



# City of Pflugerville

## Minutes - Final - Draft

### City Council

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Tuesday, June 12, 2018

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 7:07 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: Trey Fletcher, Interim City Manager; Charlie Zech, City Attorney; Scott Osburn, Assistant City Attorney; Lauri Gillam, Assistant City Manager; Karen Thompson, City Secretary; Jennifer Stubbs, Assistant City Secretary; Emily Barron, Planning Director; Elizabeth Taplin, Human Resources Manager; Rhonda McLendon, Animal Welfare Services Director; Jessica Robledo, Police Chief; Jason Smith, Assistant Police Chief; Jennifer Coffey, Library Director; Carmen Lazo, Library Technician; Melissa Grzybowski, Youth Librarian; James Hemenes, Parks Director; Amy Giannini, City Engineer; Chad Wood, Senior Transportation Engineer; Cindy Pierce, Development Engineering Director; Terri Toledo, Communications Director; Robert Polanco, Building Official; Amy Good, Finance Director; Wiley Webb, Utility Superintendent.

#### 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. Metayer thanked City staff and Councilmembers for the successful planning retreat worksession held last Friday and Saturday and provided comments. Mr. Heath and Mayor Pro Tem Peña indicated agreement. Mayor Gonzales announced that there may be interruption in streaming of the meeting live due to technical issues.

#### **4. Presentations**

- 4A.**    [2018-6801](#)      Presentation of a proclamation recognizing June 12, 2018 as Girl Scout Gold Award Day honoring the 2018 Pflugerville Girl Scout Gold Award recipients Isha Singh, Rachel Wilkinson, and Marie Young.

Mayor Gonzales read the proclamation and presented it to Ms. Singh, Ms. Wilkinson and Ms. Young. Ms. Singh, Ms. Wilkinson and Ms. Young provided information on their Girl Scout projects.

- 4B.**    [2018-6782](#)      Pflugerville's Summer Reading Program kicks off with Maker Pfest on Saturday, June 9, 2018.

Ms. Lazo and Ms. Grzybowski provided information on the summer reading program at the Library.

#### **5. Public Hearing**

- 5A.**    [ORD-0409](#)      Conduct the first public hearing regarding an annexation ordinance with the caption: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ANNEXING, FOR FULL PURPOSES, 6.798 ACRES OF LAND SITUATED IN THE THOMAS G. STUART SURVEY, ABSTRACT NO. 689, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY; GENERALLY LOCATED NORTH OF E. PFLUGERVILLE PARKWAY, EAST OF PFLUGER FARM LANE, AND WEST OF F.M. 685; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; AND TO BE ZONED AGRICULTURE / CONSERVATION (A); BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; APPROVING A SERVICE PLAN; AND PROVIDING AN EFFECTIVE DATE.  
(ANX1801-01)

Mayor Gonzales opened the public hearing and read the item to include the caption of the annexation ordinance. Ms. Barron provided information on the owner requested annexation to allow for the property development within the city limits. There were no requests to speak at the public hearing. Mr. Weiss made a motion to close the public hearing. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

#### **6. Public Hearing and Ordinance First Readings**

- 6A.**    [ORD-0410](#)      Conduct a public hearing and consider approving the first reading of an ordinance 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 CHANGING THE ZONING DESIGNATION OF APPROXIMATELY 0.78 ACRES OF LOT 1, BLOCK A GREENRIDGE PHASE 8 SUBDIVISION FROM AGRICULTURE/CONSERVATION (A) TO OFFICE (O) DISTRICT AND APPROXIMATELY 1.80 ACRES OF LOT 1, BLOCK A GREENRIDGE PHASE 8 SUBDIVISION FROM AGRICULTURE/CONSERVATION (A) TO RETAIL (R) DISTRICT; TO BE KNOWN AS THE 19501 CHEYENNE VALLEY DRIVE REZONING (REZ1712-03); 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 under consideration. Ms. Barron provided information. She stated that the applicant's representative was in attendance. Ms. Barron answered questions of the Council. Mr. Ceasar Ruiz, Planning and Zoning Commissioner, provided information on their recommendation for approval with a vote of 4 to 2, four in favor and two opposed. He stated that he voted in favor and the developer is working with the community.

Anthony Nguyen, 19905 Trey Sap Way, stated that this is his subdivision and he is on the board of directors and he has been designated to work with the owner on the project. He stated that the owner has been very willing to work with them. He stated that they propose to do a gas station on the southern portion. Mr. Nguyen stated that it was the general consensus that the neighborhood does not want a gas station, but by dividing it up and putting a gas station to the south and office to the north, it keeps it separate. He stated that the developer has agreed to put a masonry fence on the northern portion to the neighborhood and to remove the driveway to Cheyenne Valley and neighborhood. He stated that the neighborhood did not take a formal stance and the neighborhood was notified to come out.

Eugene Rolison, 19509 Cheyenne Valley Drive, stated that his home is right next to the property. He stated that when first heard about it, he wasn't happy about the development. He stated that he sees activity across the street at the gas station. He explained that he does not want to live next to a gas station but eventually it was going to be built on, and Glenn Coleman is willing to work with him to secure his house by putting a wall which satisfies him and his wife. He stated that he is worried about crime spilling over from the gas station. He stated that he wants the maximum height he can get for the wall. He stated that he and his wife can live with it but ideally, he does not want a gas station and crime near his home. He stated that all he can do is work with Mr. Coleman to secure his home. He stated that everyone in the neighborhood is not here protesting the development.

Matthew Grave, 19904 Mid Bark Pass, stated that he lives several blocks away and he is okay with development there, but he would not like to see a gas station. He indicated concerns for crime, noise, and smell of gas. He stated that he does not like having a gas station directly behind people houses and there is already a gas station across the street and five other gas stations within a mile. He stated that he is fine with development there; that it is unavoidable. He stated that they were told it was agriculture when they moved in and he would like it to be something other than a gas station.

Alvin Maknojia stated that he owns the gas station across the street. He stated that there are already five gas stations within a mile and that he was ensured when he opened the gas station that there would be no competition. He indicated concerns for the traffic on Heatherwilde and stated that it is not a good idea right now.

Glen Coleman, representing applicant, Najibe Wehbe, stated that the applicant plans for a gas station and expects to see development to the south. He stated that in the council backup they should find a restrictive covenant with the homeowners association. He stated they would provide the masonry wall and landscaping and preserve the monument and entryway. He stated that there is also a restrictive covenant to Eugene Rolison. He reported that there are no plans yet for the office site. He stated that it will be something small and will have to take access through the gas station. He stated that it was a very friendly dialogue with the neighborhood. He stated that they wanted to protect the adjacent neighbors and lock down Cheyenne to through traffic. Mr. Coleman answered questions of Council.

There were no additional requests to speak at the public hearing. Mr. Weiss made a motion to close the public hearing. Mr. Marsh 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-yes, Mr. Metayer-no, Mr. Heath-yes, Mr. McDonald-yes; Mayor Gonzales-yes. The motion carried.

## **7. Public Hearing and Resolutions**

- 7A.**     [RES-0516](#)     Conduct the second public hearing and consider adopting a resolution providing approval of the proposed Community Development Block Grant (CDBG) program 2015 Action Plan - Third Amendment.

Mayor Gonzales opened the public hearings and consideration of items 7A and 7B to be considered simultaneously. Ms. Barron provided information on items 7A and 7B and answered questions of the Council. Mr. Wood provided input on the roadway project costs. There were no requests to speak at the public hearings. Mr. Heath made a motion to close the public hearings on items 7A and 7B. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

- 7B.**     [RES-0517](#)     Conduct the second public hearing and consider adopting a resolution providing approval of the proposed Community Development Block Grant (CDBG) program 2016 Action Plan - Third Amendment.

Mayor Gonzales opened the public hearings and consideration of items 7A and 7B to be considered simultaneously. Ms. Barron provided information on items 7A and 7B and answered questions of the Council. Mr. Wood provided input on the roadway project costs. There were no requests to speak at the public hearings. Mr. Heath made a motion to close the public hearings on items 7A and 7B. Mr. McDonald seconded the motion. All voted in favor. The motion carried

[RES-0516](#)

Conduct the second public hearing and consider adopting a resolution providing approval of the proposed Community Development Block Grant (CDBG) program 2015 Action Plan - Third Amendment.

**Mr. Weiss made a motion to approve the resolution. Mr. Marsh seconded the motion. All voted in favor. The motion carried.**

[RES-0517](#)

Conduct the second public hearing and consider adopting a resolution providing approval of the proposed Community Development Block Grant (CDBG) program 2016 Action Plan - Third Amendment.

**Mr. Weiss made a motion to approve the resolution. Mr. Heath seconded the motion. All voted in favor. The motion carried.**

## **8. Public Comment**

Joan Kunkel, 18100 Schultz Lane, voiced safety concerns regarding Schultz Lane and asked for the city to consider improvements.

## **Reading of the Consent Agenda**

Item 10C was removed from the consent agenda. Ms. Thompson read the items under consideration.

## **9. Approval of Minutes**

### **9A. [2018-6842](#)**

Approval of the minutes of the May 11, 2018 Quorum, May 19, 2018 Quorum, May 22, 2018 Worksession and Regular Meeting and May 24, 2018 Quorum.

**The minutes of the May 11, 2018 Quorum were amended to show Councilmember Doug Weiss was not in attendance. The minutes were approved as amended on the consent agenda.**

## **10. Other Actions**

### **10A. [2018-6813](#)**

Approving a Developer Participation Contract 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.**

### **10B. [2018-6815](#)**

Authorizing the City Manager to Grant and Execute a Public Utility Easement Agreement to the City of Pflugerville for the construction of a public wastewater line on public property.

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

## **Action on the Consent Agenda**

**Mayor Gonzales made a motion to approve the consent agenda. Mr. Heath seconded the motion. All voted in favor. The motion carried.**

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

- 10C.** [2018-6814](#) Approving the appointment of Mr. Sebastian Carzola as student member of the Parks and Recreation Commission for a term ending May 31, 2019.

Mayor Gonzales introduced Sebastian Carzola. Mr. Carzola provided information regarding his interest in serving on the Parks and Recreation Commission. Council provided comments. Mayor Pro Tem Peña made a motion to approve the appointment. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

**11. Discuss and consider action**

- 11A.** [2018-6830](#) Discuss and consider action to award a construction contract for the Railroad Avenue Pavement Rehabilitation Project to the lowest responsible bidder from bids received and opened on June 7, 2018 and authorizing the City Manager to execute same.

Ms. Giannini provided information on the bids received and recommended awarding the construction contract to Pro Dirt Services, LLC in the amount of \$759,813.62 to include the base bid of \$688,509.87, Alternate 1 in the amount of \$24,302.95 and Alternate 3 in the amount of \$47,000.80. Mr. Wood provided information on the project and the public meeting to be held on the project on June 14, 2018. Mr. Wood answered questions of the Council. Council indicated concerns regarding parking being created on Railroad Avenue with the project. There was Council discussion with Mr. Wood. Mr. Heath made a motion to approve the item as recommended by staff. Mr. Marsh seconded the motion. Mr. McDonald made a motion to amend the motion to remove the parking on Railroad and to hash it out with paint markings. Mr. Metayer seconded the motion. There was continued discussion. Mr. McDonald removed his motion for amendment to remove the parking. Mayor Gonzales called for a vote on the original motion to approve as recommended by staff. All voted in favor. The motion carried.

- 11B.** [2018-6831](#) Discuss and consider action about prioritization and funding for projects in the City's Five-Year Capital Improvement Plan.

Discussion on the item took place during the worksession. There was no discussion or action on the item at the regular meeting.

- 11C.** [2018-6851](#) Discuss and consider action to provide direction regarding Lake Pflugerville Park.

Mayor Pro Tem Peña indicated concerns for the amount of trash at the lake in the mornings due to volume and the activities at the lake the day before. He noted that Zilker Park and Decker Lake have fencing and charge admission. He asked if it is time to consider more protection for the lake. Discussion followed.

Mr. Hemenes provided information on the Lake Master Plan and the bond project with \$3 million in funding. He stated that they would be using a

consultant process to determine how to best utilize the \$3 million and the consultant selection would be in July 2018.

Mr. Webb and Mr. Fletcher provided information on hydrilla mitigation at the lake and discussed with the Council.

Chief Robledo provided information on police patrols at the lake, reporting 1,000 self-patrols a year.

Mr. Hemenes noted that the hours of the lake are challenge in that the park is open from 6:00 a.m. to 10:00 p.m. but the lake is open for active fishing and the trail is open 24 hours a day. He stated as they move forward, he would like to discuss the hours.

Mr. Hemenes stated that he has proposed the additional of part-time maintenance staff in the Fiscal Year 2019 budget to provide service to trash and restrooms mid to late in the day. There was continued discussion.

No action was taken.

**11D. [2018-6843](#)**

Discuss and consider action regarding future agenda items.

Mr. Marsh requested to consider an ordinance change for Lake Pflugerville park hours. Mr. McDonald stated that he would like to receive an assessment on when the trash is accumulating. Mr. Hemenes stated that it is accumulating in the late afternoon and early evening. Mr. Metayer asked for an update on the police substation with the new fire department. Mr. Heath asked for an item regarding reducing Peak Hour Trips (PHTs) for Transportation Impact Analyses (TIAs), and to review zoning for set backs and driveway spacing, as well as the SH45/130 overlay. Mr. Weiss asked for an item to see who from the Council would be attending the PCDC fact-finding trip.

**12. Discuss only**

**12A. [2018-6803](#)**

Discussion regarding animal shelter policies and procedures and fee schedules. (Requested by Councilmember Doug Weiss)

Ms. McLendon provided information on proposed changes to fees and establishment of restrictions on livestock for areas not zoned agriculture and the prohibiting of wild animals and reptiles that are capable of inflicting serious bodily injury. She answered questions of Council and there was discussion. Ms. McLendon provided information on community programs at the animal shelter and emergency management plans under development. There was continued discussion.

**Executive Session**

Mayor Gonzales announced that the City Council was retiring to executive session on items 12B and 12C. He read the items and retired to executive session. The time was 9:58 p.m.

**12B. [2018-6847](#)**

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 Weiss Lane Roadway Project. 2.) Open Session Item: Discussion regarding the Weiss Lane Roadway Project.

**Discussion on the item took place in executive session. There was no discussion in open session.**

**12C. [2018-6806](#)**

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 City Manager. 2.) Open Session Item: Discussion regarding the search and selection of a City Manager.

**Discussion on the item took place in executive session. There was no discussion in open session.**

**Executive Session - Closed**

**Mayor Gonzales reconvened in open session at 10:36 p.m.**

**13. Adjourn**

**Mr. Heath made a motion to adjourn. Mr. Metayer seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 10:36 p.m.**

**Respectfully submitted,**

**Karen Thompson  
City Secretary**

**Approved as \_\_\_\_\_ on June 26, 2018.**