



City of Pflugerville

Minutes - Final - Draft

City Council

Tuesday, October 23, 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, Mike Heath and Jim McDonald were in attendance. Councilmember Rudy Metayer arrived to the meeting at 7:56 p.m. City employees attending: Sereniah Breland, City Manager; Charlie Zech, City Attorney; Trey Fletcher, Assistant City Manager; Lauri Gillam, Assistant City Manager; Karen Thompson, City Secretary; Jennifer Stubbs, Assistant City Secretary; Amy Giannini, City Engineer; Chad Wood, Senior Traffic Engineer; Jessica Robledo, Police Chief; Jason Smith, Assistant Police Chief; Emily Barron, Planning Director; Jennifer Coffey, Library Director; Terri Toledo, Communications Director; Brian McDougal, Interim Public Works Director and Wayne Granger, Field Operations Superintendent.

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 early voting is happening now and encouraged those in attendance to get out there and vote.

Mayor Gonzales read the following statement: The recent storms flooding and now water issues have been in the news and on our minds for several weeks.

Most recently the City of Austin Water division came out first asking its residents to conserve water and subsequently issuing a “boil water” (per TCEQ) notice due to a lack of pressure in their water distribution lines potentially leading to contaminants being present in their distribution system. Their problem lies in the fact that the water flowing into the Colorado River is extremely turbid (or muddy) due to the recent flooding upstream. This slows the water treatment process down significantly and has led to treated water supply limitations. The City of Pflugerville is not having any issues treating or distributing water. We treat both ground (well) water (out of the Edwards Aquifer), and surface water out of the Colorado River. Due to the high particulate matter in the river and the fact that Pflugerville Lake was full and flowing over the spillway, we turned off our river pumps on Wednesday, October 17, 2018. To further clarify, our treatment process includes three steps that insure that the problems that Austin is having are NOT going to happen with our system. First, we can use our water wells to supplement consumption. Second, our main water treatment system was designed and built with this very situation in mind. We intentionally designed our system to pump from the Colorado River to Lake Pflugerville, where the sediment (Turbidity-muddiness) settles out in the lake before it makes it to the treatment process. Finally our water treatment process includes a ultra-filtration system that removes particulate matter (down to .03 Microns) thus being able to treat up to 21.7 mgd and provide superior quality drinking water consistently to all of our customers. I want to give a big thank you to our experienced and professional staff for working diligently to provide water and wastewater services to all of our customers.

4. Public Hearing and Ordinance First Readings

4A. [ORD-0419](#)

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 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 Omar Peña stepped down from the dais and did not participate in the discussions or actions taken on the item due to a conflict of interest. He owns property within 500 feet of the subject property.

Mayor Gonzales opened the public hearing and read the item to include the caption of the ordinance to be considered on first reading. Ms. Barron provided a presentation about the rezoning request from Single-Family to a proposed Office District. She answered questions of the council. She stated that staff and Planning and Zoning Commission recommends approval.

The following spoke at the public hearing:

1) Chuck Lesniak, 203 W. Walnut, stated this was the 3rd or 4th zoning case in the last 15 years. He stated that every request has been rejected by council. He stated that he thought there was a Gentleman's agreement between council and the staff that this would not happen on the south side of the alley anymore. He stated the old town residents are not against a downtown revitalization. He stated this is a disservice to the property owners and to perspective owners. Mr. Lesniak stated he would like to work with the city on the downtown revitalization. He asked to deny this rezoning request.

2) Lee VanBurkleo, 102 E. Pfluger Street, stated that 10 years ago, the old town neighborhood came before council to prevent the rezoning of 100 W. Hall Street. He stated Mayor Gonzales and Councilmember Mike Marsh were on the council at the time. Mr. Vanburkleo stated he is requesting the 3rd street property not be changed from residential. He stated they thought they had to council's approval to keep the alleyway north of Hall would be the commercial line. He stated we are asking council to support old town and deny the rezoning request because they would like to keep the historic atmosphere residential and not commercial.

3) Sam Storms, 204 E Walter Street, stated that he was on the Planning and Zoning Commission and they discussed at length the downtown boundaries. Mr. Storms stated he thought they agreed upon the alley on Hall and Pecan. He stated this would be a domino effect and there would be no boundaries. He stated that he appreciates the council's consideration.

4) Steve Wuertz, 202 S. 1st Street, stated that he has been a resident of old town since 1999. He stated he thought this was a done deal and stated they have some documentation of a consultant generated document. Mr. Wuertz said we will continue to fight this and the concern the old town residents have is the domino effect. He stated this zoning request came up and questioned why the old town residents or the neighborhood association were never contacted. Mr. Wuertz stated he strongly opposes the zoning request.

5) Robert van De Geign, 101 E Pfluger Street, stated he owns one of the old Pfluger homes and has other properties in the neighborhood. He stated the area was intended to be residential. He stated that the library and retail business were grandfathered properties around and should not be taken into the argument. Mr. van De Geign stated we should look at what the zoning was intended to be which is residential. He stated he appreciates if the council would take this into account and said it costs a lot of money to buy and redo these houses.

6) Barbara Ledbetter, 400 South 1st Street, stated she is appealing to you in a different way. She said we have something very dear to this town which is old town. She stated she feels we have a pride here we need to look at. She stated we have a treasure here instead of bringing in money with commercial property. Ms. Ledbetter stated to consider building up and supporting old town like surrounding cities.

7) Justin Miller, 101 E Hall Street, stated he lives in the old Banner house and has maintained the property. He stated he does not support converting the

house from residential to commercial.

8) Christie Miller, 101 E Hall Street, stated she bought the home she lives at from her parents and has maintained the historic value of the home and keeping the old town solid. She stated she does not want to see businesses encroach and not have a neighborhood anymore.

9) Tim Schnell, 100 W. Hall Street, stated he supports the rezoning. He stated the Gentleman's Agreement is an invented rule. He stated that there are bars close and it makes sense to have a quiet office space. He stated it would be a shame for the property owner to have to go through a financial difficult situation and deny this request. Mr. Schnell stated this is not inventing policy for the whole neighborhood, just this house and it makes a lot of sense.

10) Greg Wooten, 105 S. 3rd Street, stated he was told the property was zoned commercial and met with some staff and learned it was not. Mr. Wooten said he would like to use this business as a consulting company. He stated what he failed to hear is why old town is so against us and the rules and regulations we will be held to. He stated that this house was run down and old town was not there to make sure it was maintaining standards. He stated they are prepared to make this a buffer zone between the residents and the businesses. This is the right place for the business. He answered questions of the council regarding the property.

Mayor Gonzales provides some comments about his history as a Pflugerville resident in the old town area. He expressed understanding to the old town residents about the value of their homes. He stated he understands the applicant's position as well. Mayor Gonzales stated he was proud of the old town residents coming together. Ms. Barron answered questions of the council.

There were no additional requests to speak at the public hearing. Mr. Heath made a motion to close the public hearing. Mr. McDonald seconded the motion. All present voted in favor. Mr. Metayer was not present and did not vote. Mayor Pro Tem Peña was not present and did not vote due to a conflict of interest. He owns property within 500 feet of the subject property. Motion carried.

Mr. McDonald made a motion to approve item 4A as presented. Mr. Marsh seconded the motion. The vote was: Mr. Heath-no; Mr. Weiss- yes; Mr. Marsh-yes; Mr. McDonald-yes; Mayor Gonzales- no. Mr. Metayer was not present and did not vote. Mayor Pro Tem Peña was not present and did not vote due to a conflict of interest. He owns property within 500 feet of the property. Motion carried.

Mayor Gonzales thanked the old town residents for being here. Ms. Barron stated the second reading will be at the next council meeting on November 13, 2018.

4B. [ORD-0426](#)

Conduct a public hearing and consider approving an ordinance on first 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)

Mayor Pro Tem Peña returned to the dais.

Mayor Gonzales opened the 4B and 4C public hearings at the same time and read the items to include the captions of the ordinances to be considered on first reading. Ms. Barron provided information over the proposed ordinance on 4B and answered questions of the council. Ms. Barron stated that Code Enforcement handles the enforcement of the trees. She stated this ordinance does not apply to Single-Family home owners but applies to business owners. Ms. Barron provided information over the proposed ordinance on 4C and discussed with the council. Councilmember Metayer entered the regular meeting during the discussion. The time was 7:56 p.m.

There were no requests to speak at the public hearings. Mr. Heath made a motion to close the public hearings. Mr. McDonald seconded the motion. All voted in favor. Motion carried.

4C. [ORD-0427](#)

Conduct a public hearing and consider approving an ordinance on first 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)

Mayor Gonzales opened the 4B and 4C public hearings at the same time and read the items to include the captions of the ordinances to be considered on first reading. Ms. Barron provided information over the proposed ordinance on 4B and answered questions of the council. Ms. Barron stated that Code Enforcement handles the enforcement of the trees. She stated this ordinance does not apply to Single-Family home owners but applies to business owners. Ms. Barron provided information over the proposed ordinance on 4C and discussed with the council. Councilmember Metayer entered the regular meeting during the discussion. The time was 7:56 p.m.

There were no requests to speak at the public hearings. Mr. Heath made a

motion to close the public hearings. Mr. McDonald seconded the motion. All voted in favor. Motion carried.

4B. [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)

Mr. McDonald made a motion to approve 4B as read. Mr. Marsh seconded the motion. All voted in favor. Motion carried.

4C. [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)

Mayor Gonzales made a motion to approve item 4C as read. Mr. Marsh seconded the motion. Mayor Pro Tem Peña asked Ms. Barron if the existing sodium vapor would be grandfathered and the replacements would be LED. Ms. Barron stated this was correct. All voted in favor. Motion carried.

5. Public Comment

1) Earlie Dickson, 402 W. Noton Road, stated that there are a lot of old cars around his streets. He asked whether the taxes will go up or down in the area. Mayor Gonzales stated there cannot be any deliberation and staff would follow up with him.

2) Lincoln Overton, 901 Edgerly Lane, stated that he is speaking on behalf of St. Mary's Baptist Church. He stated there is a drainage problem on Taylor

Street that floods the building. Mr. Overton stated he has addressed the city before and nothing has happened. He asked if anything can be done for the poor drainage.

3) Urcha Dunbar-Crespo, 1230 Disraeli Circle, stated she is here to speak about the infrastructure in the Historic Colored Addition Neighborhood of Pflugerville. She stated at the Open House, the consultant provided two options that fit potential development from a non-residential standpoint. She stated that we ask that priority be given to getting infrastructure up to code, focus on preserving history of the community, and look at the revised options from the consultant before any decisions are made and look at residential nature vs. commercial.

4) Tony Hanson, 3213 Evening Breeze Way, stated that she is in support of what Ms. Crespo stated. Mr. Hanson thanked Ms. Barron and the planning staff for letting us get to this point. He stated there should be priority for infrastructure to be enhanced in the Historic Colored Addition of Pflugerville.

5) Gregory Pope, 19308 Orts Lane, owner of Mr. Pfranks, stated that there is a downtown optics problem. He stated there is a perception that Pflugerville does not care about small businesses and there are no incentives for business owners in the downtown area. He stated for the last 10 years, residents have asked for the downtown area to be enhanced and made useful. Mr. Pope stated we have talked and nothing gets done. He stated that he proposes to take action, find a route to share, the funding that PCDC has, for half and half for two years and put it into a downtown fund and he stated this is not adding taxes. He stated that this is reutilizing existing funds to an area that has been neglected for so too long.

Reading of the Consent Agenda

Item 7A was removed from the consent agenda. Ms. Stubbs read the items under consideration.

6. Approval of Minutes

6A. [2018-7126](#) Approval of the minutes of the October 9, 2018 Regular Meeting.

The minutes were approved on the consent agenda.

8. Other Actions

8A. [2018-7127](#) Receive fourth quarter report of City Councilmember expenditures for fiscal year 2018.

The item was approved on the consent agenda.

Action on the Consent Agenda

Mayor Gonzales made a motion to approve the consent agenda. Mayor Pro Tem Peña seconded the motion. All voted in favor. Motion carried.

7. Ordinances Second Reading

- 7A. [ORD-0403](#) 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, CHAPTER 72 BY SUPPLEMENTING SCHEDULE III REGARDING STOP SIGNS ON CITY STREETS, INCLUDING PRIVATE STREETS IN THE CITY OF PFLUGERVILLE CITY LIMITS, PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 72 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$200.00; 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 stated he pulled this item to say that there are a number of locations that are designated as public streets but they are not and pulled this so he could vote no. Discussion followed. Mr. Weiss made a motion to approve the ordinance. Mr. Marsh seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. McDonald-yes, Mr. Heath-no, Mayor Gonzales-yes. Motion carried.

9. Resolutions

- 9A. [RES-0562](#) Discuss and consider action to approve a resolution for City of Pflugerville participation in the 2019-2023 Austin-Round Rock MSA regional air quality plan.

Mr. Fletcher provided information over the proposed resolution. He stated our goal is to retain the good to moderate air quality. Discussion followed and Mr. Fletcher answered questions of the council. Mayor Pro Tem Peña made a motion to approve 9A. Mr. Heath seconded the motion. All voted in favor. Motion carried.

- 9B. [RES-0561](#) Discuss and consider action to approve a resolution with the caption reading: A RESOLUTION DETERMINING THAT THE COMPETITIVE SEALED PROPOSAL (REQUEST FOR PROPOSAL) PROCUREMENT METHOD FOR THE CENTRAL WASTEWATER TREATMENT PLANT EXPANSION PROJECT AND COMPONENTS THEREOF, INCLUDING EQUIPMENT SELECTION, PROVIDES THE BEST VALUE FOR THE CITY, AND DELEGATING AUTHORITY TO USE SAID METHOD IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE.

Ms. Giannini provided a presentation over the proposed resolution and answered questions of the council. Kendall King, Freese and Nichols representative, answered questions of the council. Mr. Heath made a motion to approve. Mr. Metayer seconded the motion. All voted in favor. Motion carried.

10. Discuss and consider action

- 10A.** [2018-7139](#) Discuss and consider action to receive councilmember report on the 2018 Texas Municipal League (TML) Annual Conference and take action to provide direction to the City Manager to showcase TML's "Our Home, Our Decisions" campaign.

Ms. Breland provided opening comments and stated that Mr. Weiss, Mr. McDonald, and Mr. Metayer attended the TML Annual conference. Ms. Breland provided a video presentation on TML's "Our Home, Our Decisions" campaign. Mr. McDonald provided comments about the need to reach out to the state legislature and how to preserve our own jurisdiction. Mayor Gonzales stated this video encourages cities and elected officials that we are the front line in terms of the impact the legislature has on us. Mr. Metayer stated that municipalities need to educate citizens. Mr. Weiss stated we are doing some of the programs like the Pflugerville Pfocus and WiFi hotspot program. He stated that he learned about Texas Infrastructure Bank which is an alternative to certificates of obligation and cost effective to fund roads. He stated the Texas Pace Program is like a taxing entity to be the escrow agent or a one-building PID for efficiency improvements. Mayor Gonzales mentioned Sabrina Schmidt, Purchasing Coordinator, serves on the TML Board and attended the TML conference and also served on the Resolutions committee along with Councilmember Metayer.

Mayor Gonzales made a motion to provide direction to the City Manager to showcase TML's "Our Home, Our Decisions" campaign and to receive the councilmember report. Mr. McDonald provided comments about Royse City's destination that is Buc-ee's in their downtown area. Mr. McDonald seconded the motion. Ms. Breland provided comments about the time spent together at TML was a great time by all. All voted in favor. Motion carried.

11. Adjourn

Mr. Heath made a motion to adjourn the meeting. Mr. Weiss seconded the motion. Mr. Weiss-yes, Mr. Marsh-yes, Mr. Metayer-yes, Mr. Heath-yes, Mr. McDonald-yes, Mayor Pro Tem Peña-no; Mayor Gonzales-yes. The motion carried. The meeting was adjourned at 8:59 p.m.

Respectfully submitted,

Jennifer Stubbs
Assistant City Secretary

Approved as _____ on November 13, 2018.