israel. He stated Ms. Israel would like to talk to the community and she engages with Pflugerville every couple of years. Mr. Nguyen encouraged everyone on council to attend. Mr. Nguyen provided a Travis County Appraisal District Board of Directors (TCAD) update.

Reading of the Consent Agenda

Ms. Stubbs read the items along with the captions of the ordinances under consideration.

6. Approval of Minutes

- 6A. [2018-6600](#) Approval of the minutes of the February 27, 2018 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

7. Ordinances First Reading

- 7A. [ORD-0399](#) 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 AN ADDITIONAL NO PARKING ZONE ON KINGSTON LACY BOULEVARD; 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. (Kingston Lacy Boulevard)

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

8. Ordinances Second Reading

- 8A. [ORD-0390](#) Approving an ordinance on second 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 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.

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

- 8B. [ORD-0394](#) Approving an ordinance on second 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 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.

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

9. Resolutions

- 9A. [RES-0500](#) Approving a resolution with the caption reading: A RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS, ACCEPTING A PETITION AND REQUEST FOR THE ACCEPTANCE OF LAND INTO THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF PFLUGERVILLE TO INCLUDE APPROXIMATELY 463.956 ACRES OF LAND CONTIGUOUS TO THE EXISTING EXTRATERRITORIAL JURISDICTION OF THE CITY OF PFLUGERVILLE, TEXAS, GENERALLY LOCATED EAST OF MANDA-CARLSON ROAD, SOUTH OF LUND CARLSON ROAD, IN TRAVIS COUNTY, TEXAS.

The resolution was approved on the consent agenda.

- 9B. [RES-0502](#) Approving a RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS, ELECTING TO BECOME ELIGIBLE TO PARTICIPATE IN TAX ABATEMENT UNDER TEXAS TAX CODE, CHAPTER 312 AND ADOPTING TAX ABATEMENT GUIDELINES.

The resolution was approved on the consent agenda.

10. Other Actions

- 10A. [2018-6595](#) Review of the Quarterly Investment Report for the quarter ending September 30, 2017.

The item was approved on the consent agenda.

- 10B. [2018-6605](#) Receive first quarter report of City Councilmember expenditures for fiscal year 2018.

The item was approved on the consent agenda.

- 10C. [2018-6594](#) Approving the selection of Halff Associates, Inc. for professional engineering services associated with the 2018-2019 Pavement and Infrastructure Maintenance Projects and authorizing the City Manager to enter into negotiations regarding various scopes of work and fee proposals.

The item was approved on the consent agenda.

- 10D. [2018-6606](#) Authorizing the City Manager to Execute a Limited Public Utility Easement for a public utility easement associated with the Penley Park phase 3 project.

The item was approved on the consent agenda.

Action on the Consent Agenda

Mayor Gonzales made a motion to approve the consent agenda. Mr. Metayer seconded the motion. All voted in favor. Motion carried.

11. Discuss and consider action

- 11A. [2018-6618](#) Discuss and consider action to approve a 24-month extension to the contract with Focused Advocacy for Legislative and Consulting Services and authorizing the City Manager to execute same.

Mr. Fletcher stated that the contract with Focused Advocacy expires at the end of the month and has a renewal provision for another 24-month term. He stated that if renewed, it would continue through March 31, 2020. Mayor Gonzales asked if there were any items that they need to be aware of regarding the upcoming legislative session. Mr. Brandon Aghamalian mentioned property taxes, rollback provisions, automatic elections, automatic ratifications of the property tax process and issuance of debt. He stated that on the land use side, they had a historic bill pass during the special session on annexation and that has a huge impact on places like the City of Pflugerville. He stated they will continue to go down the path on land use and tweak that landmark annexation law. Discussion followed. Mayor Gonzales mentioned that he wanted council to be aware of the issues and challenges and that the city would be leaning on Mr. Aghamalian to walk us through those issues. Mayor Gonzales made a motion to approve the 24-month extension of the contract. Mr. Marsh seconded the motion. All voted in favor. Motion carried.

- 11B. [2018-6599](#) Discuss and consider action to approve an agreement with Halff Associates, Inc. in the amount of \$149,934.00 for professional engineering services associated with the Railroad Avenue Pavement

Rehabilitation Project included in the 2018 Pavement Maintenance Program.

Ms. Giannini mentioned that in October staff talked about the Pavement Maintenance Program and the 1 million dollars allocated for the program. She stated that Railroad Avenue would be the project for this year. She stated that the city put out an RFQ back in January, have reviewed all of the SOQ's and selected Halff Associates, Inc. She stated that the scope of services is generally to develop schematic from Pecan Street to E. Pflugerville Pkwy including lane use study and to develop construction documents from Wilbarger Street to Pfennig Lane including pavement rehab. She stated that based on 2015 pavement scores, the section from Wilbarger to Pfennig lane will be project priority. She stated that in looking at costs associated with it, they intend to bid the other sections as alternates to see if they have enough funding for the project. She stated that staff recommends approval of the design project. Mr. Heath asked about the length of the job. Mr. Wood stated the length is just over 4,400 linear feet and that the entire section they will look at for the entire preliminary study is right at about a mile. Mr. Heath asked if they are anticipating a full reconstruction. Ms. Giannini stated a geotech would come in and evaluate the pavement and the sub grade. Mr. Heath made a motion to approve. Mr. McDonald seconded the motion. All voted in favor. Motion carried.

11C. [2018-6610](#)

Discuss and consider action to provide direction to city staff regarding plans to hold a town hall meeting.

Mr. Fletcher stated that they are prepared to move forward with a town hall meeting at the Nevertheless Church. He asked about time and date. Mr. Weiss and Mr. Heath requested a Thursday evening. Mr. Fletcher stated the plan is to have 2 councilmembers in attendance. Mr. Heath asked about providing food. Mr. Fletcher stated that staff would make arrangements.

11D. [2018-6597](#)

Discuss and consider action regarding future agenda items.

Mayor Gonzales requested an item to discuss the legislative agenda. Mr. Fletcher indicated plans to consider the item after the strategic plan worksession. Mr. Heath asked regarding an item to consider ballot items. Mayor Pro Tem Pena mentioned charter amendments. An item was to be brought forward following the strategic plan worksession. Mr. Weiss asked for an item to discuss U-turns and traffic control. Mr. Heath added to discuss modifying the transportation plan for high traffic corridors. Mr. Heath asked for an update regarding the submission to CAMPO for planning dollars. Mayor Pro Tem Pena requested to discuss the subject in April. Mr. McDonald asked regarding scheduling the item concerning the Colored Addition Cemetery. Mr. Fletcher indicated plans to consider at the first meeting in April. Mr. Heath asked for an item to discuss the roles of a Municipal Judge and an Associate Judge. A special worksession was to be scheduled for the item.

11E. [2018-6620](#)

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.

Mr. McDonald made a motion to appoint Farren Sheehan as Municipal Judge. Mayor Gonzales seconded the motion. Discussion followed. The vote was: Mr. Weiss-yes, Mr. Marsh-no, Mayor Pro Tem Peña-no, Mr. Metayer-no, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-yes. The motion failed. A worksession was to be scheduled for discussion related to municipal judge.

12. Discuss only

- 12A. [2018-6603](#) Discussion regarding the strategic plan and prioritization. (Requested by Councilmembers Metayer and Heath)

Discussion on the item took place during the worksession.

- 12B. [2018-6614](#) Discussion regarding the procedure and timing of placing items on the November 6, 2018 election ballot. (Requested by Mayor Pro Tem Omar Peña)

Discussion on the item took place during the worksession.

- 12C. [2018-6615](#) Discussion regarding report on City Attorney legal costs since August 5, 2017. (Requested by Mayor Pro Tem Omar Peña)

Discussion on the item took place during the worksession.

- 12D. [2018-6563](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code and deliberation regarding the deployment, or specific occasions for implementation, of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code regarding building security.

Discussion on the item took place in executive session during the worksession.

Sup Discuss and consider action - Supplemental Agenda Item

1

- Sup 1A. [2018-6628](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code regarding the condemnation proceedings known as The City of Pflugerville, Texas v. 735 Henna, LLC, et al.; and The City of Pflugerville, Texas v. Kellyweiss, LLC, and contemplated litigation for recovery of damages pursuant to Texas Local Government Code Section 212.018. 2.) Open Session Item: Discuss and consider action regarding the condemnation proceedings known as The City of Pflugerville, Texas v. 735 Henna, LLC, et al.; and The City of Pflugerville, Texas v. Kellyweiss, LLC, and contemplated litigation for recovery of damages pursuant to Texas Local Government Code Section 212.018.

There was no discussion in executive session on the item. Mr. Zech provided comments in open session indicating that the law suit is to seek damages for property that was subdivided illegally. Mayor Pro Tem Pena made a motion

that we authorize the City Attorney to file a lawsuit against 735 Henna, LLC and Kellyweiss, LLC for the recovery of damages pursuant to Texas Local Government Code Section 212.018 for violation of the City's subdivision ordinances." Mayor Gonzales seconded the motion. All voted in favor. Motion carried.

13. Adjourn

Mr. Metayer made a motion to adjourn. Mr. Marsh seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-no, Mr. Metayer, Mr. Heath-yes, Mr. McDonald, Mayor Gonzales-yes. The motion carried. The meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Jennifer Stubbs
Assistant City Secretary

Approved as presented on March 27, 2018.