



City of Pflugerville

Minutes - Final - Draft

City Council

Tuesday, August 28, 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 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; Charlie Zech, City Attorney; Farren Sheehan, Municipal Judge; Trey Fletcher, Assistant City Manager; Lauri Gillam, Assistant City Manager; Karen Thompson, City Secretary; Jennifer Stubbs, Assistant City Secretary; Robert Polanco, Building Official; James Hemenes, Parks Director; Aileen Dryden, Park Development Manager; Jessica Robledo, Police Chief; Jason Smith, Assistant Police Chief; Mayo Neyland, Police Sergeant; Cody Irby, Police Corporal; David Bunch, Chief Information Officer; Emily Barron, Planning Director; Jennifer Coffey, Library Director; Caroline Davis, Court Administrator/Associate Judge; Amy Giannini, City Engineer; Terri Toledo, Communications Director; Amy Good, Finance Director; Patricia Rinehart, Conservation Education Specialist; Eddie Garcia, Community Service Coordinator. Pflugerville Community Development Corporation (PCDC) Boardmembers Ken Dalfonso, Ron Agnew, Victor Johnson and A.K. Brewer and employees Amy Madison, Executive Director; Crystal Connally, Executive Assistant; Christian Kurtz, Business Development Director; Jerry Briones, Business Recruitment Director; and Matthew Lara, Marketing Communications Manager, attended the meeting.

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. Heath provided a community reminder to look after one another and to take precautions in the hot weather.

4. Presentations

- 4A. [2018-7014](#) Presentation regarding the City of Pflugerville & Keep Pflugerville Beautiful being named as a Gold Star Affiliate for Keep Texas Beautiful.

Mr. Hemenes announced that the City of Pflugerville's Keep Pflugerville Beautiful has been named a Gold Star Affiliate for Keep Texas Beautiful for the 8th year with the employee leadership of Patricia Rinehart, Eddie Garcia and Sheila Wiora. Ms. Rinehart and Mr. Garcia provided comments.

- 4B. [2018-7001](#) Presentation and discussion regarding update on implementation of the Pflugerville Police Department's Spillman Computer-Aided Dispatch (CAD) and automated Records Management System (RMS).

Corporal Irby presented and answered questions of the Council.

5. Public Hearing and Ordinance First Reading

- 5A. [ORD-0416](#) Conduct the second public hearing and consider approving an annexation ordinance on first reading with the caption: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ANNEXING, FOR FULL PURPOSES, TWO TRACTS OF LAND TOTALLING APPROXIMATELY 229.992 ACRES OF LAND SITUATED IN THE ALEXANDER WALTERS SURVEY NO. 67, ABSTRACT NO. 791, TRAVIS COUNTY, TEXAS OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY; GENERALLY LOCATED ALONG THE NORTH AND SOUTH SIDES OF E. WELLS BRANCH PARKWAY, EAST OF THE INTERSECTION OF E. WELLS BRANCH PARKWAY AND IMMANUEL ROAD; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; AND TO BE ZONED AGRICULTURE / DEVELOPMENT RESERVE (A); TO BE KNOWN AS THE LISSO TRACT 2018 ANNEXATION; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; APPROVING A SERVICE PLAN; AND PROVIDING AN EFFECTIVE DATE. (ANX1806-01)

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. McDonald seconded the motion. All voted in favor. The motion carried.

Mr. Weiss made a motion to approve the ordinance. Mr. Heath seconded the

motion. All voted in favor. The motion carried.

5B. [ORD-0417](#)

Conduct a public hearing and consider 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 LOT 3, SKYVIEW MANOR FROM AGRICULTURE/CONSERVATION (A) TO OFFICE (O) DISTRICT; TO BE KNOWN AS THE 1207 NIMBUS DRIVE REZONING (REZ1807-01); 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. She stated staff recommends denial and the Planning and Zoning Commission had also recommended denial. Ms. Barron answered questions of the Council. Applicants David Rothenberg and Philip Wanke presented and answered questions of Council. Mr. Metayer stated that some of the supporters on their list have recanted their support. Mr. Wanke stated that one of the supporters had fears that higher uses might continue into the neighborhood. Mr. Marsh asked regarding the code compliance issue. Ms. Barron explained that code compliance received complaint of activity on the property with the landscaping and city staff was told they were preparing for office use. Mr. Wanke stated that their intent was to make it an office but they have never moved in. Mr. Rothenberg explained the area is poised for more density.

Linda Strehler, 1107 Nimbus, stated that she is one of the neighbors. She stated that what they want is to be the neighborhood that they are. She stated that they don't want to change and that they like their current zoning. She stated that they are an old school Pflugerville neighborhood and they don't want businesses. She stated that just because apartments are near and they can see them; it is not part of their neighborhood. She stated they don't have a neighborhood association and when something is wrong, they talk to each other. She stated as far as a business going in, they don't want it; that they don't want more people just in and out of the neighborhood.

Claude Sheats, 1211 Nimbus Drive, stated that he lives next door to the property. He stated that he agrees with Ms. Strehler. He stated that this is a neighborhood and they want to stay a neighborhood and they want the people that live next door to be a traditional family, not a business with traffic. He stated that he has 5 kids and 6 grandchildren and he does not want that kind of thing going on next door to him. He stated regarding the improvements made to the property, that some are inside his yard, and now drainage is causing flooding over his driveway. He stated that they already did it without the proper things in place and he had to get an estimate today to fix his culvert so it will drain properly. He stated that he wants to keep the neighborhood a neighborhood. He stated that he was trying to be a good neighbor when he signed the petition to support the zoning change, but once he did the research, he realized it isn't something that he wanted. He stated that he has officially recanted his signature on the petition.

The following residents did not request to speak but asked that the Mayor

announce their opposition for the record:

Elizabeth Edge, 16101 Halo Drive

Kim Nguyen, 1212 Vapor Drive

Thu Vo, 1212 Vapor Drive

John Lucas, 1109 Nimbus Drive

Patsy Lucas, 1109 Nimbus Drive

Lindsey Lucas Sander, 1006 Nimbus Drive

There were no additional 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. Weiss made a motion to deny the requested rezoning, stating that it is not good for the neighborhood or the City. He stated that he likes the applicants' effort, but it is not a good location. Mr. Zech recommended a motion to approve and then to vote. Mr. Weiss' motion died for lack of a second.

Mr. Metayer made a motion to approve. Mr. Marsh seconded the motion. All were opposed. The motion failed.

Mr. Marsh provided comments and thanked the applicants.

5C. [ORD-0418](#)

Conduct a public hearing and consider 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 AN APPROXIMATE 6.798 ACRE TRACT OF LAND OUT OF THE THOMAS G. STUART SURVEY ABSTRACT NO. 689, LOCATED GENERALLY NORTHEAST OF THE PFLUGER FARM LN. AND E. PFLUGERVILLE PKWY. INTERSECTION FROM AGRICULTURE/CONSERVATION (A) TO URBAN LEVEL 4 (CL4) DISTRICT; TO BE KNOWN AS THE TIMMERMANN 2018 REZONING (REZ1807-02); 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 the Council. Mr. McDonald indicated concern for the historical Pfluger home on the property. He confirmed with Ms. Barron that rezoning of the property does not allow for demolition of the home. Discussion followed. There were no requests to speak at the public hearing. Mayor Pro Tem Peña made a motion to close the public hearing. Mr. Heath seconded the motion. All voted in favor. The motion carried.

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

6. Public Comment

Angela Garcia, 1422 Crete Lane, voiced concerns regarding developer work done on John Lloyd's property affecting drainage and the City allowing him to proceed without a permit. She stated that she has accepted Mr. Fletcher's

apology for the handling of this. She stated that Mr. Lloyd has stated that he has stopped work on his property, but this is not the end of this matter.

Olga Lizcano, 1426 Crete Lane, stated that she is Angela Garcia's neighbor and she also has drainage and flooding issues. She voiced concerns that the next time that it rains, due to the activity of Mr. Lloyd, that her home will flood.

Natalie Reyes, 1901 Cistern Cove, stated that she and her family have watched and welcomed growth. She stated that she was here to talk about the removal of the left turn lane on Murchison Ridge onto Kelly Lane. She stated that she understands that the removal was due to school traffic and that she makes that drive to school at least two times a day. She stated that going there is significantly hindered by the removal of the left-hand turn. She asked the Council to please reconsider this left turn lane removal.

Cynthia Rivera, 1902 Cistern Cove, stated that she would like to reiterate her neighbor's concerns. She asked that the City Council reconsider the removal of the left turn lane.

Michael Reyes asked that the City Council reconsider the removal of the left turn lane. He stated that it is inconvenient to families making the commute to the schools.

Charles Hadlin, 19604 Mallard Pond Trail, stated that the removal of the left turn lane from Murchison Ridge onto Kelly Lane puts traffic onto smaller neighborhood roads.

Cassie Rivera, 1902 Cistern Cove, stated that with the left-hand turn removed, traffic on Kennemer is doubled. She indicated concern for kids walking to school and asked that the City Council reconsider removing the median.

Tori Reyes was signed up, but did not speak during Public Comment.

Armondo Rivera, 1902 Cistern Cove, asked that the City Council consider what his neighbors have said and to go to his home and try to go to Murchison Elementary School at 7:00 a.m.

Rico Reyes, 1901 Cistern Cove, stated that he recognizes that the intersection was bad before with the left turn, but there has to be another way. He asked the City to look at it again, to look at other alternatives.

Bianca Castillo, 4516 Hees Court, spoke in support of the Austin Community College (ACC) annexation of the Pflugerville Independent School District boundaries. She asked the City Council to publicly support the annexation.

Mark Epstein, 603 Princeton Drive, asked the City Council to approve a resolution of support for the ACC annexation. He spoke in support of ACC annexation.

Deanna Bell, 3605 Wetland, indicated support for ACC annexation.

Chris Nystrom, 19025 Huntingtower Castle Boulevard, spoke in support of ACC annexation.

Pat Epstein, 603 Princeton Drive, spoke in support of ACC Annexation.

Ryan Harper, 400 West Oxford Drive, expressed support for ACC annexation.

Sup [RES-0540](#)
1A.

Resolution cancelling the General Election for November 6, 2018 and electing the candidates without opposition for the positions of Councilmember Place 3 and Place 5.

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

Reading of the Consent Agenda

Item 10I was removed from the consent agenda. Ms. Thompson noted that a small amendment was made to the resolution on item 9B and a copy of the amended resolution was provided on the dais. Ms. Thompson read the items to include the caption of the ordinance under consideration.

7. Approval of Minutes

7A. [2018-7009](#)

Approval of the minutes of the August 14, 2018 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

8. Ordinances First Reading

8A. [ORD-0420](#)

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 IX (TITLED GENERAL REGULATIONS), CHAPTER 95 (TITLED PARKS AND RECREATION), SECTION 95.30 (TITLED PROTECTION OF LAKE PFLUGERVILLE) BY MODIFYING HOURS OF OPERATION AND USE REGULATIONS; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 95 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$500.00; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE AND REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE .

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

9. Resolutions

9A. [RES-0536](#)

Approving a resolution authorizing submission of the grant application for the Pflugerville Police Department - Ballistic Vest Project to the Office of the Governor in order to designate Sereniah Breland, City Manager, as the grantee's authorized official.

The resolution was approved on the consent agenda.

- 9B. [RES-0537](#) Approving a resolution consenting to the City of Round Rock use of a portion of the MoKan Transportation Corridor right of way for thoroughfare extension purposes.

The resolution was approved as amended on the consent agenda.

10. Other Actions

- 10A. [2018-6971](#) Authorizing the City Manager to enter into an agreement with Texas Longhorn Aquatics (TXLA) for rental of the Gilleland Creek and Windermere Pools and delegating approval authority for renewal of this agreement to the City Manager.

The item was approved on the consent agenda.

- 10B. [2018-6977](#) Approving an interlocal contract with the Capital Area Emergency Communications District (CAECD) for public safety answering point maintenance, equipment and training and authorizing the City Manager to execute same.

The item was approved on the consent agenda.

- 10C. [2018-7004](#) Approving an agreement with McGray & McGray Land Surveyors, Inc. in the amount of \$66,569 for professional surveying services associated with establishing a survey control and benchmark network.

The item was approved on the consent agenda.

- 10D. [2018-7002](#) Approving the selection of Kimley-Horn & Associates, Inc., DKS Associates and Pacheco Kochand to provide services associated with the 2018-2020 Traffic Improvements 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.

- 10E. [2018-7006](#) Approving the selection of Halff Associates, Inc. for professional services associated with the 2018 Lake Pflugerville Park Improvements & Biehle Property Concept Project and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

The item was approved on the consent agenda.

- 10F. [2018-7007](#) Approving the selection of Brinkley Sargent Wiginton Architects for professional services associated with the Pflugerville Recreation and Senior Center Needs Assessment & Feasibility Study and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

The item was approved on the consent agenda.

- 10G.** [2018-7003](#) Approving an agreement with Kimley-Horn and Associates, Inc. in the amount of \$234,126 for professional engineering services associated with the preparation of a Transportation Master Plan.

The item was approved on the consent agenda.

- 10H.** [2018-7008](#) Approving the award of a construction contract for the Recreation Center Renovation Project to H.C.S. Inc, General Contractor, the lowest responsible bidder from three total bids received and opened on August 9, 2018, and authorizing the City Manager to execute same.

The item was approved on the consent agenda.

Action on the Consent Agenda

Mr. Marsh and Mr. Metayer stepped down from the dais during the reading of the consent agenda. They were absent during the vote on the consent agenda. Mayor Gonzales made a motion to approve the consent agenda. Mayor Pro Tem Peña seconded the motion. All present voted in favor. Mr. Marsh and Mr. Metayer were absent and did not vote on the consent agenda. The motion carried.

10. Other Actions - Removed from the Consent Agenda

- 10I.** [2018-6999](#) Approving the Fiscal Year 2019 budget for the Pflugerville Community Development Corporation (PCDC).

Ms. Madison presented and answered questions of the Council. Mr. Heath asked regarding the PCDC's recruitment of companies. Ms. Madison provided information. Mr. Marsh made a motion to approve. Mr. Weiss 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. Discuss and consider action

- 11A.** [2018-6993](#) Conduct introductions and take action to make an appointment to the Pflugerville Community Development Corporation (PCDC) Board of Directors Place 4 for an unexpired term ending December 31, 2018.

The City Council conducted introductions with candidates Melody Ryan, George Vande Werken and Mike Conner. The Councilmembers provided written nomination ballots to Mayor Gonzales. Mayor Gonzales read the written nominations aloud. Mr. Metayer, Mr. Heath and Mayor Pro Tem Peña nominated Ms. Ryan for appointment. Mayor Gonzales and Mr. Weiss nominated Mr. Conner for appointment. Mr. Marsh and Mr. McDonald nominated Mr. Vande Werken for appointment. Mr. Heath made a motion to appoint Ms. Ryan to the unexpired term. Mr. Metayer 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.

11B. [RES-0538](#)

Discuss and consider action regarding approval of a resolution for a Pflugerville Community Development Corporation (PCDC) land sale to IGX Consolidated LLC for Lot 3F, 24.393 acres of real property situated between Sun Light Near Way and Impact Way near Highway 130, in Pflugerville, Travis County, Texas.

Ms. Madison provided information and answered questions of Council. Mr. Fletcher provided input. Mayor Pro Tem Peña made a motion to approve. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

12. Adjourn

Mr. Weiss made a motion to adjourn. Mr. McDonald 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. The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on September 11, 2018.