



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, June 27, 2023

7:00 PM

1611 Pfennig Lane

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#### Regular Meeting

#### 1. Call to Order

Mayor Victor Gonzales called the regular meeting to order at 7:00pm. Mayor Pro Tem Doug Weiss and Councilmembers Cesar Ruiz, Kimberly Holiday, Rudy Metayer, Jim McDonald and David Rogers were in attendance.

City staff in attendance: Sereniah Breland, City Manager; James Hartshorn, Deputy City Manager; Emily Barron, Assistant City Manager; Thomas Hunter, Assistant City Manager; Trista Evans, City Secretary; Charles Zech, City Attorney; Terri Toledo, Director of Management Services; Roger Heaney, Assistant Communications Director; Andrea Brinkley, CIP Director; Isaac Espinoza, Project Manager; Brandon Pritchett, Public Utility Director; Jeremy Frazzell, Planning and Development Services Director; Makeba Lewis, Commander; Jason Smith, Assistant Police Chief; Robyn Miga, Assistant Planning and Development Services 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 stated that the annual Pfireworks from Typhoon Texas is July 4th at 9pm.

Mayor Gonzales stated the Police Department's Cool Moves program is back this summer through September 1 to reward kids for being safe.

Mr. Metayer stated the Cool Moves has been recognized by the state and they do a phenomenal job.

Mr. Metayer thanked Ms. Breland and staff stating for several years now there has been a pro bono legal clinic for veterans and their family and this year it is on August 20 at the Pflugerville Library.

Mr. Metayer stated council is aware of heat issues with the Pfarmers Market and staff is working diligently to complete the Green Red Barn to have somewhere to put them.

Mr. McDonald stated the Pflugerville Library is a registered cooling center and stated the Pfetch a Ride program can help people get there within the city.

Mr. Rogers stated Pfetch a Ride has added an UberX option for carpooling.

Mr. Rogers stated the pecan tree at Gilleland Park is the largest in Travis County and 17th largest in the state.

Mr. Rogers stated the 7th annual kids business fair was put on by 4H and Girl Scouts.

Ms. Holiday stated she enjoyed the last Talk the Walk with City Council and invited everyone to attend as the events are still going on.

#### 4. Public Comment

Cheryl Tripp stated she spoke last month about Schultz Lane and some issues were addressed but there has not been a resolution on the dangerous intersection. Ms. Tripp spoke about IDI and stated someone needs to maintain the property. Ms. Tripp reviewed communication she has had with the city and talked about a concrete barrier. Ms. Tripp discussed concerns regarding internet service in her area.

#### 5. Presentations

- 5A. [2023-0579](#) Mayor's proclamation declaring July 1, 2023 as Carina Baltrip-Reyes day in the City of Pflugerville.

Mayor Gonzales read the proclamation and presented it to Karen Baltrip-Cobb.

- 5B. [2023-0431](#) Presentation of the findings of the 2023 resident survey conducted by ETC Institute.

Mayor Gonzales opened the item. Ms. Toledo introduced Jason Morado with ETC Institute. Mr. Morado reviewed the 2023 Community Survey location of respondents and answered questions from council about how they were chosen. Mr. Morado stated 83% rated Pflugerville as an excellent or good place to live. Mr. Morado answered questions from Mr. Metayer about comparing the survey to other cities as a way to set a baseline. Mr. Morado reviewed overall priorities such as traffic flow and congestion, and maintenance of streets, drainage, and sidewalks.

Mr. Morado reviewed trend analysis and answered questions from council about the survey process. Discussion followed regarding how respondents receive city information and the process of receiving feedback for the survey. Mr. Metayer asked to see trends from previous Pflugerville surveys next time.

- 5C. [2023-0502](#) Conduct the annual presentation on the Pflugerville Communications

Department.

**Mayor Gonzales opened the item. Mr. Heaney introduced the Communications team and reviewed department responsibilities. Mr. Heaney reviewed the numerous communications tools including the city website, print communications, and social media. Mr. Rogers answered questions from council about use of communications tools. Mr. Rogers reviewed the new emergency notification system PAlerts. Mayor Gonzales thanked the communications team for their hard work.**

## Reading of the Consent Agenda

**Ms. Evans stated items 6A., 6C., and 6E. were pulled from the consent agenda and all remaining items can be acted upon in a single motion.**

### 6. Other Actions

- 6B.** [2023-0503](#) Approving the minutes of the May 23, 2023 Worksession, May 23, 2023 Regular Meeting, and June 20, 2023 Worksession.

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

- 6D.** [RES-1110](#) Approving a Resolution authorizing participation in a coalition of similarly situated cities in connection with the statement of intent to change Rate CGS and Rate PT of Atmos Pipeline Texas filed on or about May 19, 2023; authorizing participation in related rate proceedings, authorizing the retention of special counsel; requiring the reimbursement of municipal rate case expenses; finding that the meeting complies with the open meetings act; and making other findings and provisions related to the subject.

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

## Action on the Consent Agenda

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

**Items pulled from the consent agenda will be addressed under Item 8.**

- 6A.** [ORD-0713](#) Approving an ordinance on second 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 approving a Specific Use Permit for a Lounge Use on approximately 4,200 square feet within the Downtown District Overlay, located at 105 E Pecan street, to be known as East Pecan Cigars Specific Use Permit (2023-2-SUP); providing a cumulative and repealer clause; providing for a non-severability clause; and providing an effective date.

**Mayor Gonzales opened items 6A. and 7N. and read the caption of the ordinance. Mr. Rogers stated he has heard concerns about noise in the area**

and asked about citation procedures. Commander Lewis provided information about the process. Discussion followed regarding the current noise control ordinance and limitations between commercial and residential regulations. Commander Lewis stated there is no additional regulation if a residential property is next to a commercial property.

Mike Martin provided public comment for item 6A. stating he has not heard any of the noise that other people are concerned about. Mr. Martin stated parking along Pecan Street has been a problem for quite some time. Mr. Martin stated the owners have been cooperative with the neighborhood and once a patron leaves an establishment, that establishment is not responsible for their behavior. Mr. Martin stated he does not see any reason why they should not be allowed this application.

Mr. Rogers asked to hear from the business owner. Mr. McDonald provided comment about his experience applying for a specific use permit. Owner Andre Artis stated noise was an initial complaint, but their last citation was in November and discussed their internal regular decibel checks. Mr. Artis discussed parking difficulty with surrounding businesses. Mr. Rogers suggested keeping it under 75 decibels after 10pm. Mr. Artis stated he does not want their business to be singled out.

Christie Miller provided public comment for 7N. stating she has watched the town grow and a lot of noise comes with growth. Ms. Miller stated there also needs to be adequate parking and every vehicle destination requires parking. Ms. Miller stated people have been blocking pathways for emergency vehicles and people parking in residential areas brings a lot of noise.

Justin Miller provided public comment for 7N. stating after the last meeting he met with the business owners of East Pecan Cigars and believe they have worked out the issues. Mr. Miller provided comment about how sound travels and it does not dissipate as much as people think. Mr. Miller stated sound continues to travel unless there is a barrier to block it.

Owner Delton Southern discussed the parking situation and buildings in the area. Mr. Metayer asked if they have looked into a sound barrier. Mr. Southern stated that will not help with the noise of people leaving the bar and walking into the neighborhoods. Mr. Rogers asked what the city should be doing to help. Mr. Southern discussed having an officer to guide traffic. Mayor Pro Tem Weiss stated parking is something for council to solve outside of this item. Mr. Rogers moved to approve the item with a 75 decibel sound limit. The motion failed for lack of a second.

Mr. Metayer moved to approve the item as presented. Mr. Ruiz seconded the motion. Mr. Rogers voted no. All others voted in favor. The motion carried.

**7N.**    [2023-0550](#)    Discussion regarding City of Pflugerville Code of Ordinances Chapter 94, Noise Control.

Minutes for the item are included under item 6A. ORD-0713.

**7B.**    [ORD-0712](#)    Discuss and consider action to approve 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 of Lot 1 and 2 of the Skyview Manor, Consisting of an approximately 2.0-acres tract of land out of the John Van Winkle Survey 14 in Pflugerville, Texas from Agricultural/ Development Reserve (A) District to Single Family- Mixed Use District (SF-MU); to be known as the Nimbus Rezoning (2023-3-REZ); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

Mayor Gonzales opened the item and read the caption of the ordinance. Mr. Frazzell reviewed the request to rezone and stated the city received a petition at the last council meeting which was validated so the item will need a super majority, or six ayes, to pass.

Janet Long stated she is very concerned about what is proposed to build there. Ms. Long stated she has lived there for over 40 years and would love for the neighborhood to stay quiet. Ms. Long stated the owner has not met with any of them like he said. Ms. Long stated she is concerned as there are no streetlights, no sidewalks, and no wastewater in the neighborhood.

Mike Clowdus stated Skyview Manor is a single family residence neighborhood on acre lots and hear about some people moving because the will not have a choice if this is allowed to go through. Mr. Clowdus asked council to consider not changing the zoning and listen to the residents.

Karen Clowdus stated they need council's help. Ms. Clowdus stated they came to Pflugerville because they thought it was the place to be and they still feel that way, but they do not want 19-20 tiny homes on those lots. Ms. Clowdus asked council to listen to the residents and consider that the street does not have streetlights of road strips and it is a safety concern.

Lynda Strehler asked why the majority is being pushed aside for progress. Ms. Strehler stated they are concerned with safety and what the community to be safe but with that many tiny homes and no amenities from the city it will not be safe. Ms. Stehler stated crossing the street is not safe and asked council to listen and vote no.

Christopher Carmon stated there are a lot of issues to consider and asked council to vote no. Mr. Carmon stated those lots are on Manville water and septic and they would have to leave Manville. Mr. Carmon discussed a previous petition with the fire department and discussed safety issues. Mr. Carmon discussed the deed restriction and stated he is in violation of them.

Mayor Gonzales stated Patsy Lucas, Elizabeth Edge, Robert Strehler, and Lloyd Nauart did not wish to speak but were in opposition of the item.

The applicant, Salvador Casiano apologized to the neighbors stating he tried to talk to them but no one would answer their doors. Mr. Casiano provided information about the kinds of homes he was planning on the lots. Ms. Holiday asked if the area is ready for what is being proposed if there are no streetlights, sidewalks, or wastewater. Discussion followed regarding the anticipated development process.

Ricardo Ortiz stated there is already a house on one of those lots and asked what he is going to do about that. Mr. Ortiz asked why they are trying to put

their money together to get a lawyer to fight this and stated it should not be that way.

Mr. Casiano stated they are planning to tear down the house that is already there.

Mayor Pro Tem Weiss moved to approve the item. Mr. Metayer seconded the motion. All voted in opposition. The motion failed.

7I. [2023-0567](#)

1.) Executive Session Item: Deliberations in accordance with Sections 551.072 of the Texas Government Code to discuss the value of real property. 2.) Open Session Item: Discuss and consider action approving a Pflugerville Community Development Corporation (PCDC) sales contract with Electronic Vision Systems, Inc. (dba EVS Metals, Inc.) to convey approximately 14.5 acres in the One Thirty Business Park for purposes of expansion, and approving the PCDC Board President to execute the same.

Mayor Gonzales read the item and stated city council is in executive session at 9:35pm. Mayor Gonzales reconvened the meeting at 9:46pm. Mr. Metayer moved to approve the item. Mr. McDonald seconded the motion. Mr. Rogers was not present for the vote. All others voted in favor.

7G. [RES-1103](#)

Discuss and consider action to approve adopting Tax Increment Reinvestment Zone No. 1 Reimbursement Policy.

Mayor Gonzales opened the item for discussion. Ms. Barron discussed the purpose of the policy to be a guiding document and reviewed the intent to help reflect and build towards the community vision laid out in the comprehensive plan and council's strategic plan. Ms. Barron reviewed the process that would go to staff, the TIRZ Board, and then to council. Ms. Barron answered questions from council about the process. Ms. Barron reviewed the changes received on the policy from three council members. Mr. Metayer discussed if there is a need for the policy if council approves at the end. Mayor Pro Tem Weiss discussed the need for staff and developers to know what council is likely to support. Discussion followed regarding the use of the word policy versus guideline. Ms. Barron led council through some additional changes provided by three councilmembers in red-lined changes.

Joe Williams stated he is one of the owners on the SH45 land and is the cofounder of Keller Williams. Mr. Williams stated it is a nice piece of land for Pflugerville and discussed how real estate development is shifting in the office category, multi level office, and single family zoning. Mr. Rogers stated he understands the office market has collapsed in some large cities and does not see that as an issue here. Mr. Williams stated small suburban offices will do well. Mr. Metayer stated it is about redefining what it looks like.

Tom Mote stated he is excited about the potential benefit of development. Mr. Mote stated there are three different zones that need to be treated differently and have different challenges. Mr. Mote stated he thinks it is a strategic move and it can help create clarity.

Phillip Welch stated he is with Trademark Property Company and has been able to meet with city staff since the last meeting. Mr. Welch stated he understands it is unlikely all revision will be incorporated but still has some concerns. Mr. Welch reviewed areas of the policy he would like revisions and stated all projects should be evaluated by their merit.

Dillon Shipper requested to yield his time to Charles Heimsath.

Charles Heimsath stated there is a dramatic difference in cost of construction between styles. Mr. Heimsath stated he does development feasibility and developers come to him to ask if it is going to work in the market. Mr. Heimsath addressed wrap requirements and discussed market maturity. Mr. Heimsath stated what is feasible today might not be feasible in the future. Mr. Heimsath walked council through a market handout.

Dally Ward stated he evaluates rents for potential communities and reviewed some of the costs. Mr. Ward reviewed the cost of wrap development and apartment communities.

Victoria Haase voiced concern about maintaining a level of flexibility because moving forward getting infrastructure to the lot will be significant in how it moves forward with development. Ms. Haase stated concern about the project and cost participation. Ms. Haase stated every property is different and has its own set of issues and wants to encourage that a level of flexibility be maintained.

Rick Rosenberg stated he is advising two land owners at SH45 and has worked with various developers throughout the state on TIRZ type projects. Mr. Rosenberg stated it is fairly atypical to have a defined TIRZ policy, and atypical to have one TIRZ that encompasses four land uses. Mr. Rosenberg stated people are trying managing expectations of council and provide quality developments to the city.

Stuart Shaw stated it was his idea to do the downtown warehouse district and is trying to create a sense of place. Mr. Shaw stated he wants to make an investment here and thinks people are getting scared. Mr. Shaw reviewed other projects he has worked on. Mr. Rogers asked what he is scared of. Mr. Shaw stated he is scared the will not be able to get something done here.

Chad Colley stated he is a partner at Trademark Properties and staff has spent a lot of time on the policy. Mr. Colley stated the policy has merit but is not confident it has been perfected yet. Mr. Colley stated he is worried about the complexity of the policy and provided four recommended changes.

Mr. Rogers asked why there was a request to postpone the adoption until after possible changes in the code to CL4 and CL5 zoning. Ms. Barron provided comment and stated in her opinion the two items can stand alone. Mr. Metayer provided comment about not making it so onerous that it becomes impossible.

Ms. Holiday moved to approve the item as presented. Mr. McDonald seconded the motion. Mr. Ruiz stated there was a lot of work in the changes that may need to be considered. Ms. Holiday discussed her meeting with Mr. Shaw and stated the conversation is around something that is seen as a requirement but is not. Mr. Rogers requested amending "policy" to "guidelines." Ms. Holiday

accepted the amendment. The vote was as follows: Mr. Ruiz - no, Ms. Holiday - yes, Mr. Rogers - no, Mr. McDonald - yes, Mr. Metayer - no, Mayor Pro Tem Weiss - yes, Mayor Gonzales - yes. The motion carried.

## 7. Regular Agenda

- 7A.** [ORD-0703](#) Discuss and consider action to approve 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 amending the Planned Unit Development (PUD) District designation as approved in Ord. 1396-19-06-11 of lots 1, 2, 3, 4, and 5 of the Pflugerville Farms Subdivision of the Real Property Records of Travis County, to be known as the Pflugerville Farms PUD (2022-6-PUD); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.
- Mayor Gonzales read the caption of the ordinance and opened the item. Mr. Frazzell reviewed the background of the request. Mayor Pro Tem Weiss asked what changed since last time. Mr. Frazzell stated they added 7,300 square feet of retail and removed language related to accessible breezeways. Mayor Pro Tem Weiss moved to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.**
- 7C.** [2023-0553](#) Discuss and consider action to approve a construction contract with Capital Excavation Company in the amount of \$14,893,736 associated with the Kelly Lane Phase 2 roadway improvements project, and authorizing the City Manager to execute the same.
- Mayor Gonzales opened items 7C., 7D., 7E., and 7F. Ms. Brinkley provided an introduction to the project. Mr. Espinoza reviewed the bid process for the items including the cost optimization. Ms. Brinkley provided information about the water line and answered questions from council. Mr. Espinoza reviewed the scope of services for each item and answered questions from council. Mr. Rogers moved to approve items 7C., 7D., 7E., and 7F. Mr. Metayer seconded the motion. All voted in favor. The motion carried.**
- 7D.** [2023-0554](#) Discuss and consider action to approve a professional services agreement with Holt Engineering, Inc. in the amount of \$77,143.62 for construction materials testing services associated with the Kelly Lane Phase 2 roadway improvements project, and authorizing the City Manager to execute the same.
- Minutes for the item are under item 7C. 2023-0553. Mr. Rogers moved to approve items 7C., 7D., 7E., and 7F. Mr. Metayer seconded the motion. All voted in favor. The motion carried.**
- 7E.** [2023-0555](#) Discuss and consider action to approve a professional services agreement with Volkert, Inc. in the amount of \$1,323,869 for construction management and inspection services associated with the Kelly Lane Phase 2 Road Improvements Project and authorizing the City Manager to execute same.



**Minutes for the item are under item 7C. 2023-0553. Mr. Rogers moved to approve items 7C., 7D., 7E., and 7F. Mr. Metayer seconded the motion. All voted in favor. The motion carried.**

- 7F. [2023-0556](#) Discuss and consider action to approve a professional services supplemental agreement with Johnson, Mirmiran & Thompson in the amount of \$537,554 for professional engineering services associated with the Kelly Lane Phase 2 roadway improvements project, and authorizing the City Manager to execute the same.

**Minutes for the item are under item 7C. 2023-0553. Mr. Rogers moved to approve items 7C., 7D., 7E., and 7F. Mr. Metayer seconded the motion. All voted in favor. The motion carried.**

- 7J. [2023-0571](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code regarding professional service agreements and wholesale wastewater agreements for various special districts. 2.) Open Session Item: Discuss and consider action regarding professional service agreements for various special districts.

**Mayor Gonzales read items 7J. and 7K. and stated council is in executive session at 11:53pm. Mayor Gonzales reconvened in open session at 12:11am.**

- 7K. [2023-0572](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code to deliberate agreements regarding termination and transfer of services with various special districts. 2.) Open Session Item: Discuss and consider action regarding agreements regarding termination and transfer of services.

**Mr. Rogers moved to authorize Mayor Gonzales to execute a transition of services agreement. Mayor Gonzales seconded the motion. Mr. Metayer voted nay. All others voted in favor. The motion carried.**

- 7H. [2023-0560](#) Discuss and consider action to approve a Professional Services Agreement with Marmon Mok in the amount of \$5,151,805 for professional engineering services associated with the Public Works Complex Project, and authorizing the City Manager to execute the same.

**Mayor Gonzales opened the item for discussion. Mr. Pritchett reviewed the current public works facilities and the timeline for the new public works complex design. Mr. Metayer asked about coordination with other utilities. Mr. Pritchett stated the CIP team does most of that coordination and stated there will always be challenges. Mr. Pritchett answered questions from Mr. McDonald about the funding for the project. Mr. McDonald moved to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.**

- 7L. [2023-0574](#) Discuss and consider action on a right-of-way agreement with Google Fiber Texas LLC.

**Mayor Gonzales opened the item for discussion. Mr. Hunter reviewed the history of Google Fiber and Pflugerville. Mr. Metayer discussed other entities who have Google Fiber. Mr. Hunter discussed meetings with Google Fiber and**

Google's request to pause after the city sent over an agreement but the city received no information as to why. Discussion followed regarding conversations with Google Fiber and the timeline. Mr. Hunter reviewed the negotiation highlights.

Sasha Petrovic, General Manager of Google Fiber, stated the agreement sent had several things that gave them pause such as hardscaping deviation only if there is an economic hardship. Discussion followed regarding cost. Mayor Pro Tem Weiss discussed concern about damage to roads that could lose years of life on critical infrastructure. Mr. Zech provided comment about the standard Google Fiber agreement. Mr. Hunter stated staff remains open, but needs to know what the concerns are from Google Fiber in order to solve anything.

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

- 6C. [2023-0486](#) Approving a professional services agreement with AGCM, Inc. in the amount of \$3,857,576 to provide Owner's Representative Services for the City Hall and Multi Generational Recreation Center Projects and authorizing the City Manager to execute the same.

Mayor Gonzales opened the item for discussion. Mr. Rogers asked what additional services AGCM is going to be providing. Ms. Barron stated this is for phase two for a continuation of their services and reviewed the scope. Ryan Rosborough with AGCM reviewed the proposals and stated this phase is much bigger than the previous one. Mr. Rosborough discussed integrating with city staff onsite. Discussion followed regarding where staff would be located and the contract process. Mr. Rogers moved to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

- 6E. [RES-1115](#) Approving a resolution to reject all bids received for the Colorado Sand Drive Extension Project.

Mayor Gonzales opened the item. Mr. Metayer requested council retire to executive session. Mayor Gonzales stated council is in executive session at 1:11am. Mayor Gonzales reconvened in open session at 1:22am. Ms. Brinkley stated staff will work diligently with all entities and will get it rebid as soon as possible. Mr. Rogers moved to approve the item. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

- 7M. [2023-0570](#) Discuss and consider action regarding removal and appointments to the Pflugerville Community Development Corporation board of directors.

Mayor Gonzales stated the item will be postponed to a future council meeting.

## 9. Adjourn

Mayor Gonzales adjourned the meeting at 1:24am.

Respectfully submitted,

Trista Evans, City Secretary

Approved as submitted on July 11, 2023.