



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, November 13, 2018

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 7:00 p.m. Mayor Pro Tem Omar Peña and Councilmembers Doug Weiss, Jeff Marsh, Rudy Metayer, Mike Heath and Jim McDonald were in attendance. City employees attending: Sereniah Breland, City Manager; Charlie Zech, City Attorney; Trey Fletcher, Assistant City Manager; Karen Thompson, City Secretary; Jennifer Stubbs, Assistant City Secretary; Emily Barron, Planning Director; Amy Giannini, City Engineer; Jennifer Coffey, Library Director; Jessica Robledo, Police Chief; Jason Smith, Assistant Police Chief; Terri Toledo, Communications Director; Amy Good, Finance Director; Chad Wood, Senior Transportation Engineer; Brian McDougal, Interim Public Works Director; Tracy Hibbs, Utility Business Operations Manager; Manny Duarte, Interim Development Engineering Director; Terrell Palmer, Financial Advisor; and Richard Donoghue, Bond Counsel.

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. Weiss announced that it is No-Shave November to promote awareness of men's health and prostate cancer.

Mayor Pro Tem Peña provided a reminder to protect people, pets, plants and pipes during the winter weather.

Mr. Heath stated that he recently visited New Braunfels and they have a great new city hall which was converted from an old Albertsons.

Mr. Metayer announced that Gatti's Feed closed its doors on Sunday. He thanked them for their service to Pflugerville.

Mayor Gonzales congratulated Mr. McDonald on the 3 Legged Goat, his new downtown business.

Mayor Gonzales stated with the fires in California, we express our concerns and have everyone in our prayers.

4. Public Comment

Ken Dalfonso, 18509 Wind Valley Way, thanked the Council for their participation in the Veterans Day ceremony and stated that as a veteran, it is nice to be thanked for service. He thanked the Council for their service. He stated that he saw almost every Councilmember at the Veterans Day ceremony and that they care about the veterans. He spoke on the Councilmembers' service. He stated that as a veteran, it feels like they are a part of the community and that their presence is still valued. He provided information on the works of the American Legion in the community and noted that 20% of all households in Pflugerville are veteran households. He noted that Officer Dan Griffith and Doug Killian, Pflugerville Independent School District Superintendent, received Congressional medals at the Veterans Day ceremony.

Julia Ruiz, 2808 Summit Heights Ct, stated that the Pflugerville Residents for Responsible Taxation (PAC) thank the Pflugerville Community in defeating the Austin Community College (ACC) tax. She stated that it was a bad financial deal for the Pflugerville and the citizens recognized this and joined in a grassroots effort.

Melody Ryan, 1012 Ripley Cove, stated that the voters said no to the ACC tax and now she proposes that the city and school district work with citizens to find another solution for citizens to access affordable education. She stated with their increasing fees, the ACC is failing. She stated that the goal of a community college should be to reach as many people as possible instead of forcing annexation. She stated a need to get Legislative action to keep community college fees at a reasonable rate.

Kim Waters, Kessler Dr, Pflugerville Pets Alive, announced that they are doing a Dog Jog this Saturday at 8:00 a.m. at Pfluger Park.

Reading of the Consent Agenda

Items 6C and 8B were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

5. Approval of Minutes

- 5A. [2018-7154](#) Approval of the minutes of the October 16, 2018 Worksession and October 23, 2018 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

6. Ordinances First Reading

- 6A. [ORD-0428](#) Approving an ordinance on first reading with a caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS CLOSING, VACATING, ABANDONING AND CONVEYING A PORTION OF THE E.W. PFLUGER ADDITION PUBLIC RIGHT-OF-WAY IN THE CITY OF PFLUGERVILLE, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED WITHOUT WARRANTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

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

- 6B. [ORD-0438](#) 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 71 (TITLED PARKING REGULATIONS), SECTION 71.05 (TITLED PARKING PROHIBITED IN CERTAIN DESIGNATED AREAS) BY ESTABLISHING AN ADDITIONAL NO PARKING ZONE ON HEATHERWILDE BOULEVARD; 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 first reading on the consent agenda.

7. Ordinances Second Reading

- 7A. [ORD-0426](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY AMENDING SUBCHAPTER 12 TO INCORPORATE A REVISED TREE TECHNICAL MANUAL AND AMEND TREE PRESERVATION STANDARDS; AND AMENDING SUBCHAPTER 20, DEFINITIONS, BY ADDING CORRESPONDING DEFINITIONS; REPLACING ALL

ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 157, SUBCHAPTER 12 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT OF NOT LESS THAN \$300.00 AND NOT TO EXCEED \$500.00; AND DECLARING AN EFFECTIVE DATE. (CA1807-02)

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

- 7B [ORD-0427](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY AMENDING SUBCHAPTER 13, LIGHTING STANDARDS, BY LISTING HIGH-PRESSURE SODIUM AS A PROHIBITED LIGHT SOURCE AND FIXTURE TYPE AND MODIFYING THE ILLUMINATION REQUIREMENTS FOR WALKWAYS, LANDSCAPE AND DECORATIVE LIGHTING; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 157, SUBCHAPTER 13 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$2,000.00; AND DECLARING AN EFFECTIVE DATE. (CA1807-03)

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

8. Other Actions

- 8A. [2018-7155](#) Canceling the December 25, 2018 City Council Worksession and Regular Meeting.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

Ordinances First Reading

- 6C. [ORD-0437](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING RATES, CHARGES AND FEES FOR WATER, WASTEWATER AND SOLID WASTE UTILITY SERVICE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Gonzales opened and read the item to include the caption of the ordinance under consideration. Mr. Heath requested a presentation. Ms. Breland provided information. Mr. Marsh provided additional information and stated that the Finance and Budget Committee had reviewed and approved of the recommendation unanimously. He stated that the rate increase is to update and expand facilities. There was continued discussion. Mr. Heath made a motion to approve the ordinance on first reading. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

8. Other Actions - Removed from the Consent Agenda

- 8B. [2018-7160](#) Approving the selection of Plus Six Engineering, LLC to provide owner representative services associated with the Central Wastewater Treatment Plant Expansion Project and authorizing the City Manager to enter into negotiations as needed regarding scope of work and fee proposals.

Mr. Heath explained that he thinks the scoring was close and that the local firm would serve the city well. Ms. Giannini presented and answered questions of the Council. She explained that Plus Six Engineering was the recommended firm following the interviews. Matt Gaughan, Co-Founder and Engineering Manager of Plus Six Engineering, answered questions of Council. Mayor Pro Tem Peña made a motion to approve the selection of Plus Six Engineering. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

9. Ordinances Second Reading

- 9A. [ORD-0419](#) Discuss and consider action to approve an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE BASE ZONING DESIGNATION OF THE NORTH 55 FEET OF THE WEST HALF OF LOT 1, BLOCK C PFLUGERVILLE SUBDIVISION, AN APPROXIMATE 5,500 SQ. FT. LOT LOCALLY ADDRESSED AS 105 S. 3rd STREET, LOCATED GENERALLY SOUTHEAST OF THE S. 3rd STREET AND PECAN STREET INTERSECTION FROM SINGLE FAMILY SUBURBAN (SF-S) TO OFFICE (O) DISTRICT; TO BE KNOWN AS THE 105 S. 3rd STREET REZONING (REZ1807-03); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Peña stepped down due to a conflict of interest in that he owns property within 500 feet of the subject property. He did not participate in the discussions or action on the item.

Mayor Gonzales opened and read the item to include the caption of the ordinance under consideration. Ms. Barron provided information and Greg Wooten, the applicant, answered questions of the Council. He indicated that the offices would be consultant offices and would not have much foot traffic;

that their work is done on computer or out in the field and that there would be 3-4 cars at the business at any given time.

The following requested to provide comment on the item:

Steve Wuertz, 202 S. 1st St., stated that he is with the Old Town Neighborhood Association and spoke in opposition to the rezoning. He stated that they have worked out with Council and Staff and had a principle of an agreement with clean delineation of the alley as the boundary. He stated that they do have a petition which they would like to submit at this time. He submitted the petition to the City Secretary. Mr. Wuertz voiced concerns that Councilmember Jim McDonald would have a conflict of interest in that he has an interest in expanding the Central Business District (CBD) and that he thinks he should recuse himself.

Ms. Breland asked the City Attorney if the petition needs to be reviewed prior to voting on the second reading of the ordinance. Mr. Zech reviewed the City Council's options to either proceed with a vote on the item or to table. Mr. Zech stated that Mr. McDonald would have to decide if he should recuse himself for a conflict of interest; that it is a decision that he would have to make.

Tom Schnell, 100 W. Hall, spoke in support of the zoning change. He stated that he believes in zoning, that the city can define what those zones are and that he thinks this property is situated in a compatible area for an office. He stated that it makes sense and that it is inside the CBD on the city website. He stated that he looks at it from a business area.

Tim Schnell, 100 W. Hall, spoke in support of the zoning change. He stated that it is surrounded by other retail space and although there is a lot of talk about the CBD line, this property is well-suited for office space and helps to provide a buffer.

Christina Schnell, 100 W. Hall, spoke in support of the zoning change. She stated that in looking at the businesses around it, it makes sense. She stated that the applicant is making the neighborhood nicer, that people aren't keeping up a lot of their houses. She stated that she doesn't think it would be intrusive to the neighborhood.

Lee Van Burkleo, 102 E. Pfluger St., spoke in opposition to the zoning change. He stated that he thinks that they need to stay with the 2009 vision plan with the alley as the boundary. He stated that there is no need to convert current homes to commercial. He asked the Council not to rezone.

Justin Miller, 101 E. Hall, did not wish to speak, but requested that his opposition to the zoning change be announced for the record.

Robert Van de Geijn, 102 E. Pfluger St., spoke in opposition to the zoning change. He thanked the Mayor and Council for their efforts on behalf of the City. He stated that they take great pride in their historic home and have spent a lot of money on the upkeep. He stated that they had a home fire and it was declared a total loss at the same time that the neighbors were battling Southwestern Bell. He stated that he told Southwestern Bell that he would rebuild as it is owed to the neighborhood and Southwestern Bell built a building that was more than just functional. He asked the Council to do the

same.

Chuck Lesniak, 203 W. Walnut, spoke in opposition to the zoning change. He stated that he is not against the business or a successful downtown, but their foot traffic today means nothing to future business and it sets a precedence. He stated that the CBD boundaries were created without downtown resident involvement and spoke on downtown resident involvement previously. He asked the Council to help them address the CBD boundary issue. He stated that residents thought it was resolved at the alley. He stated that there is plenty of unused space that could be used. He asked that they not encroach.

Christy Miller, spoke in opposition to the zoning change. She stated that she is against the rezoning to office, that she would like to keep it residential. She stated that it does not have to do with this particular business, that is is the encroachment. She stated that she would like a clear boundary, even if the rezoning is approved. She stated if this is passed, she would like to ask that there be a clear boundary that won't be changed.

Mayor Gonzales provided comments and stated that he respects the residents that have come forward tonight. He stated that it is imperative to understand that there is a heartbeat in old town. He stated that they would engage residents in plans to redevelop downtown.

Mr. McDonald spoke to the argument that he should recuse himself due to a conflict of interest because he owns a local business but without any specific investment in the area of the rezoning. He stated that he does not see how that would affect his business in any way. He stated that he voted in favor of the rezoning on first reading to provide the buffer boundary. He stated that the office classification is the most restrictive use that is not residential. He stated with the type of business, there is no direct impact to his business. Mr. Wuertz stated that he would like to rebutt that. He stated that what they are voting to do is to expand the Central Business District and his business is in the Central Business District which drives its business from foot traffic in the CBD.

Mr. Weiss stated that the boundary of the CBD has always remained Hall Street. He stated that he is looking at the 2009 vision report. Mr. Metayer stated that the issue is that the boundary is not codified. Mr. Marsh stated that Hall Street is the line the city is working with.

Mr. McDonald asked the City Attorney if there is any glaring reason that he should recuse himself. Mr. Zech cited stated law and stated that he should recuse himself if he has substantial interest and action will have affect on him, distinguishable from the public.

Mr. Metayer made a motion to approve the ordinance on second reading. Mr. Weiss seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mr. Metayer-yes, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-no. The motion carried with a vote of 4 to 2.

(Note on petition: the petition was reviewed on November 14, 2018 and found to not meet the criteria established by state law provision Local Government Code Section 211.006(d) and was therefore not a valid petition.)

10. Resolutions

- 10A.** [RES-0563](#) Consideration and action with respect to "RESOLUTION DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF PFLUGERVILLE, TEXAS COMBINATION TAX AND LIMITED REVENUE CERTIFICATES OF OBLIGATION, SERIES 2019 AND OTHER MATTERS RELATED THERETO." (Wastewater and Transportation capital improvements projects)
- Mayor Pro Tem Peña returned to the dais. The time was 8:16 p.m. Ms. Good provided information on the item. Mr. Metayer exited the dais at 8:17 p.m. Ms. Good and Ms. Breland answered questions of Council. Mayor Pro Tem Peña made a motion to approve the resolution. Mr. Heath seconded the motion. All present voted in favor. Mr. Metayer was absent from the dais and did not vote on the item.**
- 10B.** [RES-0565](#) Consideration and action with respect to "RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES."
- Ms. Good provided information. Mr. Metayer returned to the dais at 8:20 p.m. Mayor Pro Tem Peña made a motion to approve the resolution. Mr. Heath seconded the motion. All voted in favor. The motion carried. Ms. Good provided information on the financing schedule.**
- 10C.** [RES-0566](#) Discuss and consider action to approve a resolution with the caption reading: A RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS CONDITIONALLY AUTHORIZING THE ABANDONMENT AND RELEASE OF AN EXISTING LIFT STATION AND ACCESS EASEMENT ORIGINALLY GRANTED TO THE CITY IN DOCUMENT NUMBER 2006237340 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.
- Ms. Giannini provided information on the easement swap and stated that staff recommends approval. Ms. Giannini answered questions of Council. Mr. Weiss made a motion to approve the resolution. Mr. Marsh seconded the motion. All voted in favor. The motion carried.**
- 11. Adjourn**
- Mr. Weiss made a motion to adjourn. Mr. Marsh seconded the motion. The vote was: Mr. Weiss-no, Mr. Marsh-yes, Mayor Pro Tem Peña-no, Mr. Metayer-yes, Mr. Heath-yes, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried. The meeting was adjourned at 8:24 p.m.**

Respectfully submitted,

Karen Thomopson
City Secretary

Approved as presented on November 27, 2018.

