



City of Pflugerville

Minutes - Final - Draft

City Council

Tuesday, October 8, 2019

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 7:04 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; Trey Fletcher, Assistant City Manager; James Hartshorn, Assistant City Manager; Karen Thompson, City Secretary; Amy Good, Finance Director; Robert Polanco, Building Official; Patricia Davis, City Engineer; Jennifer Coffey, Library Director; Terri Toledo, Communications Director; Jeremy Frazzell, Assistant Planning Director; Jessica Robledo, Police Chief; Jason Smith, Assistant Police Chief.

2. Opening

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

Mayor Gonzales lead 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 lead 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

Mayor Gonzales announced that an event would be held on Sunday, October 13, 2019 to unveil the Thi Ho Memorial Trail sign. Mr. McDonald announced that the Friends of the Pflugerville Animal Shelter would hold Dogtoberfest on October 12, 2019.

4. Presentations

- 4A. [2019-7873](#) Presentation of certificates of appointment to the members of the Youth Advisory Council.

Mayor Gonzales provided information on the Youth Advisory Council and presented certificates to the student members for the 2019-2020 program year.

- 4B. [2019-7867](#) Planning Department annual presentation.

Ms. Barron provided information.

5. Public Hearing and Ordinance First Readings

- 5A. [ORD-0477](#) 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 192 acres of unplatted tracts in the Alexander Walters Survey, Abstract No. 67 of the real property records of Travis County, from Agriculture/Development Reserve (A) to Single Family Mixed Use (SF-MU) District for approximately 17.779 acres, from Agriculture/Development Reserve (A) to Single Family Residential (SF-R) District for approximately 151.385 acres, from Agriculture/Development Reserve (A) to General Business 1 (GB1) District for approximately 22.533 acres, from Agriculture/Development Reserve (A) to General Business 2 (GB2) District for approximately 6.026 acres; all to be known as the Lisso Tract Rezoning (REZ1908-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

Mayor Gonzales read the item to include the caption of the ordinance under consideration and opened the public hearing. Ms. Barron provided information and answered questions of the Council. Applicant, Ryan Maddox, William Lyon Homes, presented on the zoning request. He stated that Bryan Havel was also in attendance. Mr. Maddox thanked staff for their thorough staff report and history. He stated that the zoning request meets the comprehensive plan, the future transportation plan and is fully staff supported and approved by the Planning and Zoning Commission and that it meets compatibility standards for adjacent uses. He reviewed the adjacent land uses. He stated that since February 2019, they have met with residents and met with the Mayor and almost all of the Councilmembers. He stated that from the feedback that they received, they have identified three categories of concerns: 1. parkland and greenbelt, 2. transportation and road impacts, 3. environmental and flood plain concerns. He reviewed their plans to address the concerns, stating on 1., they will add greenbelt. He noted that it is currently undeveloped private property, not a protected greenbelt. He stated that they propose to dedicate 17.8 acres of public parkland which is 6.5 acres more than what is required and they plan to spend up to \$500,000 for improvements to the open space to include a trails system to tie into the master trail system. He stated on 2. transportation, they will improve the surrounding roadways, construct Pfennig Lane and expand on the current network in place. He stated that they are committed to partnering

with the City in widening Immanuel Road by the subdivision process, even if not required. He stated that they will partake in the cost of their proportional share for improvements on Immanuel from Wells Branch to Pigeon Forge. He stated that they are proposing to make improvements to Immanuel to 2 lanes of travel with center turn lane with bike lane, deacceleration lane, if applicable, and sidewalk. He stated that the third item is environmental impact, floodplain and drainage. He stated that residents are generally concerned about all of those items. He stated that they will improve all of those items that are applicable. He stated that the center of property is currently used as a salvage yard. He stated that it will be removed and remediated with the development. He spoke on the Atlas 14 floodplain area which is much more stringent and stated that they will adhere to it. He stated that they have taken the concerns seriously and he believes they have resolved all of the concerns positively. He answered questions of Council. Ms. Barron answered questions of Council. Council discussion continued with Mr. Maddox. Mr. Weiss confirmed with Mr. Maddox that they would construct Immanuel in the first phase and it would not just be a cost share agreement with the City for their proportionate share. Ms. Barron addressed additional Council questions.

Mindy Sue Cohen, 607 Jill Sue Circle, stated that she is deeply concerned with how the whole voting process went at the September Planning and Zoning Commission meeting. She stated that she thinks there may have been an Open Meetings Act violation and that she thinks the voting process was a chaotic mess. She stated that she does not think the vote was clear enough to the people that were voting. She stated that she thinks it needs to be investigated.

Michael Palmatier, 1604 Middleway Road, stated that he is not in opposition to this. He stated that he has listened to the builders and it seems they have covered everything that was asked of them. He stated that it is not a greenbelt and does not belong to Gatlinburg. He stated if they follow the rules they should be able to make their way. He stated that we need housing and more and more people are moving to Texas. He stated that Pflugerville is the most wonderful city that he has lived in besides his childhood town in Massachusetts. He stated that allowing for responsible growth is a benefit to Pflugerville. He stated that we have to look at ways to hold the tax rate and we need to expand the tax base and we can expand sales tax with more people. He stated that this is a good middle class influx to Pflugerville.

Patsy Van Geem, 1704 Lynn Cove, stated that she is directly affected by this. She stated that she understands that landowners have a right to sell their land, but that she always dreamed that it would be parkland. She stated that all she hears is that we are growing too fast. She stated that we don't have enough water and that she believes traffic is still going to be a big issue. She stated that we are not prepared for the growth that we are having.

Mary Macina, 724 Stansted Manor Drive, stated that she is concerned with Immanuel Road and even more concerned with no improvements between Pigeon Forge and Pecan. She stated that it has been totally ignored. She stated that it isn't in the improvements that are on the board now. She stated that we have the Rec Center and the trails that go underneath the street and then we have Immanuel Lutheran Church and across the street we have Pflugerville Elementary and it is totally being ignored. She stated that it takes

her 20 minutes longer to get to medical appointments than when she lived in Austin because she cannot leave her neighborhood. She stated that she has to schedule everything between 9a-2p or maybe 2:30p so she can get out of her neighborhood. She stated that traffic is her major concern and there are no sidewalks. She stated that the infrastructure needs to be there before it is approved.

Mayor Gonzales called for Sophia Parent, 1511 Quail Run, but she was not in attendance.

Leslie Wall, 1614 Dove Haven, asked when we are going to have bond funds for this. He stated that they will have to use Immanuel during the construction. He stated that the plan on the development on the streets looks good on paper, but he thinks this has been poorly planned. He stated that he thinks they are in defense mode. He stated that he stands in opposition to this.

Gary Robertson, 3351 Killingsworth Lane #530, stated that he lives in the mobile homes on Killingsworth. He stated that there are another 800 being built. He stated that they need something done about Immanuel Road, that they need a bond done right now.

Lindsey Reina, 1609 Sage Boot, stated that she is not for this development at all. She stated that Immanuel Road is always congested. She stated that she can't get her kids to soccer practice and go to the grocery store. She stated that people are also cutting through the neighborhood and it is dangerous. She stated that she needs her town to stay small. She stated that it is sad to her, that she wanted the small town feel, that's why she moved here. She stated that it is getting to the point where she wants to get out but she does not want to take her family from their community.

Justin McLenny, 805 Pigeon Forge Road, stated that he is not in favor of the proposal. He stated that people have the right to follow the rules and sell their property but he echoes the first speaker. He stated that during the Planning and Zoning Commission meeting, during the voting process, one member tried to abstain but was told she could not. He stated that you can't talk about an agenda item during an open meeting when it isn't open discussion. He stated that the side conversation didn't make it into the public record. He stated that part of the remedy is that actions can be voided. He stated that the Planning and Zoning Commission can have an additional meeting and ratify the action. He stated that he wanted Council to be aware of how the Planning and Zoning Commission meeting went. He stated that the meeting at the library was presented as being held by the Gatlinburg HOA. He stated that they don't have an HOA and it is against the library to not be a non profit and hold a meeting there.

Aaron Young, 907 East Olympic Drive, stated that he lives in the neighborhood across from the planned development. He stated that he can't support the increase in residents, especially on Immanuel Road. He stated that it will create a bottle neck when it goes down to single lanes. He asked Council how they can support water for new development when we are in stage 3 right now.

Dan Selman, 410 Suzzane, stated that he sees quite a bit of traffic cutting through. He stated that he is not against the zoning but thinks there should be

some concessions. He stated that he thinks Immanuel and Pfennig should be moved up in the plan, and extending Pfennig up to Pecan should be a priority. He stated that he would like the concessions from the developer to pay for 25% of the widening of Immanuel to be used to make it a 4-lane road. He stated that middle lanes are not well utilized and that he thinks 4 full use lanes would be more helpful. He stated that he would like to see the city use that money toward that.

Shannon McClenny, 805 Pigeon Forge Road, asked if they have driven on Immanuel and Howard. She stated that is what GB2 looks like and that the entrance of her neighborhood will be like that. She stated that the bottleneck will happen at the light at Immanuel and Pecan. She stated that she saw an emergency vehicle slowed there recently. She asked why they should have to pay the price for that less service. She stated that they have already voted no. She stated that the Planning and Zoning Commission last month was crazy. She stated that the Commissioners were torn because the millionaire has a right to sell his property but it really isn't a good fit. She stated that was the hesitation. She stated that there were some positives but there were negatives. She asked how many people have to show up before they will choose citizens over profit.

Scarlet McClenny, 805 Pigeon Forge Road, indicated that she was sharing a petition with 125 signatures and some of those comments against the rezoning. She read some of the comments against the rezoning.

Omega Baker, 805 Pigeon Forge Road, stated that she doesn't know what she can add and they have heard it before. She stated that they have a written petition and an online petition, with 200 people against it, and that they have people here against it. She stated that there's the traffic and all of that. She stated regarding the meeting held at the library, that she felt like that was not a good sign. She stated it was like she bought a car from a used car salesman, when they say we have a great deal and then they have to go talk to their manager. She stated that this library meeting was set up by Ryan Maddox and he claimed to represent Gatlinburg HOA and he lives in Round Rock. She stated that the only people allowed to have meeting at the library are citizens and non profits. She asked how we can trust this used car salesman. She stated that he went on and on about all of the great things that they are going to do, but if the citizens hadn't stepped in, they weren't going to do anything. She stated that she doesn't trust anything that man says.

Mayor Gonzales called for Sophia Parent, 1511 Quail Run Road, who was not in attendance. He stated that she listed her concerns for kids walking after school on Immanuel Road with no sidewalks and no crossing lines.

Lauren DeWitt, 1605 Middleway Road, spoke in opposition for the habitat loss, traffic and floodplain impact.

Pat Epstein, 603 Princeton Drive, stated that she is the Chair of the Planning and Zoning Commission. She stated that she wanted to make herself available to the Council to answer any questions about the comments this evening. Mr. Metayer asked regarding a threat made by the property owner to continue grandfathered uses if zoning is not approved. Ms. Epstein encouraged the Council to watch the tape. Mr. Heath asked if there are any grandfathered uses on the land. Ms. Barron stated that staff is evaluating the existing conditions

and legal inconformities and she is not aware of any previous grandfathering of uses. She stated that when the land was annexed, they can maintain the same function of the landuse. Council discussion followed with Ms. Epstein regarding the vote of the Planning and Zoning Commission with input from Mr. Zech. Mr. Heath asked about the requirement for the City Council to act or not to act. Mr. Zech stated that state law requires the Planning and Zoning Commission to take action on a recommendation before Council action and it has occurred. He stated that if the recommendation was to deny, it would have required a 3/4 vote to overrule that. There was continued discussion.

Mr. Maddox stated of the Planning and Zoning Commission meeting, that he did not find the statement by the owner regarding grandfathered uses to be a threat, but the owner provided a document at the meeting of the items that he could do without rezoning of the property. Ms. Barron stated that she has the document but not at this meeting with her.

Bryan Havel, Division President for William Lyon Homes, stated that their company does own 30 lots in Pflugerville and they would like to continue to build in the community. He stated that they are open and transparent. He stated that they held the meeting at the library but would be happy to meet anywhere. He invited people to reach out to him at anytime.

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.

Council discussion followed. Mr. Weiss asked for staff input on the plans for Immanuel Road. Ms. Davis provided an update.

Mayor Gonzales stated that it appears that Immanuel Road is the new Kelly Lane. He stated that he hates to pass this issue off on future Councils. He stated that he is not sure where Immanuel is on the project list, but we need to look at that. He stated that he doesn't think they have been negligent but we have to develop funding options to have projects funded and they are not cheap. He stated that his concern with the project is that it is the wrong project at the wrong time at the wrong place. He stated that you have GB2 and we have already had concerns with what goes into GB2. He stated that we have the mobile home project south of that and as the developer has indicated, he is going to develop housing at the \$250,000-\$400,000 range. He stated that it is tough to find a house under \$250,000 in Pflugerville. He stated concern for investors looking at that project and the landscape around it. He stated that residents look at public safety, traffic, schools and what they are investing in. He stated that he doesn't get the feeling that future homeowners in that area are going to get a good return on their investment. He stated that he is opposed to having GB2 included. He stated that the traffic on Immanuel Road, that he doesn't know how to answer that question, that it is a challenge, and it's going to be timely and costly. Mr. Heath stated that is why we are doing a transportation plan. He stated that he has heard people say that they don't want Pflugerville to change but we are going to grow. He stated that if not in city, then outside the city. He stated that traffic and infrastructure is certainly on our minds. Mr. McDonald stated that one of the discussions we have is how far off do we plan for our roads. He stated that no one wants to pay for a road when there are no houses or businesses on it, so the city is often behind because we look for opportunities to cost share with developers. He stated that

we have a developer that is willing to cost share and this is an opportunity to accelerate something that is on our 5-year plan and get some sidewalks in there. He stated that the GB2 is pushed up to our southern border. He stated that if you have GB2, you want to push it out to the outskirts of town. He stated that the mobile home park is outside our city limits and we do not have any control over that. He indicated support for the rezoning for the mitigation of a junk yard, a residential development with medium price homes and above, and along the arterial we have GB1 and GB2 for sales tax revenue.

Mr. Marsh made a motion to approve the Lisso rezoning ordinance on first reading. Mr. Heath 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-no. The motion carried.

5B. [ORD-0476](#)

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 a 0.748-acre tract of land situated in Lot 5, Block 4 Stone Hill Town Center subdivision in Pflugerville, Travis County, Texas; to be known as Valvoline Instant Oil Change Specific Use Permit; providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

Mayor Gonzales read the item to include the caption of the ordinance under consideration and opened the public hearing. Ms. Barron provided information and answered questions of the Council. Richard Gallegos III, Valvoline representative, provided information on Valvoline and answered questions of Council. There were no additional requests to speak at the public hearing. Mr. Weiss and Mayor Pro Tem Peña stepped down from the dais. Mr. Heath made a motion to close the public hearing. Mr. Marsh seconded the motion. Mr. Weiss, and Mayor Pro Tem Peña were absent from the dais and did not participate in the vote. All others voted in favor. The motion carried.

Mr. Marsh made a motion to approve the ordinance on first reading. Mr. Heath seconded the motion. Mr. Weiss and Mayor Pro Tem Peña returned to the dais. 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.

5C. [ORD-0486](#)

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 120 acres of land consisting of an approximate 81.15-acre tract and an approximate 38.14-acre tract, both out of the real property records of Travis County, from Corridor Level 4 (CL-4) district to Planned Unit Development (PUD) district; to be known as the NorthPointe PUD Rezoning (REZ1806-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

Mr. Heath recused himself from the item due to a potential conflict of interest

related to his company, Alliance Transportation, doing business with the NorthPointe development. Mayor Gonzales read the item to include the caption of the ordinance under consideration and opened the public hearing. Mr. Metayer stepped down from the dais. Ms. Barron provided information and answered questions of Council. Mr. Metayer returned to the dais during the discussion. Mr. McDonald stepped down from the dais and returned during the discussion.

There were no requests to speak at the public hearing. Mayor Pro Tem Peña made a motion to close the public hearing. Mr. Marsh seconded the motion. Mr. Heath abstained from discussion and the vote on the public hearing. All others voted in favor. The motion carried.

Mayor Pro Tem Peña made a motion to approve the ordinance on first reading as read. Mr. Metayer seconded the motion. Mr. Heath abstained from discussion and the vote on the ordinance first reading. All others voted in favor. The motion carried.

6. Public Hearings

6A. [ORD-0481](#)

Conduct a public hearing regarding the creation of a Tax Increment Reinvestment Zone (TIRZ) number two to include NorthPointe West development and the Downtown area.

Mr. Heath recused himself from the item due to a potential conflict of interest related to his company, Alliance Transportation, doing business with the NorthPointe development. Mayor Gonzales read the item and opened the public hearing. Ms. Barron provided information. She requested Council action to continue the public hearing until November 12, 2019.

Ms. Barron answered questions of the Council. There was Council discussion.

Bob Reichenbach, 309 Cottonwood Lane, stated his impression is that the fundamental purpose is for the city to finance restoration for an area that has deterioration and it is really not intended for just simply new development. He stated that a TIRZ that restores values that has been down has lower value and when it is restored it will be at par, it will not have an impact on the surrounding community. He stated that he thinks in this case, because of the value that will be placed on the land, they are going to see the appraisals on their homes go up. He encouraged the Council to vote no on this.

Anthony Nguyen, 19905 Tree Sap Way, stated that he wanted to review the numbers on this TIRZ, but there were no numbers; there was just a map. He stated that last time they had numbers to review and none of that was in the packet this time. He stated that he looks forward to getting that information. He stated that when we approve a TIRZ, the incremental dollars cannot be used to fund city services, they can only be used for projects inside the TIRZ, so residents have to pay higher taxes to provide the city services. He stated that he is not against or for this, but they need to have the information at hand to see what they are getting out of this NorthPointe TIRZ; it is not defined.

Adeline Bui, 108 E. Main Street, stated that she is directly involved in the process and looks forward to revitalizing downtown. She stated that when you look at NorthPointe, it is currently agriculture and there will be revenue as

soon as it is developed. She stated that the developer has to pay for the projects ahead of time and gets reimbursed over the future years. She requested that city staff provide more education for the public on the TIRZ process.

Mr. McDonald made a motion to continue the public hearing to November 12, 2019. Mr. Metayer seconded the motion. Mr. Heath abstained from discussion and the vote on the public hearing. All others voted in favor. The motion carried.

6B. [RES-0657](#)

Conduct a public hearing regarding the creation of a Public Improvement District (PID) for the NorthPointe West project.

Mr. Heath recused himself from the item due to a potential conflict of interest related to his company, Alliance Transportation, doing business with the NorthPointe development. Mayor Gonzales read the items and opened the public hearings on item 6B and 6C. Ms. Barron provided information. John Snyder, city consultant, answered questions of Council regarding PID as a financing tool. There were no requests to speak at the public hearings. Mayor Pro Tem Peña made a motion to close the public hearings. Mr. Metayer seconded the motion. Mr. Heath abstained from discussion and the vote on the public hearings. All others voted in favor. The motion carried.

6C. [RES-0658](#)

Conduct a public hearing regarding the creation of a Public Improvement District (PID) for the NorthPointe East project.

Mr. Heath recused himself from the item due to a potential conflict of interest related to his company, Alliance Transportation, doing business with the NorthPointe development. Mayor Gonzales read the items and opened the public hearings on item 6B and 6C. Ms. Barron provided information. John Snyder, city consultant, answered questions of Council regarding PID as a financing tool. There were no requests to speak at the public hearings. Mayor Pro Tem Peña made a motion to close the public hearings. Mr. Metayer seconded the motion. Mr. Heath abstained from discussion and the vote on the public hearings. All others voted in favor. The motion carried.

7. Presentation

7A. [2019-7870](#)

Presentation and discussion of traffic safety and traffic operations on Kelly Lane, including signal warrant analysis findings at the Kelly Lane/Falcon Pointe Boulevard/Vilamoura Street and Kelly Lane/Hidden Lake Drive/Jakes Hill Road intersections.

Mayor Gonzales opened the item for presentation and discussion. Mr. Heath returned to the dais. Ms. Davis introduced Rene Hurtado of DKS Engineering. Ms. Hurtado presented a summary of current conditions and recommendations for the Kelly Lane corridor. Recommendations for the near-term (2020) included restricting turns to right only at the Kelly Lane/Vilamoura/Falcon Pointe intersection and to add a temporary traffic signal at the Kelly Lane/Jakes Hill/Hidden Lake intersection. Recommendations for short-term (2025) included Phase 2 Kelly Lane widening roundabout or restricted to left-in, right-out only at the Kelly Lane/Vilamoura/Falcon Pointe intersection and advancing the plans for the Kelly Lane Phase 3 widening. Council discussion followed with Ms. Hurtado and Ms. Davis.

8. Public Comment

There were no requests to address the Council under the Public Comment item.

Reading of the Consent Agenda

Items 11A, 11B, 11C and 11D were removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

9. Approval of Minutes

- 9A. [2019-7857](#) Approval of the minutes of the September 17, 2019 Special Meeting and September 24, 2019 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

10. Ordinances First Reading

- 10A. [ORD-0480](#) Approving an ordinance on first reading with the caption reading: An Ordinance of the City of Pflugerville, Texas, Amending Code of Ordinances Chapter 33: Finance and Taxation, Hotel Occupancy Tax, Section 33.27 regarding use of proceeds; providing a savings repealer, providing for severability, and providing an effective date.

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

- 10B. [ORD-0484](#) 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 Title VII titled Traffic Code, Chapter 71 titled Parking Regulations, Section 71.05 titled Parking Prohibited in Certain Designated Areas by adding additional temporary no parking zones required by construction; providing for a penalty for a violation of Chapter 71 as a class C misdemeanor and 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. (Adding temporary no parking zones along portions of Black Locust Drive for construction activities.)

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

12. Other Actions

- 12A. [2019-7699](#) Approving a Professional Services Agreement with Kimley-Horn and Associates, Inc. in the amount of \$517,268.78 for professional engineering services associated with the Colorado Sand Drive Roadway

project and authorizing the City Manager to execute same.

The item was approved on the consent agenda.

- 12B.** [2019-7856](#) Approving a professional services supplemental agreement with DKS Associates, in the amount of \$253,080.00 for professional engineering services associated with the Kelly Lane Major Investment Study (MIS) Phase 2 and authorizing the City Manager to execute same.

The item was approved on the consent agenda.

- 12C.** [2019-7858](#) Approving Addendum to Development Financing Agreement by and among the City of Pflugerville, Texas, Reinvestment Zone Number One, City of Pflugerville, Texas, and Terrabrook Falcon Pointe, L.P.

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.

11. Resolutions - Removed from the Consent Agenda

- 11A.** [RES-0636](#) Approving a resolution approving personnel policies in accordance with the City Charter.

Mr. Metayer indicated concerns with the policy wording. Mr. Weiss requested to table the item to allow Mr. Metayer to review the wording with staff. Mr. Heath seconded the motion. All voted in favor. The motion carried.

- 11B.** [RES-0644](#) Approving a resolution approving an employee volunteer community service program, "Pf Serves Program."

Mr. Heath stated that he thinks that it is admirable, but we have pressing needs at the city and he thinks diverting of employees is not appropriate. Ms. Breland spoke to the benefits of the program to employees and in community engagement. Mr. Marsh, Mayor Pro Tem Peña, Mr. McDonald, Mr. Metayer and Mr. Weiss spoke to the benefits of the program to increase employee engagement, morale and to increase productivity. Mr. Weiss made a motion to approve the resolution approving the Pf Serves Program. Mr. Marsh seconded the motion. Mr. Heath asked if the employee community service has to be inside the city. Ms. Breland indicated yes. Mayor Gonzales called for a vote on the item. 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.

- 11C.** [RES-0653](#) Approving a resolution authorizing the City Manager to execute an Interlocal Cooperation Agreement for Public Health Services between the City of Austin and the City of Pflugerville.

Mr. Weiss stated that he believes that Mr. Metayer has specific questions. Mr.

Metayer indicated that he has a red-lined document and has talked with the City Attorney. He explained that in Section 3.03 he would like to include the appellate process. Mr. Zech indicated he had no issue with the addition. Don Hastings, City of Austin, stated that the City of Austin will provide evidence and testimony of a violation but will not enforce as a prosecutor. Mr. Fletcher stated that this section is provided for whatever body the city uses, that it is not specific. Mr. Hastings stated that it is the same agreement that they use with all of their cities except regarding the job type services. Mr. Metayer indicated a concern for ending the contract without cause not being reflective of both cities in 13.01. Mr. Hastings noted that is found in 11.04. Mr. Hastings stated that the agreement has been scrutinized over the years. Mr. Metayer indicated concern that some of the clauses are very beneficial to Austin in regards to liability. Mr. Heath asked Mr. Hastings how many times they have been in conflict with a city regarding providing services. Mr. Hastings indicated zero. Mayor Pro Tem Peña requested that Mayor Gonzales call for a motion on the item. Mr. Weiss made a motion to approve the resolution authorizing the City Manager to execute the interlocal agreement with the City of Austin. Mr. Heath seconded the motion. Mr. Metayer indicated concern regarding the mediation resolution. Mr. Zech stated that mediation is only applicable if both parties agree to the process, otherwise it would go to district court. Mayor Gonzales called for a vote on the item. 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.

11D. [RES-0661](#)

Approving a resolution approving a purchase and sale agreement for 100 W. Main and authorizing the City Manager to execute same.

Mr. Heath indicated that he had pulled the item to provide information to the public. Ms. Breland stated that they have a Subcommittee of Council for facilities that has been working on this. Mr. McDonald reported that Comerica Bank recently came to their attention as being available and that he thinks that staff did an excellent job in negotiating a purchase price. He stated that it fits the downtown action plan and the intent to keep the municipal center downtown. He stated that it is an excellent opportunity. Mr. Marsh spoke on space needs for employees. He stated that the bank provides a unique opportunity to double space as we grow in a very responsible way. He stated that he thinks that the cost is very acceptable. Mr. Heath asked what the intent is for the property. Mr. McDonald and Mr. Marsh spoke on the benefits and possibilities to stage growth. Mr. Metayer asked if we have looked at the options and done due diligence. He stated that it looks like a fiscally responsible option. Ms. Breland stated that obtaining the property is the first step. She stated that we know that private investment follows public investment and purchasing allows land assemblage and allows for conversations with developers for a public/private partnership. She stated that the purchase allows for numerous opportunities. She stated that this allows the city manager to purchase for \$800,000. Ms. Breland noted that a budget amendment would be needed, and Mr. Fletcher noted that the funds are available. Mr. Metayer made a motion to approve the resolution approving a purchase and sale agreement for 100 W. Main and authorizing the city manager to execute same. Mr. McDonald seconded the motion. Mr. Heath asked if we will have funds available to address other maintenance issues. Ms. Breland noted that the recent needs are within the separate utility fund and there would be fund balance to cover those. She stated that there are no unbudgeted general fund maintenance items. Mayor Gonzales called for a vote on the item. All voted in favor. The motion carried.

13. Ordinances First Reading

- 13A. [ORD-0483](#) Discuss and consider action to approve an ordinance on first reading with the caption reading: An Ordinance of the City of Pflugerville, Texas Adopting the Pflugerville Fee Schedule; Amending Certain Fees and Establishing Costs and Fees Charged by the City of Pflugerville; Providing for a Penalty for a Violation of Section 10.99 of the City Code of Ordinances; and Declaring an Effective Date.

Mr. Metayer was absent from the dais for discussion and action on the item. Mayor Gonzales read the item to include the caption of the ordinance under consideration. Ms. Good provided information and distributed an amended Exhibit A providing minor corrections. Mr. Marsh made a motion to approve the ordinance on first reading as amended. Mayor Gonzales seconded the motion. All present voted in favor. Mr. Metayer was absent from the dais and did not participate in the vote on the item. The motion carried.

14. Resolutions

- 14A. [RES-0655](#) Discuss and consider action to approve a resolution authorizing the City Manager to execute a Post-Annexation Provision of Services Agreement with Timmerman & Hagn, Ltd., providing that upon annexation the City will provide standard City services to tracts of land totaling approximately 249.55 acres situated in the Seffrin Eiselin Survey No. 4, Abstract No. 265, Travis County, Texas, within the City's extraterritorial jurisdiction.

Mr. Metayer was absent from the dais for discussion and action on the item. Ms. Barron provided information. Mr. Heath made a motion to approve the resolution authorizing the City Manager to execute a post-annexation services agreement with Timmerman & Hagn, Ltd. Mayor Pro Tem Peña seconded the motion. All present voted in favor. Mr. Metayer was absent from the dais and did not participate in the vote on the item. The motion carried.

- 14B. [RES-0663](#) Discuss and consider action to approve a resolution accepting the transfer of 9.8470 acres of land, being the remaining portion of a 63.72 acre tract of land situated in the John C. Bray Survey No. 10, Abstract No. 73, Travis County, Texas described in that Warranty Deed recorded in Document No. 2004180178, Official Public Records, Travis County, Texas; less, save and except that portion of said property conveyed to 130 Cactus Investments, Ltd. as part of a 119.023 acre tract in the Warranty Deed recorded in Document No. 2007229735, Official Public Records, Travis County, Texas. Property Address: Jesse Bohls Road, Pflugerville, TX 78660, owned by Pflugerville Community Development Corporation (PCDC) to the City of Pflugerville for the purpose of trail improvements and easement and authorizing the City Manager to execute same.

Mr. Metayer was absent from the dais for discussion and action on the item. Mr. Fletcher provided information. Mr. McDonald made a motion to approve the

resolution accepting the transfer of 9.8470 acres from the PCDC to the City of Pflugerville. Mr. Weiss seconded the motion. All present voted in favor. Mr. Meteyer was absent from the dais and did not participate in the vote on the item. The motion carried.

14C. [RES-0648](#)

Discuss and consider action to approve a resolution authorizing the City Manager to execute an Interlocal Agreement with Travis County regarding the Project Management, Project Development and Fiscal Obligations for the E. Pflugerville Parkway/Jesse Bohls Improvements Project from Colorado Sand Dr to Cameron Rd.

Mr. Metayer was absent from the dais for discussion and action on the item. Mr. Fletcher provided information and noted that the design contract is under consideration on the next item.. Mr. Fletcher answered questions. Mayor Pro Tem Peña made a motion approve the the resolution authorizing the City Manager to execute an agreement with Travis County for the E. Pflugerville Parkway/Jesse Bohls Improvements Project. Mr. Heath seconded the motion. All present voted in favor. Mr. Meteyer was absent from the dais and did not participate in the vote on the item. The motion carried.

15. Discuss and consider action

15A. [2019-7797](#)

Discuss and consider action to approve a Professional Services Agreement with LJA Engineering in the amount not to exceed \$824,160.11 for professional engineering services associated with the E. Pflugerville Parkway/Jesse Bohls Extension/Realignment Roadway Project and authorizing the City Manager to execute said agreement contingent on approval and execution of the Interlocal Agreement with Travis County.

Mr. Metayer was absent from the dais. Ms. Breland provided an introduction. Ms. Davis provided information on the project. Mr. Metayer returned to the dais at 11:48 p.m. Mr. Heath made a motion to approve the professional services agreement with LJA Engineering. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

16. Adjourn

Mr. Heath made a motion to adjourn. Mr. Marsh seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 11:49 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on October 22, 2019.