



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, February 26, 2019

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

The City Council is scheduled to hold a Worksession starting at 5:00 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 7:02 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; Brian McDougal, Interim Assistant City Manager; Karen Thompson, City Secretary; Emily Barron, Planning Director; Terri Toledo, Communications Director; Patricia Davis, Interim City Engineer; Chad Wood, Interim Public Works Director; Jennifer Coffey, Library Director; Caroline Davis, Associate Judge/Court Administrator; Wiley Webb, Utility Superintendent; Billy Gibbens, Police Civilian Director; Mayo Neyland, Police Commander; Jason Smith, Assistant Police Chief; Manny Duarte, Interim Development Engineering Director.

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 stated that there would be fog tomorrow morning and asked the public to take extra time to get there safely. Mr. Weiss stated that former Pflugerville Community Development Corporation (PCDC) Boardmember Jim Swanzy had passed away and would be missed. Mayor Peña commented on

Mr. Marsh and Mr. McDonald's upcoming birthdays. Mayor Gonzales provided information and stated that veteran photos are being accepted for the Youth Advisory Council's Pflugerville Images of Service project. Mr. Metayer stated that legal assistance for veterans is being offered at the library. Mayor Gonzales reported that the Youth Advisory Council students attended the Texas Youth Advisory Council Summit this past weekend in Fort Worth. Mr. McDonald reported that the Teen Court had begun its duties this month. Mr. Metayer noted that the Panther girls are going to the tournament.

4. Presentation

- 4A. [2019-7386](#) Proclamation recognizing contributions of Mr. Ben Boyd Jr. as Councilmember, Mayor Pro Tem and Mayor of the City of Pflugerville.
Mayor Gonzales read the proclamation recognizing Ben Boyd.

5. Public Hearings

Each person providing public comment at a public hearing will be limited to 3 minutes.

- 5A. [ORD-0453](#) Conduct the first public hearing for an annexation ordinance with the caption: An ordinance of the City of Pflugerville, Texas, annexing, for full purposes, a 149.96 acre tract of land, out of the Joseph Weihl Survey No. 8, Abstract No. 802, in Travis County, Texas of the Real Property Records of Travis County, and a tract of land encompassing Weiss Lane right-of-way generally located between East Pecan Street and Kelly Lane; extending the boundaries of the City to include the land; and to be zoned Agriculture/ Development Reserve (A); to be known as the Weiss High School 2019 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. (ANX1901-01)
Mayor Gonzales read the item and opened the public hearing. Ms. Barron provided information. She stated that this annexation was requested by the Pflugerville ISD Board of Directors. There were no requests to speak at the public hearing. Mr. McDonald 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

Each person providing public comment at a public hearing will be limited to 3 minutes.

- 6A. [ORD-0448](#) Conduct a public hearing and consider approving an ordinance on first reading 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 192.755-acre unplatted tract 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 19 acres, from Agriculture/Development Reserve (A) to Single Family Residential (SF-R) District for approximately 151.4 acres, and from Agriculture/Development Reserve (A) to General Business 1 (GB1) District for approximately 21.3 acres; to be known as the Lisso Tract Rezoning (REZ1812-02); 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. She stated that a petition was received that they would take back and validate prior to second reading of the ordinance. Ryan Maddox with William Lyon Homes, applicant, provided information. He indicated that 570 homesites are planned for the project and they have set aside parkland and amenity for the project. Mr. Maddox showed a draft land plan and discussed with Council. Brett Burke, Kimley Horn, the engineer for the project, answered questions regarding plans for drainage and detention. Ms. Barron also answered questions regarding the flood plain.

The following spoke at the public hearing:

Steven Cogburne, 16508 Marcello Drive, thanked Council for making veterans a priority in the community. Mr. Cogburne stated regarding the rezoning, that he saw a petition online that he thinks was presented under the guise of misinformation. He stated that tonight is the bulk of the information that people have seen. He stated that he has some experience in the industry and he puts his faith in development staff and the Council to handle this appropriately and let the project move through the process. He stated that the valid concerns that he saw were traffic and preservation of the greenbelt or treed area and he thinks that it is understandable that most of the trees are in the floodplain so that will be preserved. He stated that he supports the development and the public probably needs more information and to learn the process a little more.

Angela Garcia, 1422 Crete Lane, stated that she wanted to speak to this wonderful development, and that they may remember that she had issues with development in her area of town and she agrees with the gentleman that just spoke, that she is happy to see the incorporation of the parkland, and she recommends the detention ponds. She asked that the bridge not be short changed. She stated that it seems that they have members of the community that are concerned with the development of the rural community and she would like to see a more robust look at the parkland policy especially when it backs up to neighborhoods that are used to having the green space. She asked to donate a book for others to read entitled, "Last Child in the Woods" and to appreciate parkland.

Alexis Baldera, 1417 Alexis Cove, thanked the Mayor and Council for the opportunity to comment. She stated that she received notice in the mail that the area was going to be rezoned and that she appreciates the applicant showing the plans. She stated that as a homeowner, the reason they were drawn to their property is that there is nothing behind their land. She stated that as it develops, she asks that they leave space in between. She stated that she recognizes the development taking place in Pflugerville, but she hasn't seen an equal increase in greenspaces. She asked the City and developer to

look at that and to be a leader in increasing greenspaces. She stated that she thinks the developer did a great job of incorporating a park and connecting a trail. She asked for a buffer from the homes that will be directly behind their homes.

Mindy Sue Cohen, 607 Jill Sue Circle, stated that she did not receive a letter of notification and that this leaves her to wonder how many people were not notified. She asked if proper notification was given. She stated concerns for traffic and construction traffic on Immanuel and Wells Branch. She stated that the intersection is dangerous. She stated concerns for the loss of open space and wildlife. She recommended some sort of a green belt around the Gatlinburg neighborhood. She stated that they are in a beautiful park area and to have houses built right up to the property line feels invasive. She stated that she thinks there should be a buffer or some kind of greenbelt.

Jollie Williams, 807 Pigeon Forge Road, stated concerns for the greenbelt area and preservation due to flooding concerns. He stated that during the rains they did not have issues with flooding due to the greenbelt area. He stated when they looked at the draft, it is not approved and it is not something for us to consider at this time. He stated that if you cut off the area with housing, the water will come back. He stated that also they have large yards and to back up houses with small yards, that is not helpful to our homeowners. He stated that he doesn't think the detention ponds will help. He asked where the water will go when they are full. He stated regarding the road and a bridge, that the bridge needs to be large enough to house the water that is going to come up.

Patsy VanGeem, 1704 Lynn Cove, stated that her home backs up to farmland. She stated that they enjoy the privacy and serenity of their home. She stated concern for losing that and losing her privacy and the cost to her to make her home private again. She stated that she likes the green barrier idea. She stated that she likes the wildlife and is concerned about where the wildlife will go, and concerned about where the rattlesnakes are going to go. She stated concerns about the traffic in the area.

Shannon McClenny, 805 Pigeon Forge Road, stated to agree with all the concerns, but that she wants them to imagine, they get up and see a field from their back yard. She stated that she loves it as if it were a person, that the love they feel for it is like a person. She stated that she would like the Council to consider the loss they will have of something that they love. She stated that this is their responsibility to be a steward of that and to imagine that, the people are losing something that they love. She stated that they need to take care, that people are going to lose a lot with this development.

Omega Baker, 805 Pigeon Forge Road, stated that she was going to read a letter from Chuck Lesniak, but she does not want to take that time now. She stated that she wants to say what Shannon said, that every day she gets up and sees that land behind her yard and if they break it up like the plan, it is like a nightmare to her. She asked where the animals are going to go. She asked where they are going to live. She stated in someone's back yard or they are going to get hit by cars and caught by dogs. She stated that this is what life was like when she lived in Austin and now it is going to be just like Austin, only maybe worse. She stated that she hopes they choose not to do that or make arrangements to modify the plan so they don't lose as much. She asked them to give them more greenspace.

There were no additional requests to speak at the public hearing.

Mayor Gonzales read the letter submitted to Council from Chuck Lesniak explaining the tributary of Gilleland Creek is a habitat area and the treed riparian zoning should be protected since it is the only forested area on the property and is important to water quality and that he would require the developer to not develop within the 500 year flood plain to protect future residents of this land.

Mr. Metayer asked about Atlas 14, if that has been taken into consideration. Ms. Breland stated that staff has not studied that fully.

Mr. Heath asked the applicant if he has a breakdown of the units and square footages of use. Mr. Maddox indicated was included. Mr. Heath asked if there is enough land use to issue a traffic study. Ms. Barron stated that they have already submitted and are working on signaling that intersection. She stated that the widening is under review.

Mr. McDonald confirmed that the city has already annexed this property.

Mr. Marsh asked if there is a neighborhood that is comparable. Mr. Maddox stated Villages of Hidden Lake and Carmel, that they built there. He stated that they have 16 communities across Central Texas and are a west coast builder. He stated that they were under the name of a private builder previously. Mr. Maddox answered additional questions regarding the proposed plan.

Mayor Gonzales clarified with Ms. Barron that the property to the north, which was noted as a concern, is not included in this and no plans have been submitted for that property at this time. Ms. Barron stated that property is currently in the ETJ and there is no zoning on that property.

There was continued Council discussion with the applicant.

Sally Devaney, 1406 Dove Haven Drive, stated concerns that they cannot get out of their neighborhood on to Immanuel at peak times and the road has deteriorated. She stated that road improvement is past needed. She stated that the longer that it waits to be done, the harder it will be for these people.

Angela Garcia, 1422 Crete Lane, stated the creek she knows at the back of her property comes out at Immanuel and Wells Branch and this needs to be addressed and be a part of all of this.

Mr. Maddox addressed additional Council questions.

Omega Baker, 805 Pigeon Forge, asked if there is a reason that the City couldn't buy some land to turn to parkland in addition to what they could give. Mayor Gonzales stated that the City has purchased parkland in the past and this property has already been purchased. Mayor Gonzales asked Mr. Barron to provide information on the process. Ms. Barron provided information on the subdivision process.

Shannon McClenney, 805 Pigeon Forge, asked if an environmental impact study is done. Ms. Barron stated that an environmental impact study phase 1 is

required for any parkland donated to the City.

Omega Baker, 805 Pigeon Forge, asked what that means. Ms. Barron provided additional information on the environmental impact study which is done for the parkland to show that it is clean parkland. Ms. Barron explained that those pieces are not considered until subdivision. Mr. Heath asked Mr. Maddox if about their environmental study. Mr. Maddox stated that they did a phase 1 environmental study with the purchase and additional soils testing is recommended with the salvage year and they are working through that.

Steven Cogburn, 16508 Marcello Drive, stated he understands when the city annexes they get the roadways. He stated he wanted to clarify regarding the intersection of Immanuel and Wells Branch. Ms. Breland stated yes and clarified that the intersection of Immanuel and Wells Branch should have a signal functional in the fall.

There were no additional requests to speak at the public hearing.

Mr. Heath made a motion to close the public hearing. Mr. Weiss second. All voted in favor. The motion carried.

Mr. Marsh made a motion to approve the ordinance on first reading as read. Mr. McDonald seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-no, Mr. Metayer-no, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-no, The motion failed with 4 to 3 against.

6B. [ORD-0449](#)

Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: An Ordinance of the City of Pflugerville, Texas, Amending Ordinance No. 1203-15-02-24 of the City of Pflugerville, Texas, as amended, by approving a specific use permit for a body art studio on Lot 2, Settlers Ridge commercial Subdivision, Locally addressed as 1101 W. Pecan St. to be known as the Forged in Inc Tattoo Specific Use Permit (SUP1812-01); providing a cumulative and repealer clause; providing for a severability clause; and providing and 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 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.

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.

6C. [ORD-0451](#)

Conduct a public hearing and consider approving an ordinance on first reading 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 2A, Windermere Centre II from Agriculture/Development Reserve (A) to General Business 1 (GB1) District; to be known as 15913 Windermere Dr Rezoning (REZ1812-01); 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. 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.

Mr. Weiss made a motion to approve the ordinance on first reading. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

7. Public Comment

There were no requests to speak under the Public Comment item.

Reading of the Consent Agenda

Items 9C, 9D, 10B, 10C, 10D, 10E, 11A, 11D, and 11H were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

8. Approval of Minutes

- 8A. [2019-7401](#) Approval of the minutes of the February 12, 2019 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

9. Ordinances Second Reading

- 9A. [ORD-0452](#) 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, by amending Title VII (Titled Traffic Code), Chapter 71 (Titled Parking Regulations), Section 71.05 (Titled Parking Prohibited in Certain Designated Areas) by establishing additional no parking zones on Calply Drive; providing a violation of Section 71.05 is a Class C misdemeanor punishable by 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.

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

- 9B. [ORD-0442](#) 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 Lots 1 and 2, Pflugerville East Business Park from Agriculture/Development Reserve (A) to General Business 1 (GB1) District; to be known as 508 Old Austin Hutto Road Rezoning (REZ1811-02); 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.

10. Resolutions

- 10A. [RES-0602](#) Approving a resolution authorizing an Interlocal Agreement with Bastrop County, Texas for the purpose developing a basin-wide flood protection study for Wilbarger Creek.

The resolution was approved on the consent agenda.

11. Other Actions

- 11B. [2019-7422](#) Approving a professional services agreement with the firm of Beatty Bangle and Strama.

The item was approved on the consent agenda.

- 11C. [2019-7389](#) Approving a Developer Participation Contract for the Sorento development, located northeast of the intersection of Weiss Lane and Jesse Bohls Road, and authorizing the City Manager to execute the agreement.

The item was approved on the consent agenda.

- 11E. [2019-7413](#) Approving a professional services agreement with Pacheco Koch Consulting Engineers, Inc. in the amount of \$213,650.00 for professional engineering services associated with the Pecan Street Intersection Improvements Projects.

The item was approved on the consent agenda.

- 11F. [2019-7414](#) Approving a professional services agreement with DCS Engineering, LLC in the amount of \$107,770.00 for professional engineering services associated with the Weiss Lane Lift Station and Force Main Analysis and System Upgrades Project.

The item was approved on the consent agenda.

- 11G. [2019-7410](#) Authorizing the City Manager to approve Use and Dissemination Agreements between the Pflugerville Police Department and other law enforcement entities, allowing Spillman data sharing between agencies at no cost to the City of Pflugerville.

The item was approved on the consent agenda.

Action on the Consent Agenda

Mayor Gonzales made a motion to approve the consent agenda. Mr. Marsh seconded the motion. Mr. Weiss was absent from the dais and did not

participate in the vote on the consent agenda. All present voted in favor. The motion carried.

Ordinances Second Reading - Removed from the Consent Agenda

- 9C. [ORD-0441](#) 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 Travis Central Appraisal District Parcel Id 281471, an unplatted tract bisected by W. Pflugerville Pkwy from Agriculture/Development Reserve (A) to Single Family Mixed Use (SF-MU) District for approximately 28.316 acres along the north side of W. Pflugerville Pkwy(Tract 1), and from Agriculture/Development Reserve (A) to Multi-family 20 (MF-20) District for approximately 21.455 acres along the south side of W. Pflugerville Pkwy (Tract 2); to be known as the Cielo Rezoning (REZ1811-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

Mayor Gonzales opened the item and read the item to include the caption of the ordinance under consideration. Mr. Metayer was absent from the dais. Mayor Pro Tem Peña stated that he had pulled the item from the consent agenda in case there are requests to speak and due to the discussion at the last meeting. There were no requests to speak. Mr. Marsh made a motion to approve the ordinance on second reading as read. Mayor Gonzales seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-no, Mr. Metayer-absent, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.

- 9D. [ORD-0443](#) 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 approximately 5.84 acres of an unplatted tract located at the south terminus of Willow Street from Retail (R) and General Business 1 (GB1) districts to Single Family Mixed Use (SF-MU) District; to be known as The Townhomes of Old Town East Rezoning (REZ1805-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

Mr. Marsh stepped down due to his having a conflict of interest on the item in that he has a substantial interest in Bolin Steger Homes, the proposed builder of the project. He did not participate in the discussions or vote on the item. Mayor Gonzales opened the item read the item to include the caption of the ordinance under consideration.

Jeff Reeb, 600 E. Pfluger Street, stated that they have not been wanting this project because they do not want the extension of Willow but he has been told that this is a zoning. He stated that they will ask for a Council agenda item so they can discuss it.

Mike Marsh, 2524 Dunes Drive, representing the applicant, stated that a lot of things have been said and arguments made. He encouraged the Council to

consider if this is an appropriate use of this land and the answer is yes, that it provides a buffer and makes sense. He stated that traffic and the extension of Willow is another item. He stated that the concerns have merits but these should be addressed separately as it is not germane to the rezoning.

Mr. Metayer asked to add the extension of Willow as a future agenda item. Mr. Heath stated that there are a number of roadways and that he thinks this is a larger issue. Ms. Breland provided information on the current update to the City's transportation plan and the first public meeting planned for late April. Mike Marsh stated that the project will proceed in 45-60 days. Mr. Metayer stated that he would like to see it dovetail with his project. Mike Marsh stated that they will be patient to a point, if they are talking about a couple of months, they are fine. Ms. Breland stated that she would like to wait to have the full conversation, not on the next agenda.

Paul Weitkemper, 497 E. Pflugger Street, stated that he wants to keep Willow blocked off and keep the neighborhood as it is. He stated concern for the current development in Pflugerville, that it's all Single Family mixed use when you go up and down Wells Branch and Heatherwilde or multiple family dwellings. He stated that he is in support of the project because he thinks that ship has sailed but he asked what kind of city they want to live in. He asked if we are going to drive homeowners out and have everyone live in apartments.

Mr. Weiss made a motion to approve the ordinance on second reading. Mayor Gonzales seconded the motion. The vote was: Mr. Weiss-yes, Mayor Pro Tem-Peña-no, Mr. Metayer-yes, Mr. Heath-yes, Mr. McDonald-yes, Mayor Gonzales-yes. Mr. Marsh did not participate in the discussions or vote on the item. The motion carried.

Resolutions - Removed from the Consent Agenda

- 10B.** [RES-0603](#) Approving a resolution authorizing the City Manager to apply for and to accept, if awarded, a Justice Assistance - Byrne Grant Program award in the amount of \$100,157.44 from the Office of the Governor for the purchase of equipment and training.

Mr. Marsh was absent from the dais on the item. Mayor Gonzales opened items 10B, 10C and 10D to be considered at the same time. Mayor Pro Tem Peña stated that he wanted to recognize Billy Gibbens, Police Civilian Director, who was very instrumental and does a lot of this grant work and commend him on his efforts. Mayor Pro Tem Peña made a motion to approve 10B, 10C and 10D. Mr. Heath seconded the motion. All present voted in favor. The motion carried. Mr. Marsh was absent from the dais and did not vote on the item.

- 10C.** [RES-0604](#) Approving a resolution authorizing the City Manager to apply for and to accept, if awarded, a Homeland Security Grant Program (HSGP) award in the amount of \$28,062.00 from the Office of the Governor for the purchase of one law enforcement Small Unmanned Aerial Vehicle (drone), training and licensing.

Mr. Marsh was absent from the dais on the item. Mayor Gonzales opened items 10B, 10C and 10D to be considered at the same time. Mayor Pro Tem Peña stated that he wanted to recognize Billy Gibbens, Police Civilian Director, who

was very instrumental and does a lot of this grant work and commend him on his efforts. Mayor Pro Tem Peña made a motion to approve 10B, 10C and 10D. Mr. Heath seconded the motion. All present voted in favor. The motion carried. Mr. Marsh was absent from the dais and did not vote on the item.

- 10D. [RES-0605](#) Approving a resolution authorizing the City Manager to apply for and to accept, if awarded, a BG- Rifle-Resistant Body Armor Grant Program (BAGP) award for \$35,736.00 from the Office of the Governor for the purchase of 24 grant-compliant vests.

Mr. Marsh was absent from the dais on the item. Mayor Gonzales opened items 10B, 10C and 10D to be considered at the same time. Mayor Pro Tem Peña stated that he wanted to recognize Billy Gibbens, Police Civilian Director, who was very instrumental and does a lot of this grant work and commend him on his efforts. Mayor Pro Tem Peña made a motion to approve 10B, 10C and 10D. Mr. Heath seconded the motion. All present voted in favor. The motion carried. Mr. Marsh was absent from the dais and did not vote on the item.

- 10E. [RES-0607](#) Approving a resolution authorizing collection fee in the amount of 30% of debts and accounts receivable such as unpaid fines, fees, court costs, forfeited bonds and restitution ordered paid by a municipal court serving the city and amounts in cases in which the accused has failed to appear.

Mr. McDonald stated that he had pulled the item because he think it requires a conversation. He indicated concerns for people that may have the financial inability to pay and this would make it even harder for them to pay. Ms. Breland provided information. Sam Turner, Linebarger Goggan Blair & Sampson, LLP, provided information and answered questions of Council. Ms. Breland stated that the intent was to outsource a task currently done by staff and to increase efficiency. Mr. Marsh returned to the dais during discussion. There was continued discussion. Mayor Pro Tem Peña made a motion to approve 10E. 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-no, Mayor Gonzales-yes. The motion carried.

Other Actions- Removed from the Consent Agenda

- 11A. [2019-7385](#) Approving a contract for municipal court fines and fees collection services with Linebarger Goggan Blair & Sampson, LLP and authorizing the city manager to execute same.

Mr. Weiss made a motion to approve 11A. Mr. Marsh 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.

- 11D. [2019-7412](#) Approving a supplemental agreement with Freese and Nichols, Inc.in the amount of \$108,407.00 for professional engineering services associated with the Old Austin-Hutto Road Project.

Mayor Pro Tem Peña stepped down due to his having a possible conflict of interest on the item in that he has a brother in law with substantial interest in the company Freese and Nichols, Inc. He did not participate in the discussions

or vote on the item. Mr. Heath commended staff on the amendment of contract documents. Mr. Heath made a motion to approve 11D as presented. Mr. Marsh seconded the motion. All present voted in favor. Mayor Pro Tem Peña did not participate in the discussions or vote on the item. The motion carried.

11H. [2019-7387](#)

Submission of the 2018 Racial Profiling Data Report to the City Council as required by Texas Statute Code of Criminal Procedure, Chapter 2 General Duties of Officers, Art. 2.132 Law Enforcement on Racial Profiling.

Mayor Pro Tem Peña returned to the dais. Mr. Metayer stated that he wanted to pull to highlight because we do an excellent job. He asked for a short presentation. Commander Neyland provided highlights of the report and stated that the data showed full compliance with the requirements set forth under the law. Mr. Metayer provided compliments to the police department. Mr. Metayer made a motion to approve item 11H. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

12. Discuss and consider action**12A. [RES-0606](#)**

Discuss and consider action to approve a resolution in opposition to a revenue cap and legislative interference with local service, and authorizing city staff to share messaging about Senate Bill 2 publicly and authorizing communications to be sent to State elected officials, and delegating Mayor Gonzales and Mayor Pro Tem Pena as the points of contact for the City of Pflugerville for legislative efforts in opposition to Senate Bill 2.

Ms. Breland provided information and discussed with the Council. Mr. Weiss made a motion to approve item 12A. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

12B. [2019-7416](#)

Discuss and consider action to authorize an Economic Development Performance Agreement between Project Acquire, a manufacturing company, and Pflugerville Community Development Corporation (PCDC), not to exceed \$105,000, for primary jobs for a term of five years from date of execution.

Amy Madison, Executive Director of the Pflugerville Community Development Corporation, provided information and answered questions of Council. She noted that Gwendolyn Pyle, Austin Foam Plastics, was in attendance. Mr. Heath made a motion to approve. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

12C. [2019-7402](#)

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: Discuss and consider action regarding the Weiss Lane Roadway Project.

There was no discussion or action on the item during the regular meeting. Discussion on the item took place in executive session in the earlier

worksession.

13. Discuss only

- 13A.** [2019-7403](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code regarding the municipal court proceedings known as In re Undisclosed Amount of U.S. Currency.

There was no discussion on the item during the regular meeting. Discussion on the item took place in executive session in the earlier worksession.

14. Adjourn

Mr. Weiss made a motion to adjourn. Mr. Heath seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 9:26 p.m.

Respectfully submitted,

**Karen Thompson
City Secretary**

Approved as presented on March 12, 2019.