



City of Pflugerville

Minutes - Final - Draft

City Council

Tuesday, June 9, 2020

7:00 PM

100 East Main Street, Suite 500

Regular Meeting (Telephone/Video Conference)

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 and how to connect to the Worksession telephone/video conference meeting.

NOTICE IS HEREBY GIVEN in accordance with order of the Office of the Governor issued March 16, 2020, the City Council will conduct this Regular Meeting by telephone/video conference in order to advance the public health goal of limiting face-to-face meetings to slow the spread of the COVID-19. There will be no public access to the location described above.

This Regular Meeting Agenda, and the Agenda Packet, are posted online at <https://pflugerville.legistar.com>

This telephonic/video meeting will be hosted through WebEx.
Meeting Link: <https://pflugervilletx.webex.com/pflugervilletx/onstage/g.php?MTID=ed50b9cdc966d3b6f6ce1348c0e5483ba>

Meeting Code/Number: 146 616 8226
Dial-in number: (US toll): = +1-408-418-9388

Public comment will only be allowed via telephone/video conference at the Regular Meeting scheduled to begin at 7:00 p.m.. All speakers must register to speak at least 2 hours in advance of the Regular Meeting. All public comment will occur during the Regular Meeting under the public comment item. Speakers must call in at least 15 minutes prior to the start of the Regular Meeting in order to speak. Written comments may also be submitted 2 hours in advance of the meeting.

To register to speak or to submit written comments, please email citysecretary@pflugervilletx.gov at least 2 hours in advance of the Regular Meeting.

A recording of the telephone/video meeting will be made, and will be available to the public upon written request.

The meeting will be available live for viewing on PFTV on the City website: <https://www.pflugervilletx.gov/city-government/communications/pftv>

1. Call to order

Mayor Victor Gonzales called the regular meeting to order at 7:00 p.m. The meeting took place as a telephone/video conference. Mayor Pro Tem Omar Peña and Councilmembers Doug Weiss, Jeff Marsh, Rudy Metayer, Mike Heath and Jim McDonald were in attendance. City employees attending: Sereniah Breland, City Manager; Charlie Zech, City Attorney; Trey Fletcher, Assistant City Manager; James Hartshorn, Assistant City Manager; Amy Giannini, Assistant City Manager; Karen Thompson, City Secretary; Emily Barron, Planning Director; Erin Sellers, Senior Planner; Maggie Holman, Public Information Officer; Gwen Holford, Digital Content Web Specialist; Patricia Davis, City Engineer; Ali Abdelfattah, Assistant City Engineer; Amy Good, Finance Director, Shane Mize, Parks and Recreation Director; Jason Smith, Assistant Police Chief.

2. Items of Community Interest

Mayor Pro Tem Peña recognized Mayor Gonzales and Councilmembers Weiss and McDonald for their participation in the Black Lives Matter event on Saturday. Mr. McDonald thanked City staff for their efforts, stating it was truly a community effort. He thanked the citizens for participating. Mr. Metayer thanked the Pflugerville Police Department for reaching out and making a difference. He stated that Pflugerville is different, special and unique. Mayor Gonzales acknowledged Black Pflugerville and Alicia Jackson for their efforts. Mr. Weiss provided compliments as well, stating that we are engaging our community in all ways possible. Mr. Metayer congratulated all graduates this year. Mayor Pro Tem Peña provided a reminder that June 15, 2020 is the last day to register to vote in the July 14, 2020 election. Mayor Gonzales stated that it is important to cast your votes.

3. Presentation

- 3A. [2020-8426](#) Youth Advisory Council end of program year presentation.

Mayor Gonzales provided comments. Matthew Rundquist, Youth Advisory Council Chair, reported on their activities for the 2019-2020 program year.

4. Public Comment

Registration for Public Comment was taken in advance of the meeting until 5:00 p.m.

Mayor Gonzales read a public comment submitted by Kenneth Rector, Bond Committee Member, regarding item 10B: "I stand by the recommendations submitted by the Bond Committee when we last met. We are stronger when we work together. I stand ready to work on this bond for November. "

The following spoke under public comment:

Robert Romig, Planning and Zoning Commission member and resident of Highland Park North, stated on item 5A that he is not opposed to development of the area, but thinks the current request is too broad. He urged the Council to remove the ordinance from the consent agenda and to not approve it.

Jon Oelrich, resident of Bohls Place, stated that he wants to reiterate

comments from earlier thanking the City for its handling of pandemic and criminal justice issues. He stated however, that he does not think the City has done a good job with Project Charm and Timmerman 2020 rezoning requests and has shown indifference to the Bohls neighborhood concerns. He stated that first the City hid behind a non-disclosure agreement and the Council had not responded to the neighborhood's request for mitigation. He stated that the only response was received from Councilmember Weiss. He stated that the Planning and Zoning Commission recommended denial of the rezoning under item 5A. He stated that CL3 adjacent to the neighborhood does not really address the neighborhood's concerns. He stated that it is more restrictive for commercial but less restrictive for residential. He stated that there has been no information on the incentives for Project Charm.

Reading of the Consent Agenda

Item 5B was removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

5. Ordinances Second Reading

- 5A. [ORD-0502](#) Approving an ordinance on second 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 24.86 acre tract from Agriculture/Development Reserve (A) District to Suburban (Level 3: CL3) District and an approximate 131.55 acre tract from Agriculture/Development Reserve (A) District to Urban (Level 4: CL4) District, all out of the Sefrin Eiselin Survey No. 4, Abstract No. 265 of the real property records of Travis County, Texas; to be known as the Timmerman 2020 Rezoning (REZ1911-04); 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.

- 5C. [ORD-0524](#) Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, adopting the fourth amendment to the FY20 Budget for the City of Pflugerville; and providing an effective date (Membranes, Truck, WWTP Repairs, Solid Waste).

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

6. Approval of Minutes

- 6A. [2020-8434](#) Approval of the minutes of the May 21, 2020 Special Meeting and May 26, 2020 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

7. Other Actions

- 7A. [2020-8436](#) Approving the appointment of Jeremiah Gorman as student member of the Parks and Recreation Commission for a term ending May 31, 2020.

The item was approved on the consent agenda with correction to the term ending May 31, 2021.

Action on the Consent Agenda

Mr. Weiss made a motion to approve the consent agenda. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

5. Ordinances Second Reading - Removed from the Consent Agenda

- 5B. [ORD-0519](#) Approving an ordinance on second 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 base zoning designation of the north 60 feet of south 80 feet of east 90 feet of Lot 4, Block 10 Pflugerville Subdivision, an approximate 5,400 sq. ft. lot locally addressed as 306 N. First Street, located generally southwest of the N. First Street and E. Wilbarger Street intersection from Single Family Suburban (SF-S) to Office (O) District; to be known as the 306 N. First Street Rezoning (REZ2004-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

Mayor Gonzales opened and read the item to include the caption of the ordinance under consideration. He stated that he had removed the item so he could vote no. He stated that he also wanted to acknowledge correspondence received by the City Council on June 5, 2020 from Chuck Lesniak indicating his opposition to the rezoning and to include that in consideration of the action this evening. Mr. Weiss made a motion to approve the ordinance on second reading. Mr. McDonald 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-no. The motion carried.

8. Ordinances First Reading

- 8A. [ORD-0521](#) Discuss and consider approving an ordinance on first reading with the caption reading: An Ordinance repealing and replacing the Code of Ordinances of the City of Pflugerville, Texas, Chapter 96, "Streets and Sidewalks", and renaming Chapter 96 to "Right-of-Way Management", in order to administer and regulate the use of Public Rights-of-Way for the public interest, health, safety and welfare; providing for the issuance and regulation of permits; establishing fees; providing for a penalty in an amount in accordance with Code of Ordinances, Section 10.99 General Penalty, for violation of any provision hereof; repealing all ordinances or

parts of ordinances inconsistent or in conflict herewith; and providing for severability.

Mayor Gonzales open items 8A and 8B to be considered simultaneously. He read the items to include the captions of the ordinances. Ms. Davis provided information on the ordinances. Mr. Weiss indicated concerns regarding requirements prohibiting blocking of sidewalks, repair of sidewalks and engine break not in current ordinance. Council discussed concerns regarding abandoned facilities. Mr. Zech provided information on the fees. There was Council discussion. Mr. Weiss made a motion to postpone item 8B to the next meeting. Mr. Metayer 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.

Mr. Heath made a motion to postpone item 8A to the next meeting. Mr. Weiss seconded the motion. The vote was: he 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.

8B. [ORD-0522](#)

Discuss and consider approving an ordinance on first reading with the caption reading: An Ordinance of the City of Pflugerville adding Section 11 Wireless Services Design for Network Nodes, Node Support Poles and Transfer Facilities to the 2014 Engineering Design Manual and Construction Standards, replacing all Engineering and Construction Standards in conflict; Containing a savings clause; Containing a severability clause; and providing for publication and an effective date.

Mayor Gonzales open items 8A and 8B to be considered simultaneously. He read the items to include the captions of the ordinances. Ms. Davis provided information on the ordinances. Mr. Weiss indicated concerns regarding requirements prohibiting blocking of sidewalks, repair of sidewalks and engine break not in current ordinance. Council discussed concerns regarding abandoned facilities. Mr. Zech provided information on the fees. There was Council discussion. Mr. Weiss made a motion to postpone item 8B to the next meeting. Mr. Metayer 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.

Mr. Heath made a motion to postpone item 8A to the next meeting. Mr. Weiss seconded the motion. The vote was: he 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.

9. Discuss and consider action

9A. [ORD-0528](#)

Discuss and consider action regarding an ordinance establishing an Equity Commission.

Mayor Gonzales stated that this item is to consider taking action to bring the ordinance forward for consideration on first reading on June 23, 2020. Mayor Pro Tem Peña stated that the last time they discussed the ordinance, there was more work to be done. He stated that he thinks the importance of the

ordinance has only increased. He stated that Mayor Gonzales, Mr. Metayer and he have made amendments to the ordinance for presentation this evening. Mr. Weiss noted a concern with one of the Whereas statements. Mayor Pro Tem Peña indicated that they could remove it. Mr. Metayer stated that they began talking about establishing an Equity Commission last year and that says something about our community. Discussion followed. Mr. McDonald made a motion to approve (the direction to bring the ordinance forward for consideration on first reading on June 23, 2020). Mr. Weiss seconded the motion. All voted in favor. The motion carried.

10. Discuss only

- 10A. [2020-8435](#) Discuss proposed pilot for implementation of the transit development plan (TDP).

Mr. Fletcher provided information and introduced the representatives from Capital Metro in attendance: Julie Mazur, Regional Coordination Planner; Sharmila Mukherjee, EVP, Planning and Development; Chad Ballentine, VP, Demand Response and Innovation. He noted that Serita Lacasse, Executive Director, Senior Access, was also in attendance. Ms. Mukherjee introduced Mr. Ballentine to present. Mr. Ballentine provided information types of services and a proposed application-based response system and answered questions. Ms. Mukherjee stated that these are possible future steps and Capital Metro is flexible and would like to do a pilot and to create a program. Mr. Ballentine and Ms. Mazur answered additional questions. Discussion followed regarding programs and cost. Ms. Lacasse provided information on the needs of seniors and indicated that it would be complimentary to Senior Access with more options for the handicapped. Mr. Fletcher stated that staff would look for further discussion during the budget process. Mr. McDonald stated that he supports adding this into the budget discussion. Mr. Marsh provided caution, stating that they would need to find \$300,000 with current funding concerns. Mr. Heath stated a need for public input and recommended using the comprehensive plan process to gather input. Mayor Gonzales stated to agree. Mr. Metayer stated that he hopes staff can get that done on time for the budget. Mr. Weiss stated that it looks like people want to go places, and not just the handicapped. He stated that he is just not comfortable with the price tag. Mayor Gonzales stated a need to continue to examine. Ms. Mazur stated that they would continue to work toward a solution.

- 10B. [2020-8432](#) Discussion regarding potential City of Pflugerville elections to be held on November 3, 2020.

Mayor Pro Tem Peña stated that he had requested the item in order to discuss the bond and any other items that they would want to include in the November elections. Mr. Weiss stated that he also wanted to have a discussion regarding holding a parks disposition election in November. Mr. Heath asked if they would also include Charter amendments. Mr. Zech addressed questions regarding hold a Charter amendment election in November. Mr. Marsh recommended waiting on Charter propositions, that he would rather have the Charter Review Commission process first. Mr. Marsh stated he would like to put the bonds propositions together. Mr. McDonald indicated to agree with Mr. Marsh. Mr. McDonald asked to have a more specific item at the next meeting to discuss the bond propositions to be included in the November election. There was continued discussion. Mr. Marsh suggested discussing at the June 23, 2020

worksession. Mr. Weiss requested to also discuss a request from a landowner that would like to purchase a portion of parkland behind his property which would require an election. There was continued discussion. The June 23, 2020 worksession was to include an item to discuss the bond propositions to be included on the ballot as well as a possible special election for the conveyance of the parkland.

10C. [2020-8449](#)

Discussion regarding future public meeting formats.

Mayor Pro Tem Peña stated that he had requested the item in order to discuss what the new normal will look like concerning holding meetings. Mr. Marsh stated that he thinks that City staff is doing well working from home and this provides opportunity, if the Governor allows, to supplement city meetings. He stated that he thinks it would be good to get back so people can come together face to face. Mr. Zech stated that it is important to remember that we are allowed to do this since the Governor has suspended sections of the Open Meetings Act. He explained that within the normal rules, only three members could participate remotely, with a quorum in attendance physically. Mr. Weiss stated that he has a hard time with the hybrid approach and does not see that working effectively. He asked if they should add that to their Legislative Agenda to be considered in the next session. Council discussion followed with Mr. Zech. Mr. Marsh recommended that staff look at having meetings in the future allowing for responsible distancing with the old rules in case the Governor rescinds his suspension of the sections of the Open Meetings Act. Mr. Heath suggested looking at other locations providing more room. Ms. Breland stated that the issue is providing the same technologies in a different location.

11. Adjourn

Mayor Gonzales adjourned the meeting at 9:46 p,m,

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on June 23, 2020.