



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, November 26, 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; Trey Fletcher, Assistant City Manager; James Hartshorn, Assistant City Manager; Karen Thompson, City Secretary; Shane Mize, Parks and Recreation Director; Jennifer Coffey, Library Director; Emily Barron, Planning Director; Terri Toledo, Communications Director; Patricia Davis, City Engineer; Maggie Holman, Public Information Officer; Cindy Pierce, Assistant City Engineer-CIP; Amy Good, Finance Director; Lauren Henkes, Assistant Finance 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. Oath of Office Ceremony

- 3A. [2019-7995](#) Oath of Office ceremony for Mayor Victor Gonzales and Councilmember Doug Weiss.

Judge Farren Sheehan delivered the oath of office to Councilmember Weiss. Mr. Weiss provided comments. Judge Sheehan delivered the oath of office to

Mayor Gonzales. Mayor Gonzales provided comments.

4. Items of Community Interest

Mr. Heath stated to give thanks for all the many blessings we have in this community. Mr. Weiss thanked all first responders Police, Fire and Public Works.

5. Public Comment

There were no requests to speak under the public comment item.

6. Presentation

6A. [2019-7962](#) Pflugerville Public Library annual presentation.

Ms. Coffey provided a presentation on the Library as well as a video.

7. Public Hearing and Ordinance First Readings

7A. [ORD-0488](#) 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 approving a specific use permit for a proposed bar/tavern on an approximate 1-acre tract of land zoned General Business 1 district (GB1) and Downtown District Overlay (DD) located generally northeast of the N. Railroad Ave. and E. Pecan St. intersection, locally addressed as 200 E. Pecan St, unit 5 to be known as the three legged goat expansion specific use permit (sup1909-01); providing a cumulative and repealer clause; providing for a severability clause; and providing an effective date.

Councilmember McDonald recused himself from all discussion and actions taken on the item due to a conflict of interest in that he is one of the owners of the 3 Legged Goat.

Justin Miller, 101 E. Hall Street, stated that he is a resident that lives downtown and has issues with Marshall's and Red Rooster with patrons parking up and down Railroad and leaving garbage. He stated that expanding this would draw more patrons and there is limited parking. He stated that the other issue is that there is already another proposal from another builder to build on the old gin property and because people are using the MoKan for overflow parking, continued development will continue to limit parking. He stated that the parking doesn't meet the demand of the area and he doesn't see how they can bring more people downtown. He stated that bars and taverns need to have a clean up crew. Mr. Miller discussed with Council how much time he spends cleaning. He stated that he has spoken to the owner of Hanovers and she has a clean up crew, but it doesn't happen anywhere else.

Adeline Bui, owner of Hanovers, stated that as an owner of a business, you

have to take care of the property. She stated that it's a business decision to tell her staff to clean up. She stated that maybe this could be a mandate that the City could look at. She stated as far as looking at parking, she will have more spaces available with the development of the gin property. She stated that there will be more business downtown and it is supposed to be a close walkable community and parking is limited. She stated that they will meet codes and there will be more parking for everyone. Mayor Gonzales provided comments on the downtown business owners having a degree of respect for the neighbors and vice versa. He mentioned that there is a Pflugerville Downtown Association. Ms. Bui stated that Pflugerville Downtown Association's purpose is to beautify and revitalize. She stated that she thinks there should be a high expectation of businesses downtown to take care of the property and be considerate of the neighbors.

Chelsea Robertson, one of the owners of the 3 Legged Goat, stated that she would like to add that one of the things that they love about their bar is that it is more of a live music venue where they having meetings and a glass of wine or two. She stated that they are not beer bottles broken on the ground. She stated that she personally picks up any trash that is left on the property. She stated that they are interested in gathering people in downtown Pflugerville and keeping it clean. She answered questions of Council regarding trash and trash pick up. She stated that they want to continue to be a part of Pflugerville in a constructive way.

Helen Mary Marek stated that she agrees that it is important to consider parking and trash and it sounds like those things will be addressed. She stated that this business supports local people, local artists and local musicians and she thinks that is important. She stated that she hopes that the Council will consider what this organization is offering to the community as a whole.

There were no additional requests to speak at the public hearing. Mr. Heath made a motion to close the public hearing. Mr. Marsh seconded the motion. Mr. McDonald did not participate in the discussions or vote on the item. All others voted in favor. The motion carried.

Mr. Marsh made a motion to approve the ordinance on first reading for item 7A as read. Mayor Gonzales seconded the motion. Mr. McDonald did not participate in the discussions or vote on the item. All others voted in favor. The motion carried.

8. Public Hearing and Resolution

- 8A.** [RES-0668](#) Conduct a public hearing and consider approval of a resolution regarding the Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2018.

Mr. McDonald returned to the dais.

Ms. Barron provided information and answered questions of 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 resolution approving the CDBG Consolidated Annual Performance and Evaluation Report for submittal to HUD. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

Reading of the Consent Agenda

Items 12A, 12B and 12C were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

9. Approval of Minutes

- 9A. [2019-8026](#) Approval of the minutes of the November 12, 2019 Worksession and Regular Meeting.
The minutes were approved on the consent agenda.

10. Ordinances First Reading

- 10A. [ORD-0493](#) Approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville, Texas, adopting the fourth and final amendment to the FY19 Budget for the City of Pflugerville; and providing an effective date.
The ordinance was approved on first reading on the consent agenda.
- 10B. [ORD-0494](#) Approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville, Texas, adopting the first amendment to the FY20 Budget for the City of Pflugerville; and providing an effective date (100 W. Main and 1849 Park intersection improvements).
The ordinance was approved on first reading on the consent agenda.
- 10C. [ORD-0496](#) 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 Traffic Code, Chapter 72 Traffic Schedules, Section II Speed limits on City streets to add provision for Weiss Lane; providing for a penalty for a violation of Chapter 70.99 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 conflict; providing for severability; and providing an effective date.
The ordinance was approved on first reading on the consent agenda.
- 10D. [ORD-0498](#) Approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville, Texas, Granting the abandonment and release of an existing wastewater pipeline easement agreement granted to the City of Pflugerville in document number 2017079207 of the

official public records of Travis County, Texas.

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

11. Ordinances Second Reading

- 11A. [ORD-0490](#) Approving an annexation ordinance on second reading with the caption: An ordinance of the City of Pflugerville, Texas, annexing, for full purposes, tracts of land totaling approximately 249.55 acres of land situated in the Sefrin Eiselin Survey No. 4, Abstract No. 265, in Travis County, Texas, of the Real Property Records of Travis County, generally located north of E. Pecan Street, west of SH 130, and south of E. Pflugerville Parkway; extending the boundaries of the City to include the land; and to be zoned Agriculture / Development Reserve (A); to be known as the E. Pecan Street 2019 Annexation; binding the land to all of the acts, ordinances, resolutions and regulations of the City; approving a service plan; providing for severability; and providing an effective date. (ANX1909-02)

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

- 11B. [ORD-0491](#) Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, amending the City's Code of Ordinances Title III, Chapter 33 by repealing Section 33.01.(City Credit Card)

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

- 11C. [ORD-0492](#) Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville amending Section 4 of the 2014 Engineering Design Manual and Construction Standards, replacing all engineering and construction standards in conflict; containing a severability clause; and providing for publication and effective date.

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

13. Other Actions

- 13A. [2019-8000](#) Canceling the December 24, 2019 City Council Worksession and Regular Meeting.

The item was approved on the consent agenda.

- 13B. [2019-8025](#) Approving a Memorandum of Understanding between the Texas Joint Counterdrug Task Force and the City of Pflugerville to provide operation support from the Texas Joint Counterdrug Task Force for Fiscal Year 2020 and authorizing the City Manager to execute same.

The item was approved on the consent agenda.

- 13C. [2019-8024](#) Approving a Memorandum of Understanding between the Travis County District Attorney's Office and the City of Pflugerville for participation in the Travis County Digital Forensics Unit and authorizing the City Manager to execute same.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

12. Resolutions

- 12A. [RES-0677](#) Approving a resolution approving additional athletic field lighting for Hill Country Bible Church, located at 303 E Pflugerville Pkwy between Black Locust Dr. and Pflugerville Pkwy.

Mr. Marsh confirmed that the neighbors had not voiced concerns regarding the lighting. Mr. Marsh made a motion to approve the resolution as presented. Mr. Heath seconded the motion. All voted in favor. The motion carried.

- 12B. [RES-0667](#) Approving a resolution adopting the 2019 Transportation Master Plan.

Mr. Heath stated that this plan is important for the growth of the City and now that we will we have a plan, he asked about the implementation. Ms. Barron stated that goals and objectives are included in the plan and that staff would bring forward to Council for implementation. She noted that funding is always a concern and that they would be looking at impact fees. Mr. Heath added General Obligation bonds as well. Mr. Heath made a motion to approve the resolution as presented. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

- 12C. [RES-0682](#) Approving a resolution with the caption reading: Resolution approving a request for a thirty (30) day extension for the 2nd Reading and Action on an Ordinance 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. Mr. Marsh made a motion to approve the resolution as presented. Mr. McDonald seconded the motion. Mr. Heath did not participate in discussions or the vote on the item. All others voted in favor. The motion

carried.

14. Discuss and consider action

- 14A. [2019-8013](#) Discuss and consider action to approve an alignment alternative of Kelly Lane at Weiss Lane/Hodde Lane/Cele Road as presented by staff and Johnson Mirmiran Thompson, Inc. (JMT).

Ms. Davis provided information on the recommended alignment. She noted that Travis County has concurred with the alignment. Ms. Davis and Matt Werner, Johnson, Mirmiran & Thompson (JMT) answered questions of Council. Mr. Weiss stated that he would like to smooth the curve on Kelly to the intersection. Mr. Heath stated a need to tighten up the drainage feature. There was continued discussion. Mr. Marsh made a motion to approve item 14A as read. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

- 14B. [RES-0683](#) Discuss and consider action to approve a resolution appointing a bond committee.

There was discussion on the item. Mayor Gonzales recommended Pat Epstein, Mayor Pro Tem Peña recommended Kenneth Rector, Mr. Weiss recommended Amanda Maedgen, Mr. Marsh recommended Chris Callahan, Mr. Metayer recommended Melody Ryan, Mr. Heath recommended Derek Bohls, and Mr. McDonald recommended Vicki Whitaker for appointment to the bond committee. It was noted that Mr. Bohls does not live in the city limits and discussion followed. Mr. Heath recommended Trey Gamble instead for appointment. Mr. Metayer made a motion to approve the resolution with the appointments as stated to the bond committee. Mr. Heath seconded the motion. All voted in favor. The motion carried.

- 14C. [2019-7965](#) Discuss and consider action to elect a Mayor Pro Tem per City Charter Section 3.06.

Mr. Marsh made a motion to keep Mr. Peña as Mayor Pro Tem. Mayor Gonzales seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-no, Mr. Metayer-yes, Mr. Heath-yes, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.

- 14D. [2019-7967](#) Review representation and discuss and consider action to appoint a City Councilmember to serve on the Community Advancement Network (CAN) board of directors.

Mr. Metayer indicated interest in continuing on the CAN Board of Directors. Mr. Heath made a motion to appoint Mr. Metayer. Mr. Weiss asked Mr. Metayer what he would like to accomplish. Mr. Metayer provided information. Mr. Weiss made a motion to reappoint Mr. Metayer. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

- 14E. [RES-0673](#) Review representation and discuss and consider action to approve a resolution appointing a City of Pflugerville representative to the Central Texas Clean Air Coalition of the Capital Area Council of Governments (CAPCOG).

Mr. Heath indicated interest in continuing to serve. Mr. Weiss asked what he would like to accomplish. Mr. Heath provided information. Mr. McDonald made a motion to approve the resolution appointing Councilmember Heath. Mr. Weiss seconded the motion. Mr. Marsh was absent from the dais and did not participate in the vote. All others voted in favor. The motion carried.

14F. [RES-0674](#)

Review representation and discuss and consider action to approve a resolution designating a City of Pflugerville representative on the Capital Area Metropolitan Planning Organization (CAMPO) Transportation Policy Board.

Mayor Pro Tem Peña indicated interest in serving. Mr. Heath recommended appointing Mr. Metayer as the representative. Mayor Pro Tem Peña made a motion to approve the resolution and to appoint Mr. Metayer as the representative with Mayor Gonzales as the designated alternate with any Councilmember serving as alternate as needed. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

14G. [RES-0672](#)

Discuss and consider action to approve a resolution appointing a City Council special events subcommittee.

Mr. Heath stated concerns that subcommittees take away from overall Council representation. He recommended that they dissolve all subcommittees. Ms. Breland explained that this allows the Council to have input on operational items by allowing them to bring back recommendations. There was discussion. Mr. Metayer recommended appointing Mr. Weiss. Mr. Marsh recommended appointing Mayor Pro Tem Peña. Mr. Marsh made a motion to approve the resolution with the appointment of Mr. Weiss and Mayor Pro Tem Peña. Mayor Gonzales seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.

14H. [RES-0680](#)

Discuss and consider action to approve a resolution amending rules of order and procedure for City Council meetings.

Ms. Thompson provided information on the clarification provided to public comment in the proposed amendments. There was discussion. Mr. Heath stated that he would like section for providing future agenda items on regular meeting agendas added back in. Ms. Breland provided her recommendation not to include. There was continued discussion. Mr. Zech provided information on the Open Meetings Act allowing for Councilmembers to request items outside of a posted Council meeting. Mr. Heath stated that he thinks it allows the Council to be more effective if they do it at a Council meeting. There was continued discussion. Mr. Zech noted during the discussion that it was not the intent of the new legislation effective on September 1, 2019 to require public comment on agendas without action items. Mr. McDonald made a motion to approve the resolution as presented. Mr. Weiss seconded the motion. The vote was Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.

15. Discuss only

Mayor Gonzales announced that the City Council was retiring to executive session on items 15A and 15B. He read the items and retired to executive

session. The time was 8:49 p.m.

15A. [2019-8038](#)

1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding evaluation of the City's Manager's accountability and duties with regards to the TCEQ violations concerning the City's Water Treatment Plant.

Discussion on the item took place in executive session. No action was taken.

15B. [2019-8040](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Local Government Code regarding legal liability with regards to the TCEQ violations concerning the City's Water Treatment Plant.

Discussion on the item took place in executive session. No action was taken.

16. Adjourn

Mayor Gonzales reconvened in open session at 9:32 p.m. and having no further items to address, adjourned the meeting. The meeting was adjourned at 9:32 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on December 10, 2019.