



# City of Pflugerville

## Minutes - Final - Final

### City Council

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Tuesday, July 24, 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 7:09 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; Charlie Zech, City Attorney; Lauri Gillam, Assistant City Manager; Karen Thompson, City Secretary; Jennifer Stubbs, Assistant City Secretary; Amy Giannini, City Engineer; Robert Polanco, Building Official; Amy Good, Finance Director; Jennifer Coffey; Library Director; Terri Toledo, Communications Director; Wayne Granger, Field Operations Superintendent; Elizabeth Taplin, Human Resources Manager; Rhonda McLendon, Animal Welfare Services Director; James Hemenes, Parks Director; Chad Wood, Senior Transportation Engineer; Jacquelyn Smith, Capital Improvement Program Manager; Cindy Pierce, Development Engineering Director; Jason Smith, Assistant Police Chief; Caroline Davis, Associate Municipal Judge/Court Administrator; David Bunch, Chief Information Officer; Farren Sheehan, Municipal Judge.

#### 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 in memory of Mr. Otto Werchan who passed away on July 17, 2018.

### 3. City Council Announcements

Mr. Heath urged the community to check on their neighbors and to be mindful of their pets in the extreme heat. Mr. Weiss provided thanks and congratulations to the Okashicon event that was held this past weekend in Pflugerville.

### 4. Presentations

- 4A. [2018-6937](#) Presentation regarding the Summer Reading Program end of summer celebration at the Pflugerville Public Library on Saturday, July 28, 2018.

Ms. Coffey provided information on the end of summer reading program event with the theme "Pay it forward Pflugerville."

### 5. Public Comment

Ashley Smith, 16202 Parkway Drive, asked for the Council to consider a revision to the Unified Development Code 4.6.3 Accessory Dwelling Units to allow the primary owner to reside in a granny flat on the property and to rent out the home on the property. She explained that the current rules allow for the primary owner to rent out a granny flat on the property but only to reside in the primary residence. She explained how the revision could offer more options to the homeowner.

Cheryl Clise, 1902 Quantico Court, voiced concerns regarding the new median on Kelly Lane restricting left turns from Murchison Ridge Trail. She reported on her traffic concerns and asked that the city look at it again.

Linda Reyes, 2101 Spotted Owl Lane, voiced concerns regarding the new median on Kelly Lane restricting left turns from Murchison Ridge Trail. Ms. Reyes stated that she is concerned for when school starts and for traffic being diverted to Hanging Rock to Kennemer Lane. She stated that there are a lot of kids walking there and cars parked on both sides of Hanging Rock. She stated that it is not safe for the children and the diversion of traffic will cause more time in traffic for the residents. She asked that the city take a second look at it.

Rico Reyes, 1901 Cistern Cove, asked the Council to engage with the community regarding the Kelly Lane traffic issue and the impacts. He voiced concerns for safety of children, ingress and egress and the time taken from the family due to additional time in traffic as well as possible effects on property values. He asked that the city take a second look and find reasonable options.

Catherine Koehler, 19609 Drifting Meadows Drive, voiced concerns regarding the new median on Kelly Lane restricting left turns from Murchison Ridge Trail. She stated that her concern is for the re-routing of traffic. She explained that she considered if she should allow her children to walk to school but that she does not want to put them at risk. She asked that the Council put this back up for discussion so they can find a better solution.

Jimmy Tolliver, 2213 Heritage Well Lane, voiced concerns regarding the new median on Kelly Lane restricting left turns from Murchison Ridge Trail and traffic re-routing down his street. He voiced concerns for the safety of the

children walking to and from school.

Ernest Tomes, 16701 Heatherwilde Boulevard, spoke in support of public transportation. He asked that the Council consider a door to door service for the blind and others like his dad that are legally blind and cannot drive.

#### **4. Presentations - Continued**

- 4B. [2018-6885](#) Presentation of the quarterly report and discussion about the City's Capital Improvement Program.
- Ms. Giannini presented on transportation and utility projects. Mayor Gonzales provided comments and asked how we are getting the information out on the many projects. Ms. Toledo provided information on information being provided in Pfocus, on the city website and in the Year End Review. Mr. Hemenes provided an update on the parks projects.

#### **Reading of the Consent Agenda**

Items 8B, 9A and 10A were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

#### **6. Approval of Minutes**

- 6A. [2018-6918](#) Approval of the minutes of the June 16, 2018 Worksession as amended; July 4, 2018 Quorum; July 9, 2018 Quorum; and July 10, 2018 Special Meeting and Regular Meeting.
- The minutes were approved as amended on the consent agenda.

#### **7. Ordinances First Reading**

- 7A. [ORD-0408](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE THIRD AMENDMENT TO THE FISCAL YEAR 2018 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE (3rd quarter amendments).
- The ordinance was approved on first reading on the consent agenda.
- 7B. [ORD-0415](#) 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, CHAPTER 72 REGARDING SPEED LIMITS ON CITY STREETS (PFENNIG LANE) TO ESTABLISH PRIMA FACIE MAXIMUM SPEEDS FOR CONSTRUCTION OR MAINTENANCE WORK ZONES; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 72 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$400.00; 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.

## **8. Ordinances Second Reading**

- 8A.**    [ORD-0414](#)            Approving an ordinance on second and final reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, CHANGING THE NAME OF WARNER RANCH DRIVE LOCATED IN THE MEADOWS AT CAMBRIDGE HEIGHTS, PH 1 SUBDIVISION TO TREEHORN RANCH ROAD; 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 second and final reading on the consent agenda.

## **10. Other Actions**

- 10B.**    [2018-6897](#)            Approving a Storm Water Facilities Maintenance Covenant, License and Agreement for the Stone Hill at Pfluger Farm Apartments development, located northwest of the intersection of Pfluger Farm Lane and proposed Kingston Lacy Boulevard, and authorizing the City Manager to execute the agreement.

The item was approved on the consent agenda.

- 10C.**    [2018-6898](#)            Approving a Storm Water Facilities Maintenance Covenant, License and Agreement for the Don's Building site development project, located southeast of the intersection of FM 685 and Sullivan Street, and authorizing the City Manager to execute the agreement.

The item was approved on the consent agenda.

- 10D.**    [2018-6933](#)            Authorizing the Interim City Manager to execute an Easement & Right of Way Agreement between Oncor Electric Delivery Company LLC and the City of Pflugerville for the construction associated with the 1849 Park Project.

The item was approved on the consent agenda.

- 10E.**    [2018-6925](#)            Approving the selection of McGray & McGray Land Surveyors, Inc. for professional surveying services associated with establishing a survey control and benchmark network and authorizing the Interim City Manager to enter into negotiations regarding a scope of work and fee proposal.

The item was approved on the consent agenda.

## **Action on the Consent Agenda**

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

### **Ordinances Second Reading - Removed from the Consent Agenda**

- 8B. [ORD-0413](#) Approving an ordinance on second and final reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING TITLE XV, LAND USAGE, OF THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, BY AMENDING CHAPTER 154, TITLED SIGNS; PROVIDING A CUMULATIVE CLAUSE AND REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT WITH THE AMENDED SECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Gonzales read the item to include the caption of the ordinance under consideration.

Mr. Metayer asked to clarify for the public that the city cannot regulate political signs on private property (with the following exceptions (1)has an effective area greater than 36 feet; (2) is more than eight feet high; (3)is illuminated; or (4)has any moving elements.) Mr. Zech provided information and indicated that any Homeowner Association (HOA) rules and enforcement are a civil matter between the homeowner and the association. There was discussion. Mayor Pro Tem Peña made a motion to approve the ordinance. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

### **9. Resolutions - Removed from the Consent Agenda**

- 9A. [RES-0525](#) Approving a resolution creating a Youth Advisory Council (YAC).

Mayor Gonzales provided information and stated that this is a project that he wanted to see come forward and that Ms. Stubbs participated in a YAC when she was in high school. Ms. Stubbs provided information on the proposal to establish a Youth Advisory Council and discussed with the Council. Mayor Pro Tem Peña made a motion to approve. Mr. Heath seconded the motion. All voted in favor. The motion carried.

### **10. Other Actions - Removed from the Consent Agenda**

- 10A. [2018-6924](#) Authorizing the Interim City Manager to engage special legal counsel services with Jeffrey Chapman of The Chapman Firm.

Mr. Weiss indicated concern that the item does not include the cost. Mr. Zech provided information on the hourly rates and explained that the total cost is unknown. Mr. McDonald stated an interest is seeing the monthly billing. Discussion continued. Mr. Heath made a motion to approve. Mr. Marsh seconded the motion. The vote was: Mr. Weiss-no; Mr. Marsh-yes; Mayor Pro Tem Peña-yes; Mr. Metayer-yes; Mr. Heath-yes; Mr. McDonald-yes; Mayor Gonzales-yes. The motion carried.

**11. Ordinances Second Reading****11A. [ORD-0411](#)**

Discuss and consider action to approve an ordinance on second and final 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 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 SPECIFIC USE PERMIT (SUP1805-01); PROVIDING A CUMULATIVE AND REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. McDonald stepped down from the dais due to a conflict of interest on the item in that he is a business owner and applicant on the request for rezoning. He did not participate in the discussion or vote on the item.

Mayor Gonzales read the item to include the caption of the ordinance under consideration. Ms. Barron provided information on the item and answered questions of the Council.

Ms. Chelsea Robertson, 1014 Duke Cove, applicant, answered questions of the Council. Mayor Pro Tem Peña indicated concerns for open container Texas Alcoholic Beverage Commission (TABC) rules and need for fencing around the patio to delineate in and outside of the business. There was discussion regarding possibly adding a condition requiring fencing to the ordinance.

Mr. Weiss made a motion to approve as read. Mr. Marsh seconded the motion. All present voted in favor. Mr. McDonald was not present and did not vote on the item. The motion carried.

Mr. McDonald returned to the dais.

**12. Discuss only****12A. [2018-6920](#)**

Discussion regarding the Fiscal Year 2019 budget and strategic plan.

Mr. Fletcher continued his review of the general fund budget from the worksession. Assistant Chief Smith, Judge Sheehan, Mr. Wood, and Mr. Granger answered questions of the Council regarding items in their proposed departmental budgets. Ms. Gillam provided input in the discussion.

**12B. [2018-6934](#)**

Discuss and provide direction to staff regarding Lake Pflugerville hours.

Mr. Hemenes provided information on the item. Mayor Pro Tem Peña recommended making the lake hours the same as the park hours. Assistant

Chief Smith reported on leash law violations and noise complaints at night. Mr. Weiss asked if the city receives trail complaints. Discussion followed regarding kids being on the trails late at night not being in violation. Mr. Weiss recommended cleaning up the trail language. There was continued discussion. Mr. McDonald made a motion to table the discussion. Mr. Heath seconded the motion. The vote was: Mr. Weiss-yes; Mr. Marsh-no; Mayor Pro Tem Peña-no; Mr. Metayer-no; Mr. Heath-yes; Mr. McDonald-yes; Mayor Gonzales-no. The motion failed.

There was continued discussion. Mr. Metayer recommended closing the lake at 12 midnight. Mayor Pro Tem Peña suggested 12:30 a.m. Mr. Marsh made a motion that Lake Pflugerville be closed from 12:00 midnight to 4:00 a.m. and that staff bring forward an ordinance for consideration. Mr. Heath seconded the motion. The vote was: Mr. Weiss-no; Mr. Marsh-yes; Mayor Pro Tem Peña-yes; Mr. Metayer-yes; Mr. Heath-yes; Mr. McDonald-no; Mayor Gonzales-yes. The motion carried.

**Supp [2018-6941](#)  
1A.**

Discussion regarding the regulation of signs, and the proliferation of signs in public rights-of-way.

Ms. Barron provided information on regulations concerning signs within the public right of way, commonly referred to as bandit signs. She stated that staff recommends removal, public education and amendments to make the code language more efficient. She provided some proposed language changes to Section 154.108 of the Code of Ordinances. Discussion followed. Council suggested staff come back with amendments to include an initial warning and a \$500 fine.

**13. Discuss and consider action**

**13A. [2018-6936](#)**

Discuss and consider action related to the City's Capital Improvement Program Transportation Projects and Studies and direct the Interim City Manager to begin preparation for an issuance of Certificates of Obligation (COs).

Ms. Giannini provided information on the transportation projects identified for a November 6, 2018 bond election, TIA Mitigation Funds and potential Certificates of Obligation (CO) projects and discussed with Council.

**13B. [2018-6927](#)**

Discuss and consider action to approve registration, hotel and business related expenses for Mayor and Councilmember attendance of the 2018 Texas Municipal League (TML) Annual Conference to be held October 10, 2018 to October 12, 2018 in Fort Worth, Texas.

Mayor Gonzales indicated interest in attending. Mr. Weiss stated that he found the conference to be rather valuable last year and encouraged councilmembers to attend. Mr. McDonald and Mr. Metayer indicated interest in attending. Mayor Gonzales made a motion approve them (Mayor Gonzales, Mr. McDonald and Mr. Metayer) to attend. Mayor Pro Tem Peña seconded the motion. Mr. Weiss clarified to approve two nights hotel and expenses. All voted in favor. The motion carried.

**13C. [2018-6919](#)**

Discuss and consider action regarding future agenda items.

Mayor Pro Tem Peña requested a future agenda item for discussion regarding the Pflugerville Independent School District (PflISD) transfer model. Mayor Pro Tem Peña requested to have a description and discussion to address Kelly Lane concerns and if there is an alternative. Mr. Heath requested a future agenda item to discuss suspending pool fees for days over 104 degrees. Mr. Metayer requested a 90-day report from Municipal Judge Sheehan. Mr. McDonald requested a staff presentation on Transit Development Plan (TPD). Mr. Heath requested an item regarding strengthening the overlay for SH45/SH130. Mr. Metayer requested an update for fees for 1849 Park. Mr. Heath requested a charter amendment election consideration item.

#### **14. Adjourn**

Mr. Marsh made a motion to adjourn. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as presented on August 14, 2018.