



# City of Pflugerville

## Minutes - Final - Final

### City Council

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Tuesday, April 10, 2018

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 7:06 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: Trey Fletcher, Interim City Manager; Scott Osburn, Assistant City Attorney; Lauri Gillam, Assistant City Manager; Karen Thompson, City Secretary; Jennifer Stubbs, Assistant City Secretary; Trista Evans, Assistant City Secretary; Amy Good, Finance Director; Terri Toledo, Communications Director; Amy Giannini, City Engineer; Robert Polanco, Building Official; Emily Barron, Planning Director; James Hemenes, Parks Director; Jennifer Coffey, Library Director; Helena Wright, Police Public Information Officer; Jacquelyn Smith, CIP Program Manager; Rose Cobb, Marketing Specialist.

#### 2. Opening

**A. Pledge of Allegiance to the Flag of the United States of America: I pledge allegiance to the flag of the United States of America, and to the republic for which it stands: one nation under God, indivisible, with liberty and justice for all.**

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: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.**

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. City Council Announcements

Mr. Metayer gave kudos for the Clean Up Day to city staff. Mr. Heath spoke regarding a reminder of ozone season, asking for everyone to be aware of Ozone Action Days and provided some suggestions on ways to cut down on

emissions, such as bringing lunch or ordering lunch together. Mr. Heath offered ways to assist victims of the bombings, suggested reaching out to the victims through their GoFundMe accounts.

Items were addressed in the order as recorded in the minutes

#### 4. Presentations

- 4A. [2018-6688](#) Presentation honoring Jennifer Coffey as Texas Librarian of the Year.
- Mayor Gonzales provided comments and recognized Ms. Coffey's Texas Librarian of the Year award, presenting the plaque that was awarded at the annual Texas Library Association conference.
- 4B. [2018-6693](#) Presentation regarding Library grants and financial awards received by the Pflugerville Public Library.
- Ms. Coffey provided comments and presented the following plaques to those who received grants and financial awards from the Texas Library Association: Demco Upstart and Marketing Award to Ms. Rose Cobb and Ms. Bette McDowell for Second Annual Pflugerville Comicon; Texas Book Festival Grant to Ms. Amanda Cawthon and Mr. Daniel Berra; Five Texas Commission on the Arts Grants to Ms. Carmen Lazo; and Texas Municipal Library Directors Association Achievement of Excellence Award to the Library Board, Friends of the Library, and library staff.
- 4C. [2018-6639](#) Proclamation declaring April as Sexual Violence Awareness Month in the City of Pflugerville.
- Mayor Gonzales read the proclamation and presented it to Assistant District Attorney and Director of Special Victims Unit Beverly Mathews and District Attorney Office Planner Darla Gay, with Lt. Tricia Mirabelle.
- 4D. [2018-6692](#) Proclamation declaring the week of April 8 to April 14, 2018 as National Public Safety Telecommunicators Week.
- Mayor Gonzales read the proclamation and presented it to Pflugerville Police Department dispatchers who were present at the meeting.
- 4E. [2018-6652](#) Pflugerville City Council to hold a Town Hall Meeting.
- Ms. Toledo provided information regarding City Council holding a Town Hall meeting on Thursday, April 19 at Nevertheless Church 15806 Windermere Dr.

#### 10. Discuss and consider action (items reordered)

- 10B. [RES-0507](#) Discuss and consider action to approve a resolution extending appreciation to First Responders in Central Texas related to the bombing suspect case.
- Mr. Heath indicated a desire to address items 10B and 10C together. Discussion followed. Mayor Gonzales stated the items would be addressed separately. Mr. Heath provided information on how the resolution came about.

Mr. McDonald asked how item 10B came to be on the agenda. Mr. Weiss made a motion to approve. Mr. Heath seconded the motion. All voted in favor. The motion carried.

**10C.** [RES-0508](#)

Discuss and consider action to approve a resolution encouraging the courts to sentence criminals convicted of drugs or violent acts to the maximum punishment allowed by law.

Mr. Heath explained how the resolution came about. He stated he wants to be the community that everyone wants to come to and we can't have those violent acts in the city.

Mr. Metayer stated he wanted this conversation to be had in public on the dais and that he had citizens approach him and questioned if Pflugerville is safe. He didn't anticipate how people would be affected and the city has to be careful of the message that is being sent out. Mr. Metayer stated it is fair to talk about safety, and a need to work with the community. Mr. Metayer stated he believes what Mr. Heath is trying to convey comes with a good heart, but it has unintended consequences. Mr. Metayer stated he does not think using a resolution in this matter is the correct vehicle. Mr. Metayer stated that we have to be very careful when talking about matters of the judiciary, and the importance of the independence of the judiciary. He stated it is good to have these conversations, and as a community we need to find different methods to address this.

Mr. Heath commended Mr. Metayer, stating it was beautifully said, and he agrees. He stated he is happy to withdraw the resolution, and find other ways to ensure people this is a safe community.

Mayor Pro Tem Peña spoke in opposition of the resolution. He stated that Pflugerville has so many great things going for it and Austin is our biggest suburb. Mayor Pro Tem Peña stated we will continue to grow and part of growth is all of the challenges.

Mayor Gonzales stated he was taken aback when he saw this resolution. Mayor Gonzales stated we need to bow to the judiciary process and continually support local law enforcement. He stated we can overcome this in the long run and the resolution has no business on the dais.

Mr. McDonald stated things of this level of social significance should be brought out on future agenda items and collectively moved forward as a single body.

Mr. Heath indicated agreement.

Meme Styles, President of Measure organization and with Black Pflugerville stated she is glad the council is withdrawing the resolution. Ms. Styles discussed over criminalization, evidence based decision making, using data to make better decisions, and community policing. Ms. Styles state she hopes that the resolution can elevate this conversation, but joining drug with violent crime does not make sense and she is glad to move forward.

Richard Franklin, 3906 Sojourner St., stated he is glad to see there is a new vision from the council. He stated it costs more to incarcerate than to educate

a child and thanked the council for opportunities to change things for the kids.

Vincent Harding, 2605 Loyola Lane, Chair of Travis County Democratic Party stated he was here to speak against the resolution as it does not represent Travis County values. Mr. Harding stated we should be seeking rehabilitation not retribution. He stated a need to look at other consequences and how it impacts lives. Mr. Harding stated the resolution was based on bad data, as violent crimes in Pflugerville have gone down. He stated he believes in grace for everybody, second chances, and protecting the community.

Erica Anthony-Benavides, 8001 S IH 35, founder and tutor of Escalada Education Co. has students in Pflugerville. She stated that it is important not to be emotional about what we do. She suggested to look at the community and consider what kind of things are subconsciously being put forward if we react emotionally. She stated we have to take a step back before we act.

Sheldon Lamey, 621 Busleigh Castle Way, did not wish to speak but expressed opposition to resolution.

Mr. Weiss stated the first time he ever met with Chief Robledo they talked about risk of transparency. He stated there are ugly things everywhere and he appreciated comments about the data. Mr. Weiss stated that darkness is driven out by light, and we are safer when we are aware. Mr. Weiss is glad to have the community come together and stated this resolution is unnecessary. Mr. Weiss made a motion to postpone the resolution indefinitely. Mr. Heath seconded the motion.

Melody Ryan, 1012 Ripley Castle, stated she was surprised when she read the resolution and wasn't sure why it was on the agenda. Ms. Ryan stated she is concerned about lumping together drugs and violent crimes and there needs to be focus on treatment for people who have a trouble with drugs. Ms. Ryan spoke on backlog of rape kits and a need to focus on getting justice for victims who have been violated.

Holton Habb stated he saw the resolution on social media and was shocked and disappointed. He stated he was happy where council has gone on this. Mr. Habb stated the United States has more people incarcerated than in India and China, and African Americans are more often incarcerated. He stated he is happy to see council recognized it was a bad resolution. Mr. Heath apologized for any fear he created. Mr. Habb stated he has no fear when he sees the Pflugerville police, and he was happy with the resolution they have had on this issue.

Mr. Weiss made a motion to postpone the resolution indefinitely. Mr. Heath seconded the motion. Mayor Gonzales proposed an amendment to postpone eternally. Mr. Weiss stated the intent is to kill the item. All voted in favor. The motion carried.

#### 4. Presentations (continued)

- 4F. [2018-6672](#) Presentation and discussion about the City's Capital Improvement Program.

Ms. Giannini gave a presentation and answered questions regarding quarterly

update for public works projects. Mr. Hemenes gave a presentation and answered questions regarding quarterly update for parks projects.

## Reading of the Consent Agenda

Ms. Evans read the items to include the captions of the ordinances under consideration. Mr. Metayer and Mr. Heath stepped down from the dais during the reading of the Consent Agenda.

### 6. Approval of Minutes

- 6A. [2018-6679](#) Approval of the minutes of the March 27, 2018 Worksession and Regular Meeting.  
The minutes were approved on the consent agenda.

### 7. Ordinances First Reading

- 7A. [ORD-0402](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, BY AMENDING TITLE VII (TITLED TRAFFIC CODE), CHAPTER 72 (TITLED TRAFFIC SCHEDULES), SCHEDULE III (TITLED STOP SIGNS ON PUBLIC STREETS) BY ESTABLISHING ADDITIONAL STOP SIGN LOCATIONS IN STONE HILL TOWN CENTER; PROVIDING FOR A VIOLATION OF CHAPTER 72 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. (Establishing and amending stop signs in Stone Hill Town Center.)

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

- 7B. [ORD-0400](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FIRST AMENDMENT TO THE FISCAL YEAR 2018 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE (budget amendment for police in-car and motorcycle camera systems and video storage).

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

### 8. Other Actions

- 8A. [2018-6673](#) Approving a Memorandum of Understanding ("MOU") between the City of Pflugerville and the American Red Cross regarding emergency and disaster preparation, response and recovery and authorizing the Interim City Manager to execute same.

The item was approved on the consent agenda.

- 8B. [2018-6677](#) Receive second quarter report of City Councilmember expenditures for fiscal year 2018.

The item was approved on the consent agenda.

#### Approval of the Consent Agenda

Mr. Gonzales made a motion to approve the consent agenda. Mr. Weiss seconded the motion. Mr. Metayer and Mr. Heath were absent from the dais. All present voted in favor. The motion carried.

#### 9. Discuss only

- 9A. [2018-6650](#) Discussion regarding the transition to LED street lights.

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

#### 10. Discuss and consider action

- 10A. [2018-6591](#) Discuss and consider action to approve an agreement with Freese and Nichols, Inc. in the amount of \$278,940 for professional engineering services associated with the preparation of a Wastewater Master Plan Update.

Mayor Pro Tem Peña stepped down from the dais due to a conflict of interest in that his brother-in-law has a substantial interest in the company. Ms. Giannini provided information and discussion with Council followed. Mr. Metayer addressed the indemnification clause in the contract and stated he would prefer it to say "gross negligence" instead of "negligence". Mr. Osburn provided information regarding contract review and stated he would be on board with the change. Mr. Weiss asked if the contract was the standard contract, suggested reviewing the standard professional services agreement. Mr. Fletcher asked if it was consistent with previous Freese and Nichols contracts. Ms. Giannini confirmed that as the standard contract it is consistent with every contract. Mr. Weiss asked about GIS data statement in contract. Ms. Giannini stated that city will get data from their system to use and provided information regarding GIS data. Mr. Fletcher provided information regarding Asset Management software. Mr. Weiss made a motion to approve as amended, using "gross negligence" in place of "negligence". Mr. Metayer seconded the motion. Mr. Marsh was absent from the dais and did not vote on the item. All present voted in favor. Mayor Pro Tem Peña did not participate in the discussion or vote on the item. The motion carried.

- 10D. [RES-0509](#) Discuss and consider action to approve a resolution appointing a city hall needs assessment committee.

Mr. Fletcher provided information stating he is looking for two to three volunteers from the council to assist. Mr. Heath volunteered Mr. Marsh for the committee. Mayor Gonzales volunteered himself. Mr. McDonald volunteered

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

**10E.** [RES-0510](#)

Discuss and consider action to approve a resolution accepting the amended fiscal year 2017 audit.

Ms. Gillam provided information regarding a change made to the previously approved audit that does not make a significant change to the city financials. Mr. Weiss asked if the change would put the city's bond rating at risk. Ms. Gillam stated that it does not. Mr. Marsh stated that the auditor praised the staff's audit. Mr. Marsh made a motion to approve as read. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

**10F.** [2018-6691](#)

Discuss and consider action to provide direction to staff regarding u-turns along the City's high-traffic corridors including FM 685.

Mr. Wood provided information about noted areas of concern: FM 685 at Town Center Drive; FM 685 at Pflugerville Parkway; FM 685 at Pfennig Lane; and FM 685 at Old Austin Hutto Road. Mr. Heath asked for information about seasonality and taking count of cars on the road in May rather than November. Mr. Wood stated that taking the measurement in November would result in a higher count due to seasonal shopping traffic and a Spring measurement provides a more regular count. Mayor Gonzales asked if there is data on accidents related to the u-turns. Mr. Wood stated that the police do not have readily searchable data on that subject, but in their professional opinion, the majority of accidents are caused by left turns rather than u-turns. Mr. Weiss asked if ordinance is needed to enforce a no u-turn sign. Mr. Osburn stated that it is based on normal procedure that the city has established. Mr. Weiss asked what effect a protected green arrow has on u-turns. Discussion followed regarding conflicting protected left and right green arrows. Mr. Heath asked to work with TxDOT at Stone Hill to normalize use of color arrows. Discussion followed regarding intersection at Grand Avenue. Mr. Heath asked for a report from TxDOT regarding accident information based on u-turns. Mr. Heath provided comment regarding road usage and traffic flow. Discussion followed. Council asked staff to obtain the requested information from TxDOT. No action was taken.

**10G.** [2018-6687](#)

Discuss and consider action for the use of Facebook Live during City Council meetings.

Mr. Osburn provided information on the use of Facebook Live and some issues it poses. Mr. Heath asked about potential violations of Open Meetings Act. Ms. Toledo provided information and answered questions. Mr. Metayer asked if other cities found it an effective use of Facebook to link out to a meeting stream. Ms. Toledo stated another city just started the process and did not have good data. There was continued discussion. Mr. McDonald proposed using Facebook Events to advertise council meetings and have a link to PFTV. Ms. Toledo indicated she would set it up for future council meetings. No action was taken.

**10H.** [2018-6678](#)

Discuss and consider action regarding future agenda items.

Mr. Metayer asked to speak about 1849 field use policy, and overall use policy. Mr. Weiss requested an item regarding animal shelter policies. Mr. McDonald stated a concern over resident complaints regarding signal timing from Stone Hill to Kelly Lane and requested staff have a discussion with TxDOT. Mr. McDonald asked for statistics of sexual assault in Pflugerville and ones that were referred to Travis County. Mr. McDonald asked if the city could help facilitate the processing of rape kits if there is a backlog problem for the city. Mr. Metayer asked to look at OEPs that are under GHS and utilize some of the federal connections the city has to apply them as opposed to more costly ways. Mr. Heath requested inviting CAMPO to hold a public meeting in Pflugerville as part of their arterial study.

## 11. Adjourn

Mr. Metayer made a motion to adjourn. All voted in favor. The motion carried. The meeting was adjourned at 9:24 p.m.

Respectfully submitted,

Trista Evans  
Deputy City Secretary

Approved as presented on April 24, 2018.