



City of Pflugerville

Minutes - Final - Draft

City Council

Tuesday, July 28, 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=e638abd67abe7683c7304526f74f6f3c0>

Meeting Code/Number: 146 877 8867

Dial-in number: (US toll): = +1-408-418-9388

Public comment under Public Hearing items will be allowed via telephone/video conference at the Regular Meeting scheduled to begin at 7:00 p.m. All speakers under Public Hearing items must register to speak at least 2 hours in advance of the Regular Meeting. 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.

Public comment on all items other than Public Hearing items will 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. Public comment on all items other than Public Hearing items will occur 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; Amy Good, Finance Director; Lauren Henkes, Assistant Finance Director; Stephanie Nations, Budget Analyst, Emily Barron, Planning Director; Maggie Holman, Public Information Officer; Brandon Pritchett, Utility Director; Cody Collins, IT Director; Evan Groeschel, Public Works Operations Director; Patricia Davis, City Engineer; Jenna Goolsby, Engineer; Gwen Holford, Digital Content Web Specialist; Shane Mize, Parks and Recreation Director; Jason Smith, Assistant Police Chief; Bob Henderson, Financial Advisor; Richard Donoghue, Bond Counsel. Amy Madison, Pflugerville Community Development Corporation (PCDC) Executive Director, attended.

2. Items of Community Interest

Mayor Gonzales announced that a COVID testing center is now open at the Pfield. He provided a reminder regarding the mandatory face mask order. He announced that the City is now taking applications for members of the Equity Commission and Youth Advisory Council. Mr. Metayer stated that he recently attended a Pflugerville ISD planning meeting and stated that the care of the teachers, parents and students speaks volumes about their leadership, staff and faculty.

3. Public Hearing

Each person providing public comment at the public hearing will be limited to 3 minutes.

3A. [RES-0731](#) Conduct a public hearing regarding the Community Development Block Grant (CDBG) program proposed 2020 Action Plan.

Mayor Gonzales read the item and opened the public hearing. Ms. Barron provided information and answered questions of Council. Mayor Gonzales stated that registration for public comment at the public hearing had been taken until 5:00 p.m. today and there were no requests to speak.

Mayor Pro Tem Peña made a motion to close the public hearing. Mr. Heath

seconded the motion. All voted in favor. The motion carried.

Mayor Gonzales announced that a second public hearing and consideration of action would take place at the August 11, 2020 regular Council meeting.

4. Public Hearing and Ordinance First Reading

Each person providing public comment at the public hearing will be limited to 3 minutes.

- 4A. [ORD-0532](#) Conduct a public hearing and consider approving the first reading of an ordinance 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 approximately 41.31 acres, of unplatted land out of the Austin A. Survey 19, Abstract NO. 38, and the Zambrano J. Survey 38, Abstract NO. 844, in Travis County, Texas, from Agriculture/Development Reserve (A) District to Single Family Residential (SF-R) District; to be known as the Enclave at Cele rezoning (REZ2006-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

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 information on the rezoning request and answered questions of Council.

Mayor Gonzales stated that registration for public comment at the public hearing had been taken until 5:00 p.m. today and there were no requests to speak.

Mayor Pro Tem Peña made a motion to close the public hearing. Mr. Heath seconded the motion. All voted in favor. The motion carried.

Mr. McDonald made a motion to approve the ordinance on first reading. Mr. Marsh 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-yes. The motion carried.

5. Public Comment

Mayor Gonzales announced that he had received one written comment and read the comment from Bob Reichenbach, Saxony resident, asking for the Council to vote against items 10A and 10D, to enhance transparency of the City's activities by ensuring information on all projects in on the City's website and indicated concern that the City is not paying off bond money raised for various CIPs in a timely manner and stated that we need to stay focused on needs, not recreation, and that we need roads, clean water and wastewater infrastructure that keeps up with our growth.

Mayor Gonzales announced that he had received three requests to speak under public comment.

Krishna Prasad, Fairways of Blackhawk resident, spoke regarding concerns regarding internet service and specifically Suddenlink service. He asked the City Council to take steps to improve internet service.

Dennis Warne, Club at Wells Point resident, was registered to speak. Mayor Gonzales called him to speak but he had disconnected from the meeting.

Nick Bonacci, Villages of Hidden Lake resident, stated that going outside is a more safe option for COVID. He stated that he is miserable with the decision to close the lake and outside is a more healthy option.

Reading of the Consent Agenda

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

6. Ordinance First Reading

- 6A. [ORD-0533](#) Approving an ordinance on first reading with the caption reading: An Ordinance of the City of Pflugerville, Texas, authorizing the lease agreement between the City of Pflugerville and Cellco Partnership DBA Verizon Wireless for City land located at 901 Old Austin-Hutto Road; providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

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

7. Ordinance Third Reading

- 7A. [ORD-0529](#) Approving an ordinance on third and final reading with the caption reading: An Ordinance amending the Code of Ordinances of the City of Pflugerville, Texas, Title XIII "General Offenses," Chapter 130, "Offenses against City Regulations," to add Section 130.12, "Obstructing Streets and Sidewalks," and 130.13, "Repair of defective sidewalks" in order to administer and regulate the use of public rights-of-way for the public interest, health, safety and welfare; 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 and an effective date.

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

8. Approval of Minutes

- 8A. [2020-8528](#) Approval of the minutes of the July 14, 2020 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

10. Other Actions

- 10C.** [2020-8519](#) Authorizing the City Manager to execute an easement purchase agreement and associated conveyance documents between Charles Hardin Camp II and the City of Pflugerville as necessary to acquire real property interests for the SH 45 Water and Wastewater Line Project.
The item was approved on the consent agenda.
- 10D.** [2020-8538](#) Authorizing the purchase and installation of playground equipment for Creekside Park from Whirlix Design, Inc. in the amount of \$147,920 utilizing the Texas Association of School Boards (TASB) cooperative purchasing contract (BuyBoard).
The item was approved on the consent agenda.
- 10F.** [2020-8542](#) Approving a supplemental agreement with Half Associates, Inc. in the amount of \$197,256.00 for professional engineering services associated with the Heatherwilde Subdivision Pavement Rehabilitation Project as part of the 2020 Pavement Maintenance Program and authorizing the City Manager to execute same.
The item was approved on the consent agenda.
- 10G.** [2020-8553](#) Approving a construction agreement with Andale Construction, Inc. in the amount of \$290,256.30 for placement of HA5 on designated City streets as part of the 2020 Pavement Maintenance Program and authorizing the City Manager to execute the same.
The item was approved on the consent agenda.
- 10H.** [2020-8547](#) Approving a professional services agreement with kga (architects) in the amount of \$45,000 for improvements to 100 W. Main Street for municipal offices.
The item was approved on the consent agenda.

Action on the Consent Agenda

Mayor Pro Tem Peña made a motion to approve the consent agenda. Mr. Heath seconded the motion. All voted in favor. The motion carried.

9. Resolution

- 9A.** [RES-0737](#) Approving a Resolution with a caption reading "Resolution of the City of Pflugerville, Texas authorizing the City Manager to execute an Information Sharing Access Agreement with the Department of Homeland

Security/Federal Emergency Management Agency Federal Insurance and Mitigation Administration”

Ms. Goolsby provided information and answered questions of Council. There was discussion on the item. Mr. McDonald made a motion to approve. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

Other Actions - Removed from the Consent Agenda

- 10A. [2020-8555](#)** Approving the acquisition of laptops, monitors and docking stations from GTS Technology Solutions Inc. via the Buyboard Purchasing Cooperative in the amount of \$181,875.01 to improve teleworking capabilities and effectiveness of city employees and to enable compliance with COVID-19 public health precautions.
- Mayor Pro Tem Peña stated that he had questions regarding the purchase. Ms. Breland and Mr. Collins provided information on employee needs and the solutions to be provided for working remotely and answered questions of Council. Mayor Pro Tem Peña noted that the quote is for 5 computers and the purchase order shows 11. Mr. Collins stated that the purchase is for 11 computers and the quote will be honored for the same pricing for each. There was continued discussion. Mayor Pro Tem Peña made a motion to approve with a corrected quote. Mr. McDonald seconded the motion. All voted in favor. The motion carried.**
- 10B. [2020-8556](#)** Approving a contract with BCL of Texas in the amount of \$80,000 for administration of a small business grant program as provided under the Travis County Interlocal Agreement for Administration of CRF Funding Under the CARES Act and authorizing the City Manager to execute same.
- Mayor Pro Tem Peña stated that he had questions on the timeline. Ms. Breland introduced Amy Madison, PCDC Executive Director, to provide information. Ms. Madison provided information and introduced Rosa Rios Valdez, BCL of Texas. Ms. Madison and Ms. Rios Valdez answered questions and discussed with Council. Mayor Pro Tem Peña made a motion to approve with an initial report to be provided at the next Council meeting. Mr. Heath seconded the motion. All voted in favor. The motion carried.**
- 10E. [2020-8543](#)** Approving a Change Order in the amount of \$89,118.40 and 135 additional days for the construction contract for the Wilbarger Creek Park Project with QA Construction Services, Inc. and authorize the City Manager to execute the same.
- Mr. Weiss asked for a review of the changes made and the timeline. Ms. Dryden provided information and answered questions of Council. Council indicated their concerns for the change order. Ms. Giannini indicated that the project had issues but they would like to complete the project. Mr. Weiss recommended that they go back with the construction company and make it right. Mr. Marsh stated to agree. Ms. Dryden stated that the consultant, Brent Baker, Studio 19, is in attendance. Mr. Baker provided information on the project stating that the existing conditions have changed over the five years of the project and it is now 90% in the floodplain. He explained that it has been a**

challenging project and he feels that they have all had the City's best interest. He provided information on the changes to the project. Ms. Breland explained that this is not something that is normal and if Council would like her to bring something back, she is not sure what would be changed. Mr. Heath stated that he thinks that staff should have owned up to their issues. Mr. Weiss stated that he is inclined to decline the item. He asked if it comes back that the culpability be explained. Mr. Metayer asked if it might come back. Ms. Breland stated that they could explain things more but she does not think there will be much changed. Mr. Marsh stated that the additional \$91,000 for lamppost foundations is unacceptable. There was continued discussion. Mayor Gonzales asked if there was a motion on the item. There were no motions and no action was taken.

11. Discuss only

- 11A. [2020-8495](#) Discussion regarding study assumptions related to the Roadway Impact Fee Study in preparation for future public hearing.

Ms. Barron provided an introduction. Jake Gutekunst, Kimley Horn, presented on the study components, the schedule, Capital Improvement Advisory Committee (CIAC) responsibilities, land use assumptions, costs based on projects and what is payable with impact fees. He answered questions of Council during the presentation. There was discussion on the item with Mr. Gutekunst with input from Ms. Barron.

- 11B. [2020-8476](#) Presentation of the quarterly report and discussion about the City's Capital Improvement Program.

Ms. Davis presented and answered questions of Council.

- 11C. [2020-8524](#) Discussion regarding the FY21 proposed budget.

Ms. Breland stated that the Finance and Budget Committee, with Councilmember Heath as the liaison, has met and supported the master fee schedule. She stated that the Finance and Budget Committee will meet this week to review the budget. Mr. Heath stated that there was a great study that was done for water and wastewater rates. Ms. Breland stated that those fees are not included in the master fee schedule and are separate and they would not be adopting those with the budget. Ms. Breland provided information on the estimated certified property tax roll and stated that staff will prepare a budget at a property tax rate of .4970, providing a tax rate decrease. Council discussion followed with Ms. Breland regarding fees.

Mayor Pro Tem Peña stated that there was a split vote on the resolution to calculate based on an allowed 8% increase in operating revenues. He asked if they might consider ordering an election. Ms. Breland stated that they cannot go to an election unless it is over 8%. Mr. Zech confirmed. Ms. Breland stated that she is proposing to approve a property tax rate at a 7.05% increase in operating revenues. There was continued discussion. Mr. Metayer indicated concerns with going over 3.5%. He stated that it is up to interpretation. He stated that he is concerned with any retroaction. Mayor Gonzales stated that Ms. Breland is looking for direction on the tax rate. Ms. Breland stated that they can provide through the action on August 11, 2020. Mayor Gonzales stated that sounds fine.

12. Discuss and consider action

- 12A.** [2020-8529](#) Conduct introductions and take action to make appointment to the Parks and Recreation Commission for a regular member with an unexpired term ending December 31, 2021 and alternate member with a term ending December 31, 2020 as needed.

Council conducted interviews with candidates Lenette Peterson, Jennifer Bridges and Cheryl Ribich. Candidates Rich Czech and Edwin Schneider were not in attendance. Mr. McDonald made a motion to appoint Jennifer Bridges as the regular member with the unexpired term ending December 31, 2021. Mr. Weiss seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-no, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried. Mayor Gonzales noted that Lenette Peterson would remain the alternate and therefore no additional action was needed.

- 12B.** [RES-0735](#) Discuss and consider action to approve a resolution with the caption reading: "Resolution authorizing the publication of Notice of Intention to Issue City of Pflugerville, Texas Combination Tax and Limited Revenue Certificates of Obligation and other matters related thereto" (Water, Wastewater, and Transportation capital improvement projects)

Mayor Gonzales open items 12B and 12C for discussion and consideration. Ms. Good and Ms. Davis provided information and answered questions of Council. Mr. Heath asked if this could be added to the general bond election. Mr. Henderson provided information on the timing of the issuance, stating that it is a low-interest environment and generally accepted that you need to have the funds on hand before you let the contracts. Mr. Donoghue indicated that it is not a legal requirement. Mr. McDonald stated that if they are going to bid in the spring, then he would anticipate issuing the COs for a spring bid. Ms. Good stated that they are proposing to issue them now. She stated that there are some needed utility COs and there is an economy of scale. Mr. Marsh asked when the debt clock starts ticking. Mr. Henderson stated the closing date. Discussion with Council continued. Mr. Weiss asked Ms. Davis how confident they are in the number for Kelly Lane. Ms. Davis stated that it is as accurate as the design that we have to date. Ms. Breland confirmed that they are at 60% design and feeling confident. Mr. Heath asked that they go to item 12D first and then come back to items 12B and 12C.

- 12C.** [RES-0736](#) Discuss and consider action to approve a resolution with the caption reading: "Resolution Expressing Official Intent to Reimburse Certain Expenditures" (advanced project costs from Certificates of Obligation issuance)

Mayor Gonzales open items 12B and 12C for discussion and consideration. Ms. Good and Ms. Davis provided information and answered questions of Council. Mr. Heath asked if this could be added to the general bond election. Mr. Henderson provided information on the timing of the issuance, stating that it is a low-interest environment and generally accepted that you need to have the funds on hand before you let the contracts. Mr. Donoghue indicated that it is not a legal requirement. Mr. McDonald stated that if they are going to bid in

the spring, then he would he anticipate issuing the COs for a spring bid. Ms. Good stated that they are proposing to issue them now. She stated that there are some needed utility COs and there is an economy of scale. Mr. Marsh asked when the debt clock starts ticking. Mr. Henderson stated the closing date. Discussion with Council continued. Mr. Weiss asked Ms. Davis how confident they are in the number for Kelly Lane. Ms. Davis stated that it is as accurate as the design that we have to date. Ms. Breland confirmed that they are at 60% design and feeling confident. Mr. Heath asked that they go to item 12D first and then come back to items 12B and 12C.

12D. [2020-8391](#)

Discuss and consider action to approve a Supplemental Agreement No. 3 with Johnson, Mirmiran & Thompson, Inc. (JMT) to provide additional professional engineering for the Kelly Lane Ph 2 Project in the amount of \$455,311.85.

Mayor Gonzales opened item 12D for consideration. Ms. Davis provided information and answered questions of Council. Ms. Giannini spoke on the drainage issues with the project. She explained that the majority of the additional costs are for drainage and right of way acquisition. Council discussion followed with Ms. Giannini and Ms. Davis. Mr. Heath stated that he is getting more questions on this than answers. He asked if staff could come back with more specificity at the next meeting. Ms. Breland stated that they do not have a better time to issue COs to move the ball on these projects. Mr. Heath indicated he would like better explanation on what caused the \$7 million increase. Mr. Weiss asked how much the roundabout is costing. Ms. Giannini stated that the additional costs are not directly caused by the roundabout but it is more surface area. Mr. Weiss asked how much they would save without the roundabout. Ms. Giannini stated that it would need a re-design analysis. She stated that this is for the design to move forward and to continue the project. Mr. McDonald stated that it seems like they already had an exhaustive review of this and landed on the roundabout. He stated that he is hearing that this is a significant drainage project. Mr. Marsh stated that residents had come to Council indicating that this intersection is dangerous, that the Council asked for this and it seems like they are getting cold feet now. Mr. Metayer made a motion to approve as presented. Mr. Heath seconded the motion. All voted in favor. The motion carried.

12B. [RES-0735](#)

Discuss and consider action to approve a resolution with the caption reading: "Resolution authorizing the publication of Notice of Intention to Issue City of Pflugerville, Texas Combination Tax and Limited Revenue Certificates of Obligation and other matters related thereto" (Water, Wastewater, and Transportation capital improvement projects)

Mayor Gonzales returned to item 12B. Mayor Pro Tem Pena indicated concern with issuing COs for \$10 million for roads. Mr. Weiss stated that this is increasing the cost three-fold on Kelly Lane. He stated that we have \$6.4 million, but this is an additional \$10.6 million for Kelly Lane. Mr. McDonald stated that the project went to a GO bond and the voters approved it and the drainage project complicates things. He stated that it seems like people have already voted in favor of fixing Kelly Lane. Mr. McDonald made a motion to approve item 12B as presented. Mr. Metayer seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-no, Mr. Metayer-yes, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-no. The motion carried.

12C. [RES-0736](#) Discuss and consider action to approve a resolution with the caption reading: "Resolution Expressing Official Intent to Reimburse Certain Expenditures" (advanced project costs from Certificates of Obligation issuance)

Mr. McDonald made a motion to approve 12C as presented. Mr. Marsh seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-no, Mr. Metayer-yes, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-no. The motion carried.

12E. [2020-8518](#) Discuss and consider action to approve proposition language for the November 3, 2020 bond election.

Ms. Giannini provided information and answered questions of Council. Mr. Weiss made a motion to approve as presented. Mr. Metayer seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-no, Mr. Metayer-yes, Mr. Heath-yes, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.

13. Adjourn

Mayor Gonzales adjourned the meeting at 11:06 p.m.

Respectfully submitted,

**Karen Thompson
City Secretary**

Approved as _____ on August 11, 2020.