



# City of Pflugerville

## Minutes - Final - Draft

### City Council

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Tuesday, October 22, 2019

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 7:00 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: James Hartshorn, Assistant City Manager; Charlie Zech, City Attorney; Karen Thompson, City Secretary; Amy Good, Finance Director; Jennifer Coffey, Library Director; Terri Toledo, Communications Director; Maggie Holman, Public Information Officer; Emily Barron, Planning Director, Charmelle Garrett, Interim Human Resources Director; Patricia Davis, City Engineer; Jessica Robledo, Police Chief; Mayo Neyland, Police Commander; Aileen Dryden, Parks Development Manager.

#### 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

Mr. Metayer announced that the Pflugerville Chamber of Commerce's Trunk or Treat would take place on October 29, 2019 from 5:00 to 7:00 p.m. Mr. Weiss reminded everyone to get their flu shots. Mr. Weiss, Mr. McDonald and Mayor Pro Tem Peña were noted for their Movember facial hair. Mayor Pro Tem Peña stated that the election is upon us and he asked everyone to exercise their right to vote. Mr. McDonald noted that the League of Women Voters provides a

voter information guide.

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

##### **4A. [ORD-0485](#)**

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 the North half of lots 13, 14, 15, 16, 17, & 18, of Block 7 out of the original Pflugerville subdivision, from Single-Family Suburban (SF-S) to Office (O) District; to be known as Juarez Commercial Rezoning (REZ1908-02); 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 Council. There were no requests to speak at the public hearing. Mr. Marsh made a motion to close the public hearing. Mr. Heath seconded the motion. All voted in favor. The motion carried.

Mr. Marsh stated the applicant was an exemplary model. He made a motion to approve the ordinance on first reading. Mr. Heath seconded the motion. All voted in favor. The motion carried.

#### **5. Public Comment**

Don Jenkins, 18909 Carlisle Castle Ct, stated that he has lived in Highland Park for 11 years and his concern is maintenance and repair of roads. He stated that several are neglected. He stated that he has called the streets department and gets the standard answer, that they will look at it and have to get a CPI. He challenged the Council to drive Royston Lane. He voiced concerns regarding the maintenance of Pflugerville Parkway, stating it is starting to deteriorate. He stated the longer you wait the more and more that road is going to deteriorate. He stated that when he calls, the city may fill a pothole. He stated that the roads are in a shambles. He asked that someone talk to the people in charge of this and do whatever they need to do.

Kim Waters, Pflugerville Pets Alive, announced that the 5th annual 5k Pfun Run is on November 16 this year at Pfluger Park. She stated that this would be a perfect opportunity for city employees to volunteer as a part of the new city employee serves program.

Kirk Zippe, 4033 Lake Edge Way, stated that in 2005 he met with the city and a group citizens regarding Lake Pflugerville and they discussed the same issues as they are having now. He asked how they determined the size of the parking lot that they are going to have close to their fences. He stated that in 2005, they proposed moving the entrance from the fence line to where it is now as a compromise. He stated that the City Council thought that was the right thing to do. He stated that they also asked to move the secondary parking down behind the dam. He stated that would have been secondary parking and would have linked to the primary parking. He stated that this is the only park in a 100-mile radius that is free and uncontrolled. He asked that they check this before they

go ahead with the project, to consider moving the parking behind the dam and stated if that is an emergency flood zone, the neighborhood across the street might want to know about that. Mr. Zippe stated that they also talked about crowd control. He suggested that they put the project on hold and give them a chance to work through this.

Kevin Willingham, 17924 Masi Loop, stated that he lives in a home which will be directly affected by the new parking lot. He stated the Lake Pflugerville Master Plan showed it in another area. He stated that once the construction is done his property will be impossible to sell. He stated that he does not expect the property taxes to go down. He stated that they have only lived in the house a year and half and will lose money on it. He asked the Council to consider people directly affected by it.

Chris Legnon, 18000 Masi Loop, stated he has lived there since 2008. He asked Council what they were doing April when he heard gunshots which was an opportunity of a parking lot near his house on a drug deal gone bad. He asked Council to think about the people that are being affected, the impact to them. He asked them to revisit the design and push the parking lot further away from them.

Scott Paulson, 4320 Hidden Park Drive, stated that he is a resident and boardmember of the Hidden Lake HOA. He stated he does not live near the project, but wants to voice concern. He stated that when the neighborhood was first developed, they put in a lot of money and they had to sacrifice to have the lake as an amenity. He asked that they please listen to the residents. He stated that they are affected by this and the number of cars brought into the lake.

Clayton Thieme, 18200 Kermit Ct, stated that he has an issue with the parking lot, but he also has a problem with the hike and bike trail. He stated that he does not think it needs to be closer to the backyards. He stated concerns with noise, trash, crime, and noisy pets at the fenceline. He stated that property values may decrease and there is potential for confrontation of residents and park goers. He stated that he thinks the trail should stay around the lake. He stated that the trail is his biggest concern.

Christina Thieme, 18200 Kermit Ct, stated that their biggest concern besides the parking lot and the crime is that trail. She stated that they back up to the pavilion. She stated that they can hear people talking and can hear the gravel under people's feet on the trail. She stated that they have chased a person to the trail trying to break into their car. She stated that they have a lot of trash on the weekends and groups out there set up between her home and the beach. She stated that they have high school bands at 8:00 a.m. and people come into their yard to retrieve drones and beach balls. She stated if it moves closer to their home, there is going to be confrontation. She stated that the parking lot has drug deals, kids doing donuts, and people drinking at all hours of the night. She asked the Council to think how they would feel if they lived there.

Reverend Marsha Brown, 18205 Kermit Ct, stated she and her husband Ron Bickerstaff dropped off a petition with 15 signatures in opposition. She stated that they are asking the Council to bring the item back for a public hearing and to adhere to the original master plan. She stated that additional parking is only needed during peak times. She asked the City Manager to temporarily suspend

plans for the parking lot. She stated their objections are: lack of public input, not seen as stakeholders, lake master plan clearly showed additional parking lot to the south. She stated that they support the development of the lake but the details of the plan were not made public until that meeting.

Ron Bickerstaff, 18205 Kermit Ct, stated their next objection is the noise and lighting. He stated that the expansion will exacerbate noise and the lighting will light up their back view with headlights directed to their homes. He stated it also wreaks havoc with pets. He stated that the city will have to build up the parking lot for the drainage. He stated if the parking lot is expanded to the south an additional exit could be added to Weiss Lane to allow for more rapid emptying of parking lot and drainage will drain properly in that area. He stated that they could eliminate landscaping in this area, as it would only be used in peak times, about 40 days a year.

Phaedra Swarm stated that they can currently hear people walking on the trail and they point their flashlights at the houses. She stated that they have fireworks for 2 weeks behind their homes and it is terrifying to think the trail would be so close to their homes. She asked that they consider putting the trail closer to the lake.

## Reading of the Consent Agenda

Items 9C, 10A, 10B, 10C, 10E and 10F were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

### 6. Approval of Minutes

- 6A. [2019-7915](#) Approval of the minutes of the October 8, 2019 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

### 7. Ordinances First Reading

- 7A. [ORD-0487](#) Approving an ordinance on first reading with the caption reading: An ordinance amending the City of Pflugerville, Texas Code of Ordinances, Chapter 95, Parks and Recreation, Park Regulations, Section 95.02 Definitions, by adding a definition for camping.

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

- 7B. [ORD-0489](#) Approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville, Texas, amending Chapter 111, Peddlers and Solicitors, of the Code of Ordinances of the City of Pflugerville, Texas, by adding an exception for lemonade stands and adding a definition for arterial roadway; establishing a penalty of not more than \$500 per violation per day; and providing for severability and an effective date.

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

## 8. Ordinances Second Reading

- 8A. [ORD-0476](#) Approving an ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville, Texas, amending ordinance no. 1203-15-02-24 of the city of Pflugerville, Texas, as amended, by changing the zoning designation of a 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.

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

- 8B. [ORD-0480](#) Approving an ordinance on second 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 second and final reading on the consent agenda.

- 8C. [ORD-0483](#) Approving an ordinance on second 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.

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

- 8D. [ORD-0484](#) Approving an ordinance on second 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 second and final reading on the consent

agenda.

## 9 Resolutions

- 9A. [RES-0664](#) Approving a resolution appointing the City of Pflugerville representatives to the Technical Advisory Committee of the Capital Area Metropolitan Planning Organization Transportation Policy Board.

The resolution was approved on the consent agenda.

- 9B. [RES-0662](#) Approving a resolution expressing official intent to reimburse certain expenditures related to the Colorado Sand Drive roadway project.

The resolution was approved on the consent agenda.

## 10. Other Actions

- 10D. [2019-7905](#) Approving the award of a construction contract for the 1849 Park Intersection Improvements Project to Aaron Concrete Contractors, LP, the lowest responsible bidder of four (4) bids received on October 10, 2019, in the amount of \$374,532.50 and authorizing the City Manager to execute same.

The item was approved on the consent agenda.

## Action on the Consent Agenda

Mr. Heath made a motion to approve the consent agenda. Mr. McDonald seconded the motion. Mr. Metayer was absent from the dais and did not participate in the vote. All others voted in favor. The motion carried.

- 9C. [RES-0636](#) Approving a resolution approving personnel policies in accordance with the City Charter.

Mr. Weiss stated that he still has concerns with the wording of the policies. Discussion followed with Mr. Hartshorn. Mr. Metayer returned to the dais during the discussion. Mr. Weiss made a motion to table the item. Mayor Pro Tem Peña seconded the motion. There was continued discussion. Mr. Metayer asked Mr. Zech what they would have to do to bring it back. Mr. Zech stated if they want to bring it back to the next meeting, the appropriate motion would be to postpone until the next regular meeting. Mr. Weiss made a motion to postpone until the next meeting. Mr. Heath seconded the motion. All voted in favor. The motion carried.

- 10A. [2019-7907](#) Approving the selection of Freese and Nichols, Inc. to provide Staff Augmentation services and authorizing the City Manager to enter into an agreement in the amount of \$711,000.

Mayor Pro Tem Peña recused himself due to a potential conflict of interest in that his brother in law is employed with Freese and Nichols. Mr. McDonald stated that he also asked that the item be removed from the consent agenda

because he felt that the cost was too large to be included on the consent agenda and that he was trying to understand the calculations. He asked if it is 6 engineers for 6 months or for 12 months. Ms. Davis provided information and answered questions of the Council. Mr. Metayer stated that they just want to make sure that they are getting the best work from the consultants. He stated he would hope we are looking sooner than later to hire. Ms. Davis stated that she is actively recruiting, but is not in a hurry to hire someone who is not qualified. There was continued Council discussion with Ms. Davis. Mr. Heath made a motion to approve item 10a for a duration of 6 months for an amount not to exceed \$389,334. Mr. Metayer seconded the motion. The vote was: Mr. Weiss-no, Mr. Marsh-yes, Mr. Metayer-yes, Mr. Heath-yes, Mr. McDonald- yes, Mayor Gonzales-yes. Mayor Pro Tem Peña abstained from all discussion and the vote on the item. The motion carried.

**10F. [2019-7906](#)**

Authorizing the City Manager to execute Supplemental Agreement #5 with Freese and Nichols, Inc. in the amount of \$1,309,800.00 for professional engineering services associated with the Central Wastewater Treatment Plant expansion construction and post construction phase services for the project.

Mayor Pro Tem Peña recused himself due to a potential conflict of interest in that his brother in law is employed with Freese and Nichols. Mr. Heath made a motion to approve 10F as presented. Mr. McDonald seconded the motion. All present voted in favor. Mayor Pro Tem Peña abstained from all discussion and the vote on the item. Mr. Heath asked when it is going to be done. Ms. Davis indicated 24 months.

**10B. [2019-7908](#)**

Approving the selection of Plus Six Engineering, LLC to provide Staff Augmentation services and authorizing the City Manager to enter into an agreement in the amount of \$366,850.

Mr. Heath stated that he had pulled the item from the consent agenda because subcontractors are doing most of the work and this seems like a management fee. Ms. Davis provided information, stating that they have four consultants as a team and in reviewing the need for the engineering, it was only for the development engineering reviews and they have negotiated the development reviews and the primary engineering consultant is managing at at 8% markup instead of a 10% mark up. Mr. Heath made a motion to approve. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

**10C. [2019-7599](#)**

Authorizing the City Manager to execute a purchasing agreement with Vortex for the furnishing and installation of a splash pad for the Stone Hill Park project in the amount of \$250,097.50.

Mr. McDonald stated that the splash pad looks like a cookie cutter design. He stated that he had hoped they could get something a little more creative. He stated that it looks basic. He stated if we can think in terms of a future project that we can put our logo on, it gives the city a little extra boost. He stated that he thinks it is too late for this time. He indicated to make a motion to approve 10C as presented but with the comment that we look forward to more creative designs. Mr. Heath recommended that he ask staff to ask to augment the design and to postpone the item to the next meeting. Mr. McDonald stated that he likes the idea. Mr. McDonald made a motion to postpone to next meeting. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

**10E. [2019-7917](#)**

Approving a professional services agreement with Plus Six Engineering, LLC in the amount of \$3,120,920.00 to provide owner representative services associated with the Central Wastewater Treatment Plant Expansion Phase 1 Project and authorizing the City Manager to execute same.

Mr. Heath stated that he asked to be pulled, it is a \$3 million effort and he is wondering if we need to do it all again. Ms. Davis stated that Plus Six was selected in November 2018 to serve as the owner's representative due to the significant expansion and we have to maintain the operations of the existing plant and it is a 3-phase project. She stated that this is for them to serve as the construction manager on site every day and the consultants are for specialty inspections. She stated that the City of Pflugerville cannot provide those services in house. She provided information on the services to be provided and answered questions of Council. Mr. Weiss indicated a need to see the fiscal impact. Mr. Heath made a motion to postpone to the next meeting. Ms. Davis stated in order for the project to remain on schedule, they were hiring these services. Mr. Heath asked if 2 weeks would matter. Ms. Davis confirmed that he was only wanting to postpone the owner services. Council discussed concerns regarding the expenses for the owner services. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

**11. Ordinances Second Reading****11A. [ORD-0477](#)**

Discuss and consider action to approve an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, amending Ordinance No. 1203-15-02-24 of the City of Pflugerville, Texas, as amended, by changing the zoning designation of 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.

Michael Palmatier, 1604 Middleway Road, spoke in favor of the Lisso tract rezoning. He stated that it is a needed action to take land that is doing nothing and make money with it for the landowner and the city and will provide work for people like himself who is a handyman. He stated that it puts money in our pockets and allows us to give our families a better life and also raises property values. He stated that it is a progressive thing. He stated that he thinks it is a great idea of what the builders have proposed and offered to the city. He stated that he hopes they go forward because we really need it.



Dan Seligman, 410 Suzanne, stated he was in favor of the zoning change for the Lisso tract for several reasons. He stated that the developer has offered to assist with Immanuel and we need help with part of the road. He stated that there were concerns with the new traffic signals being wide enough and it looks like they will fit with the widening of that road. He stated if we don't move forward with this and it is not developed as a master planned community, it could be sold off in 10-acre lots with mobile homes, more junked cars, goats and cattle. He stated that it could be large tracts with septic instead of controlled sewer and runoff. He stated that he thinks we have a great opportunity here. He stated that he thinks the mayor and one other councilmember had concerns that it wasn't the right project at the right time and he asked them to think of the alternative. He stated that he is not concerned regarding GB1 or GB2.

The following people did not wish to speak but asked that the Mayor announce their support for the record:

Evan Seligman, 410 Suzanne Rd

Danny Selman, 200 Willow St

James Selman, 903 Purple Martin Dr

There were no additional requests to speak on the item.

Mr. Weiss made a motion to approve the Lisso Tract rezoning on second reading. 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-no. The motion carried.

## **12. Discuss and consider action**

### **12A. [2019-7904](#)**

Discuss and consider action to award a construction contract for the Wastewater Treatment Plant Expansion Phase 1 Project and authorizing the City Manager to execute same.

Ms. Davis provided information on the staff recommendation to award the construction contract to BAR Constructors, the responsible bidder of three (3) bids received on September 26, 2019 in the amount of \$41,863,737.95 and to authorize the City Manager to execute same. She provided information on the proposal evaluation and selection results summary. She stated that during the interviews, staff learned that BAR Constructors plan to have an on-site batch plant. There was continued Council discussion with Ms. Davis.

Mr. Metayer verified with Ms. Davis that staff recommends to approve the award of the construction contract to BAR Constructors and made a motion to approve. Mayor Pro Tem Peña seconded the motion.

Mr. Heath asked if anyone had heard of them before. Ms. Davis stated that the owner representative has and that staff did check references.

All voted in favor. The motion carried.

## **13. Adjourn**

Mr. McDonald made a motion to adjourn. Mr. Heath seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as \_\_\_\_\_ on November 12, 2019.