



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, January 12, 2021

7:00 PM

100 East Main Street, Suite 500

Regular Meeting (Telephone/Video Conference)

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=e31c1325030bbf5d93b849e51e796b692>
Meeting Code/Number: 146 525 2943

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. Name and address must be included. Written comments are limited to 250 words.

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 was held by telephone/video conference. Mayor Pro Tem Omar Peña and Councilmembers Doug Weiss, Ceasar Ruiz, Rudy Metayer, and Mike Heath were in attendance. Councilmember David Rogers entered the meeting at 7:01 p.m. City employees attending: Sereniah Breland, City Manager; Robyn Katz, Assistant City Attorney; Trey Fletcher, Deputy City Manager; James Hartshorn, Assistant City Manager; Amy Giannini, Assistant City Manager; Karen Thompson, City Secretary; Emily Barron, Planning and Development Services Director; Melissa Neel, Finance Director; Terri Toledo, Communications Director; Maggie Holman, Public Information Officer; Cody Collins, IT Director; Patricia Davis, City Engineer; Brandon Pritchett, Utilities Director; Jennifer Grizwold, Library Director; Jessica Robledo, Police Chief; Jason Smith, Assistant Police Chief; Gwen Holford, Application and Web Developer; and Wade Maness, Videography Multimedia Specialist.

2. Items of Community Interest

Mayor Gonzales announced that the Pflugerville free COVID-19 testing site is going to appointment-only tomorrow. He stated that the Parks and Recreation guide is available online and the Travis Central Appraisal District has setup a helpline and webinar series to help property owners file for homestead exemptions.

3. Presentation

- 3A. [2021-0032](#) Presentation by Focused Advocacy regarding the 87th Legislative Session and Pflugerville Legislative Agenda.

Brandon Aghamalian, Andrew Keefer and Snapper Carr, Focused Advocacy, were in attendance. Mr. Aghamalian presented on the item. Mr. Aghamalian and Mr. Keefer answered questions of Council. There was discussion on the item.

4. Public Comment

Mayor Gonzales stated that registration for public comment was taken until 5:00 p.m. today and that several written comments and requests to speak were received on item 12B. He indicated that he would take those under the item later in the meeting. He stated that there were no additional requests for public comment.

5. Public Hearing and Resolution

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

- 5A. [RES-0806](#) Conduct a public hearing and consider approving a resolution with the caption reading: Resolution of the City of Pflugerville, Texas, electing to become eligible to participate in tax abatement under Texas Tax Code, Chapter 312 and adopting Tax Abatement Guidelines.

Mayor Gonzales opened the public hearing and consideration on the resolution. Ms. Neel provided information. Mayor Gonzales stated that registration to provide public comment at the public hearing had been taken until 5:00 p.m. today and there were no requests to provide comment at the public hearing. Ms. Neel answered additional questions of Council. Mayor Pro Tem Peña made a motion to close the public hearing. Mr. Weiss seconded the motion. All present voted in favor. Mr. Heath had stepped away and was absent from the vote. The motion carried.

Mayor Pro Tem Peña made a motion to approve the resolution. Mr. Rogers seconded the motion. All were present and voted in favor. The motion carried.

6. Public Hearing

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

- 6A. [ORD-0561](#) Conduct the second public hearing regarding an annexation ordinance with the caption: An ordinance of the City of Pflugerville, Texas, annexing, for full purposes, tracts of land totaling approximately 5.205 acres situated in the Joseph Wiehl Survey No. 8, Abstract No. 802, Travis County, Texas, of the Real Property Records of Travis County, being one tract of land totaling 4.724 acres and the second tract of land totaling 0.481 acres representing the abutting Jesse Bohls Road right-of-way; generally located along the west side of Weiss Lane at the intersection of Jesse Bohls Road; extending the boundaries of the City to include land; and to be zoned Agriculture / Development Reserve (A); to be known as the 17705 Weiss Lane 2021 Annexation; binding the land to all of the acts, ordinances, resolutions and regulations of the City; approving a service plan; providing for severability; and providing an effective date.

Mayor Gonzales opened the public hearing. Ms. Barron provided information and answered questions of Council and provided a timeline on the annexation. Mayor Gonzales stated that registration to provide public comment at the public hearing had been taken until 5:00 p.m. today and there were no requests to provide comment at the public hearing. Mayor Pro Tem Peña made a motion to close the public hearing. Mr. Heath seconded the motion. All voted in favor. The motion carried.

7. Public Hearing and Ordinance First Reading

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

- 7A. [ORD-0560](#) 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 15 acres, of unplatted land situated in the E Kirkland Survey, abstract NO. 458, in Travis County, Texas, from Agriculture/Development Reserve (A) District to Urban Level 4 (CL-4) District; to be known as the Tacara at Weiss Ranch Rezoning (REZ2009-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date. (Located at the southwest corner of Weiss Lane and Pflugerville Parkway)

Mayor Gonzales read the item to include the caption of the ordinance under consideration and opened the public hearing. Ms. Barron provided information and answered questions of Council. Paul Linehan, representing the applicant, also provided information and answered questions of Council. He indicated plans to do a mixed-use development and that they took a special use permit to Planning and Zoning last week and would be submitting a preliminary plan on February 1, 2021. Ms. Barron answered additional questions of Council.

Mayor Gonzales stated that registration to provide public comment at the public hearing had been taken until 5:00 p.m. today and there were no requests to provide comment at the public hearing. Mr. Rogers made a motion to close the public hearing. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

Mr. Heath made a motion to approve the ordinance on first reading. Mr. Metayer seconded the motion. The vote was: Mr. Weiss-yes, Mr. Ruiz-yes, Mayor Pro Tem Peña-no, Mr. Metayer-yes, Mr. Heath-yes, Mr. Rogers-yes, Mayor Gonzales-yes. The motion carried.

Reading of the Consent Agenda

Item 10C was removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

8. Ordinances Second Reading

- 8A. [ORD-0556](#) Approving an annexation ordinance on second reading as amended with the caption reading: An ordinance of the City of Pflugerville, Texas, annexing, for full purposes, a tract of land totaling approximately 33.0 acres of land situated in the T.S. Barnes Survey No. 46, Abstract No. 67, in Travis County, Texas, of the Real Property Records of Travis County, generally located south of E. Pecan Street and west of SH 130; extending the boundaries of the City to include the land; and to be zoned Agriculture / Development Reserve (A); to be known as the RNDC 2020 Annexation; binding the land to all of the acts, ordinances, resolutions and regulations

of the City; approving a service plan; providing for severability; and providing an effective date. (ANX2011-01)

The ordinance was approved as amended on second reading on the consent agenda. A third reading will be required for final approval.

- 8B.** [ORD-0558](#) Approving an ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville amending Section 1 for General Provisions to the 2014 Engineering Design Manual and Construction Standards, replacing all Engineering and Construction Standards in conflict; containing a severability clause; and providing for publication and an effective date.

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

9. Approval of Minutes

- 9A.** [2021-8895](#) Approval of the minutes of the December 8, 2020 Worksession and Regular Meeting, December 15, 2020 Special Meeting, December 17, 2020 Worksession and Joint Meeting with Charter Review Commission.

The minutes were approved on the consent agenda.

10. Resolutions

- 10A.** [RES-0811](#) Approving a resolution with the caption reading: Resolution of the City of Pflugerville, Texas authorizing the vacation, abandonment, and release of existing wastewater easements granted to the City by easements recorded in Travis County Real Property Records, Document No. 2017079209 and 2017079211. (Located in Sorento Phase 6 near Aventura Avenue)

The resolution was approved on the consent agenda.

- 10B.** [RES-0812](#) Approving a resolution with the caption reading: Resolution of the City of Pflugerville authorizing the City Manager to execute a Post-Annexation Provision of Services Agreement with Willard Hebbe, individually and as executor of the Estate of Julia Hebbe, Russell H. Kuempel, Melanie E. Samuelson, Marilyn L. Smith, Nancy T. Robertson, Roberta Blumberg Kuempel, David K. Johnson, Mary K. Johnson Hackerman, and Diane R. Johnson (landowners), providing that upon annexation the City will provide standard City services to a tract of land totaling approximately 96.341 acres situated in the William Caldwell Survey No. 66, Abstract No. 162, Travis County, Texas, within the City's extraterritorial jurisdiction. (Located on the north side of Cameron Road, approximately a quarter of a mile west of 1849 Park)

The resolution was approved on the consent agenda.

11. Other Actions

- 11A.** [2021-0001](#) Review of the quarterly investment reports for the 2nd, 3rd and 4th quarters of FY20.
The item was approved on the consent agenda.
- 11B.** [2021-0008](#) Approving a professional services agreement with Parker's Choice Consulting in the amount of \$294,500.00 for the second phase of the Wireless Master Plan and authorizing the City Manager to execute said agreement.
The item was approved on the consent agenda.
- 11C.** [2021-0009](#) Approving the Mayor's appointment of Mark Lee to the Personnel Appeal Board for a three-year term ending December 31, 2023.
The item was approved on the consent agenda.
- 11D.** [2021-0026](#) Approving Work Authorization No. 2020-6 with Seven Arrows Land Staff, LLC. in the amount of \$78,750.00 for right-of-way services for the Sorrento Wastewater Interceptor Phase 2 project.
The item was approved on the consent agenda.
- 11E.** [2021-8912](#) Authorizing the City Manager to enter into a Cost-Share Agreement with the Lower Colorado River Authority (LCRA) in the amount of \$100,000 to be used for the forthcoming Advanced Metering Infrastructure (AMI) Installation capital improvement project.
The item was approved on the consent agenda.
- 11F.** [2021-0041](#) Accepting a donation of right of way at the southeast corner of Pfluger Farm Lane and Town Center Drive and authorizing the City Manager to execute necessary documents.
The item was approved on the consent agenda.
- 11G.** [2021-8849](#) Approving a Development Agreement by and between the City of Pflugerville and BLD VOHL 6A-1, LLC associated with 5.06 acres of land along Hidden Lake Blvd at Kelly Lane.
The item was approved on the consent agenda.
- 11H.** [2021-8915](#) Approving an agreement with Manville Water Supply Corporation titled Retail Water Certificate of Convenience and Necessity Service Area Transfer Agreement Between City of Pflugerville and Manville Water Supply Corporation and authorizing the City Manager to execute same.
The item was approved on the consent agenda.

- 11I. [2021-0012](#) Approving an Economic Development Performance Agreement between Pflugerville Community Development Corporation, a Texas Type B Economic Development Corporation ("PCDC") and Walker Engineering, Inc., a Texas corporation (Project Devise), not to exceed \$40,000, for the purpose of primary jobs.
- The item was approved on the consent agenda.

Action on the Consent Agenda

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

Resolution - Removed from the Consent Agenda

- 10C. [RES-0814](#) Approving a resolution with the caption reading: A Resolution of the City of Pflugerville, Texas approving the petition for exclusion of land from New Sweden Municipal Utility District No. 1.
- Mayor Gonzales opened the item for consideration. Ms. Barron provided information. Mr. Weiss indicated that he can see no benefit in removing from the MUD. Ms. Barron stated staff recommends to not have City property in another political subdivision. Discussion followed. Mr. Fletcher stated it is the staff recommendation to have the property in the City limits and that currently it is in Travis County. Mr. Rogers stated that MUDs sometimes get involved in litigation and the City could get dragged in. He recommended to approve the resolution to exclude the land from the MUD to reduce litigation risk. Mr. Metayer made a motion to approve the resolution as presented. Mr. Rogers seconded the motion. The vote was: Mr. Weiss-no, Mr. Ruiz-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-yes, Mr. Rogers-yes, Mayor Gonzales-yes. The motion carried.

12. Resolutions

- 12A. [RES-0813](#) Discuss and consider action to approve a resolution with the caption reading: A resolution of the City Council of the City of Pflugerville, Texas adopting a Vision Statement and Guiding Principles for the Aspire Pflugerville 2040 Comprehensive Plan.
- Mayor Gonzales opened the item for consideration. Ms. Barron provided information on the item. Chance Sparks, Freese and Nichols, the City's consultant on the project, also provided information. Mayor Pro Tem Peña recused himself on the item due to a potential conflict of interest in that his brother in law is employed with Freese and Nichols. There was discussion. Mr. Rogers indicated concern for the relatively low number of survey responses. Mr. Sparks spoke on the response and it providing a good representation of the City. There was continued discussion. Ms. Barron stated that the Planning and Zoning Commission had reviewed and recommended approval. Mr. Weiss made a motion to approve the resolution. Mr. Metayer seconded the motion. All present voted in favor. Mayor Pro Tem Peña was absent and abstained from discussion and the vote on the item. The motion carried.

12B. [RES-0821](#)

Discuss and consider action on a Resolution consenting to creation of the proposed Travis County Emergency Services District No. 17.

Mayor Pro Tem Peña returned to meeting.

Mayor Gonzales opened the item for consideration. He stated that registration for public comment had been taken until 5:00 p.m. and that there were several written comments and requests to speak.

Ms. Thompson read the written comments from Janie Edwards, Commons at Rowe Lane resident; Ronald Cunningham, Meadows of Blackhawk resident; Blake Brown, Vine Creek Resident and Lauren Brown, Vine Creek Resident, in support of allowing for an election for the creation of the Travis County Emergency Services District No. 17 overlay district.

The following provided public comment under the item:

Barbara Newsom, Brookhollow resident, spoke in support of allowing for an election for the creation of the Travis County Emergency Services District No. 17 overlay district.

Chris Wolff, Falcon Pointe resident, stated that he is a firefighter and paramedic and spoke in support of allowing for an election for the creation of the Travis County Emergency Services District No. 17 overlay district. Mayor Gonzales confirmed with Mr. Wolff that he is with the Pflugerville Fire Department.

Jonathan Carroll, Ridge at Steeds Crossing resident, spoke in support of allowing for an election for the creation of the Travis County Emergency Services District No. 17 overlay district.

Anthony Nguyen, Greenridge resident, spoke on the financials of the Travis County Emergency Services District No. 2 (ESD2) and their ability to provide services and recommended against allowing for an election for the creation of the Travis County Emergency Services District No. 17 overlay district.

Melody Ryan, Highland Park North resident, spoke on the financials of the Travis County Emergency Services District No. 2 and their ability to provide services and recommended against allowing for an election for the creation of the Travis County Emergency Services District No. 17 overlay district.

Jim McDonald, Mountain Creek resident, indicated concerns that the Travis County Commissioners Court may take action on February 9, 2021 to put the issue on the ballot and if the City does not consent, there is the possibility that it could be created without the City and the ETJ.

Trevor Stokes, Representative for Pflugerville Professional Firefighters Association, spoke in support of allowing for an election for the creation of the Travis County Emergency Services District No. 17 overlay district.

Joshua Stubblefield, President, Pflugerville Professional Firefighters Association, spoke in support of allowing for an election for the creation of the Travis County Emergency Services District No. 17 overlay district.

Selena Xie, Austin EMS Association, provided information, stating that Pflugerville currently pays for Travis County EMS but is not using the service. She stated that they could add ALS ambulances to support Travis County ESD2, that there are solutions to be vetted. She stated that they are willing to be working partners with the ESD2.

Mr. Metayer requested an overview from Ms. Breland and she provided information. She stated that they believe there may be other options and that is why the City has issued the Request for Proposals (RFP). She stated that January 14, 2021 is the response date on the RFP. She stated that the ESD2 forecasting models and financials do not take into account increased revenues. She complimented the ESD2, stating that their response times are very impressive at 5-8 minutes. She stated that Mr. Metayer and Mr. Weiss serve as the Council Subcommittee.

Mayor Pro Tem Peña asked regarding the statement that the City would be making the decision for the ETJ (extraterritorial jurisdiction) and would be responsible to provide service in the ETJ. Mr. Metayer stated that the City would not be required to serve the ETJ. Ms. Katz confirmed that Mr. Metayer is correct, that if the ESD2 decides to cease providing service, there is no requirement for the City to provide services to the ETJ.

Mr. Heath stated that the revenues are underestimated and the costs are overestimated and there is nothing eminent to put this overlay in place. He stated that it is not prudent.

Mr. Rogers stated that he has a question for Mr. Metayer, that he has heard that if the ESD17 is approved, but not in the City, the ESD2 would not be able to provide EMS in the City. Mr. Metayer stated that is what they have been told, that they cannot have redundancy of services, but he cannot say from a legal standpoint. Mr. Metayer stated concerns for the rhetoric and stated that they need to look at the options and look for viable solutions. He stated that conversations need to take place with the City Council and the ESD2 and the Commissioners. Mr. Rogers stated that if the ESD stops providing EMS, he thinks they will have a surplus and will need to lower their taxes.

Mr. Metayer reassured citizens they will have services, that the process on how to get there is what they are trying to get at.

Mayor Pro Tem Peña stated concern that the ESD2 managers have not come forward for discussion and no other solutions have been proposed. He stated that all the Council agrees that it wants to work together. He stated a need to hear from their decision makers, not the labor. He stated that the signs that EMS will end and the fear, uncertainty and doubt created is irritating.

Mr. Weiss stated that he cannot disagree with Mayor Pro Tem Peña. He expressed congratulations to the firefighters on their efforts and for presenting their solution. He stated that they want to know why the City hasn't come to the table. He stated that the ESD leadership is not coming forward. He stated a need to figure out what the future looks like. He stated that this looks like a stop-gap solution. He stated need to work with the ESD leadership to come up with a comprehensive solution and a need to get together in our entirety to build a plan.

Mr. Metayer stated that the ultimate footprint of the City will be the footprint of the ESD2. He stated a need to come together and work through the issue. Mayor Pro Tem Peña stated to formally ask the ESD2 to reach out for a meeting.

Mr. Ruiz stated that he is always on board to let people vote on it, but the ESD2 board has remained quiet. He stated let's negotiate and make a plan. He stated that the Council will not leave the people in the dark. He stated that he thinks the firefighters are honorable people. He asked that they come together. Mr. Ruiz made a motion to table the item. Mr. Heath seconded the motion. Mayor Gonzales provided comments, stating that after having listened to a CPA's comments that there are healthy revenues in the ESD budget, it is their responsibility, that they have a fiduciary responsibility regarding municipal services. He stated that he feels the tactics of the Professional Firefighters were out of order and they need to move from a political agenda to an administrative agenda. He stated that citizens will not be without ambulance services. Mayor Pro Tem Peña asked regarding the motion, indicating that action needs to be taken prior to February 8, 2021. Mr. Ruiz indicated to make that amendment and Mr. Heath seconded the amendment. Mr. Metayer stated a need to also have Travis County at the table and to get price tags on the services. Mr. Ruiz asked to have the entire Council, not just the Subcommittee. Mayor Pro Tem Peña indicated that he would like to include the CTMS decision makers. Ms. Breland clarified her direction with Council. All voted in favor on the motion. The motion carried.

13. Discuss and consider action

- 13A. [2021-0025](#) Discuss and consider action to approve a Professional Services Supplemental Agreement with LJA Engineering, Inc., for professional engineering services associated with the East Pflugerville Parkway Extension east of Weiss Lane to the City's eastern city limits in the amount of \$355,494.75.

Mayor Gonzales opened the item for consideration. Ms. Davis provided information and answered questions of Council. Mr. Weiss made a motion to approve the item. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

- 13B. [2021-8843](#) Discuss and consider action to approve a professional services agreement with Kimley-Horn in the amount of \$349,995.80 for professional engineering services associated with the Pfluger Farm Lane North project and authorizing the City Manager to execute the same.

Mayor Gonzales opened the item for consideration. Mr. Heath made a motion to approve the item. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

14. Adjourn

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

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on January 26, 2021.