



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, April 14, 2020

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 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 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=e04125d0c79814843654f4a4a79376e56>

Meeting Code/Number: 961 666 277
Dial-in number: (US toll): +1-408-418-9388

Public comment will only be allowed via telephone/video conference. All speakers must register to speak at least 2 hours in advance of the meeting. All public comment will occur at the beginning of the meeting under the public comment item. Speakers must call in at least 15 minutes prior to the meeting start 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 meeting.

A recording of the telephone/video meeting will be made, and will be available to the public in accordance with the Open Meetings Act 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. He announced that the meeting was taking place by 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; Charles Zech, City

Attorney; Trey Fletcher, Assistant City Manager; James Hartshorn, Assistant City Manager; Amy Giannini, Assistant City Manager; Karen Thompson, City Secretary; Emily Barron, Planning Director; Maggie Holman, Public Information Officer; Patricia Davis, City Engineer; Aileen Dryden, Parks Development Manager; Amy Good, Finance Director; Shane Mize, Parks and Recreation Director; Gwen Holford, Digital Content Web Specialist.

2. Items of Community Interest

Mayor Gonzales spoke regarding the lighting of facilities in blue to support all healthcare and essential workers. He provided information on the extension of the Travis County stay at home order and new requirement to wear facemasks in public. Mr. Weiss announced that the Recycle Center is reopening on Friday. He recognized the Library for providing amazing services and Pflugerville Animal Welfare Services (PAWS) for their community outreach on social media with "Drawing your pet poorly." Mr. Marsh announced the City's banner "Stay Home/Pflugerville Strong" and banners at city facilities showing "Heroes Work Here." Mayor Pro Tem Peña thanked Representative Celia Israel and local businesses for securing Personal Protective Equipment (PPE) for the City.

3. Public Comment

Registration for public comment was taken until April 14, 2020 at 5:00 p.m. There were no requests for public comment.

Reading of the Consent Agenda

Items 6B, 7B, 7C, 7D, 7E, 7F, 7G, 7H, 7J, 7K, and 7M were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

4. Ordinances Second Reading

- 4A. [ORD-0513](#) Approving an ordinance on second reading with the caption reading: Amending Chapter 153 of the Code of Ordinances for the City of Pflugerville, Texas, by amending the fourth policy chapter of the 2030 Comprehensive Plan to include the Water Master Plan dated February 2020 and Updated Wastewater Master Plan dated February 2020; providing for severability; and providing an effective date.

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

- 4B. [ORD-0516](#) Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, finding that the provision of a solid waste collection and recycling is not a public utility; amending an exclusive franchise agreement for the collection, hauling, recycling and disposal of municipal solid waste and recyclable materials; amending certain terms and conditions of the franchise grant; extending the term of the franchise; and providing an effective date.

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

agenda.

- 4C. [ORD-0517](#) Approving an ordinance on second reading with the caption reading: An ordinance approving amended Impact Fees and amending Chapter 152, Implementation of Impact Fee, of the Code of Ordinances for the City of Pflugerville, Texas, to update the impact fees pursuant to Texas Local Government Code Chapter 395, Subchapter C; and providing an effective date.

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

5. Approval of Minutes

- 5A. [2020-8332](#) Approval of the minutes of the March 10, 2020 Worksession and Regular Meeting, March 13, 2020 Emergency Meeting and April 2, 2020 Special Meeting.

The minutes were approved on the consent agenda.

6. Resolutions

- 6A. [RES-0714](#) Approving a resolution with a caption reading: A resolution of the City of Pflugerville, Texas, authorizing the vacation, abandonment and release of an existing public utility easement originally granted to the City in a document volume 86 page 143 as recorded in the real property records of Travis County, Texas on May 9, 1986.

The resolution was approved on the consent agenda.

- 6C. [RES-0712](#) Approving a resolution accepting the fiscal year 2019 audit.

The resolution was approved on the consent agenda.

7. Other Actions

- 7A. [2020-8325](#) Review of the Quarterly Investment Report for the quarter ending December 31, 2019.

The item was approved on the consent agenda.

- 7I. [2020-8334](#) Approving a professional services supplemental agreement with Dannenbaum Engineering Company - Austin, LLC in the amount of \$75,100.00 for professional engineering services associated with the design, bidding and construction administration for the Community Development Block Grant (CDBG) 2019 Pavement Rehabilitation Program Project and authorizing the City Manager to execute the agreement.

The item was approved on the consent agenda.

- 7L. [2020-8339](#) Approving the Mayor's appointment of Mark Lee to the Personnel Appeal Board for a term ending December 31, 2022.

The item was approved on the consent agenda.

- 7N. [2020-8362](#) Approving the appointment of Cody Collins as IT Director.

The item was approved on the consent agenda.

Approval of the Consent Agenda

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

6. Resolutions - Removed from the Consent Agenda

- 6B. [RES-0711](#) Approve a resolution with the caption reading: Resolution by the City of Pflugerville, Texas, ("City") responding to the application of Atmos Energy Corporation - MidTex Division, to increase rates under the Gas Reliability Infrastructure Program; suspending the effective date of this rate application for forty-five days; authorizing the City to continue to participate in a coalition of cities known as the "Atmos Texas Municipalities;" determining that the meeting at which the resolution was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and declaring an effective date.

Mr. McDonald indicated that he had removed from consent as he wanted a better understanding and report. Ms. Breland asked Alfred Herrera, Herrera Law & Associates, coalition attorney for Atmos Texas Municipalities (ATM), to provide information. Mr. Herrera provided information and answered questions. There was discussion. Mr. Weiss made a motion to approve the resolution item 6B. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

7. Other Actions - Removed from the Consent Agenda

- 7B. [2020-8314](#) Authorizing the City Manager to approve the purchase of playground equipment for the Wilbarger Creek Park project from The Playwell Group, Inc. in the amount of \$130,142.89 utilizing the Texas Association of School Boards (TASB) cooperative purchasing contract (BuyBoard).

Mayor Pro Tem Peña indicated that he had removed from consent due to the cost. Ms. Davis provided information and confirmed the purchase would be made from the TASB cooperative purchasing contract (BuyBoard). Mayor Pro Tem Peña made a motion to approve. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

- 7C.** [2020-8267](#) Approving a professional services supplemental agreement with DKS Associates, in the amount of \$129,880.00 for professional engineering services associated with the Kelly Lane Major Investment Study (MIS) Phase 4 and authorizing the City Manager to execute same.
- Mayor Pro Tem Peña indicated that he had removed from consent due to the cost. Mr. Heath stated that he also had questions on the item. He asked if they are going to get good traffic data with the decrease in traffic at this time. Ms. Davis stated that the traffic data was collected the week of March 7, 2020 prior to the beginning of the COVID-19. Ms. Davis provided additional information and answered questions. Mr. Heath stated concerns regarding holiday counts and stated that he thinks that other traffic counts are available. There was continued discussion. Ms. Davis stated that she can look into other traffic counts that may be available and provide any additional data to the consultant. Mr. Metayer made a motion to approve. Mr. McDonald 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.**
- 7D.** [2020-8310](#) Approving a Storm Water Facilities Maintenance Covenant, License and Agreement for the Cardinal Crossing Phase 3 Condo development located generally in between Black Locust and Pflugerville Parkway at 601 East Pflugerville Parkway and authorizing the City Manager to execute the agreement.
- The item was removed from the consent agenda. There was no discussion or action on the item.**
- 7E.** [2020-8311](#) Approving a Storm Water Facilities Maintenance Covenant, License and Agreement for the Rowe East Condo development located northeast of the intersection of Rowe Lane and Rowe Loop and authorizing the City Manager to execute the agreement.
- The item was removed from the consent agenda. There was no discussion or action on the item.**
- 7F.** [2020-8312](#) Approving a Storm Water Facilities Maintenance Covenant, License and Agreement for the Rowe West Condo development located northwest of the intersection of Rowe Lane and Rowe Loop and authorizing the City Manager to execute the agreement.
- The item was removed from the consent agenda. There was no discussion or action on the item.**
- 7G.** [2020-8330](#) Approving a Professional Services Agreement with CP&Y, Inc. in the amount of \$621,849.01 for professional engineering services associated with the Melber Lane Roadway project
- Mayor Pro Tem Peña indicated that he had removed from consent due to the cost. Ms. Davis provided information on the project and answered questions. There was discussion on the item. Mr. Metayer requested that the City Attorney look at a force majeure clause. Mr. Zech indicated that he would and with agreements going forward. Mayor Pro Tem Peña indicated concern that Travis**

County is not participating. Ms. Davis stated that Travis County has no funding available at this time. Mr. Weiss stated that this would be to have plans on the shelf to be prepared in the future for a call for projects. Mr. Metayer made a motion to approve. Mr. Heath 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.

7H. [2020-8331](#)

Approving the selection of Tetra Tech, Inc. for professional services associated with the preparation of a Risk and Resilience Plan and authorizing the City Manager to execute a professional services agreement with Tetra Tech in the amount of \$153,153.00.

Mayor Pro Tem Peña and Mr. Heath indicated that they removed from the consent agenda for additional information. Ms. Giannini provided information and answered questions. Mr. Heath made a motion to approve. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

7J. [2020-8342](#)

Authorizing the City Manager to approve the purchase of replacement filter media cloth equipment for the Central Wastewater Treatment Plant from Aqua-Aerobic Systems, Inc. in the amount of \$61,052.40.

Mr. Heath stated that he wanted to confirm that this is a regular maintenance item. Ms. Breland stated that it is an item that requires maintenance. Ms. Giannini stated that it has worn over time and requires replacement at this time. She answered additional questions. She explained that the item will no longer be needed after the expansion is complete, but is required at this time and will not need to be replaced again. Mr. Heath made a motion to approve. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

7K. [2020-8354](#)

Approve the award of a bid to Swift Corporation for the replacement of a fence surrounding the Scott Mentzer Pool in the amount of \$67,750.00 and authorize the City Manager to execute a standard governmental contract and purchasing rider for same.

Mr. McDonald indicated that he had removed from the consent agenda and indicated concern for only receiving 2 bids. Ms. Breland and Mr. Hartshorn indicated that they are unsure why there were only 2 bids. Ms. Breland explained that they used the City's regular bid solicitation process. Mr. Marsh asked about the funding. Mr. Hartshorn stated that it is included in the pool program funds. Mr. Hartshorn explained that the current fence is 15 years old and it is time to replace with a better design. Mr. Hartshorn answered questions and discussion followed. Mr. McDonald made a motion to approve. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

7M. [2020-7855](#)

Awarding a construction contract for the 2019 Community Development Block Grant (CDBG) Pavement Rehabilitation Project on El Malino and Bellemeade to M.A. Smith Contracting Company, Inc., the lowest responsible bidder of four (4) bids received on February 27, 2020, in the amount of \$406,969.80 and authorizing the City Manager to execute same.

Ms. Davis provided information on the bids received and the project scope. She stated that the funding expires in July, so it is important to award the

contract at this time. Ms. Davis answered questions and there was discussion. Mr. Metayer made a motion to approve. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

8. Discuss and consider action

- 8A. [2020-8326](#) Discuss and consider action to approve the selection of Freese and Nichols for professional services associated with the preparation of a Comprehensive Plan and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

Mayor Pro Tem Peña announced that he was recusing himself due to a potential conflict of interest (in that his brother in law is employed with Freese and Nichols). Mr. Fletcher provided information on the RFP process and the recommendation to select Freese and Nichols. He answered questions and there was discussion. Ms. Breland stated that the Comprehensive Plan is included in the FY20 budget. She provided additional information on the qualifications of Freese and Nichols. There was continued discussion. Mr. Heath made a motion to approve item 8A as presented. Mr. McDonald had additional questions and Ms. Breland and Mr. Fletcher provided information. Mr. Heath made a motion to approve. Mr. Metayer seconded the motion. Mayor Pro Tem Peña abstained from all discussion and the vote on the item. All voting voted in favor. The motion carried.

9. Discuss only

- 9A. [2020-8363](#) Discussion regarding establishing requirement that landlords must provide notice of proposed eviction prior to notice to vacate as result of the COVID-19 pandemic.

Mayor Pro Tem Peña returned to the meeting. Mayor Pro Tem Peña stated that Kyle had this on their agenda last week and he thought that it was worthwhile discussion. Mr. Metayer stated that there is an order from the County that provides protection until May 8. Mayor Pro Tem Peña stated that they may want to look at beyond May. Mr. Marsh stated that if the City were to put requirements in place, it may make people think that they don't have to pay their rent. He stated that he thinks it could be burdensome to the property owner. Mr. Heath stated that it is a good question on how you balance that. Mr. Metayer stated to agree with Mr. Marsh, that everyone is getting squeezed. Mr. Marsh stated that property owners do not want to evict right now and that they are working with tenants as much as possible. Mr. Zech stated that the Travis County Court system has put a hold on property evictions. Mr. Heath stated that we need to see how we are going to get people back to work. Mayor Gonzales stated that he thinks this is a good discussion and that they have to weigh the economic side. Mr. Weiss stated that he is comfortable with the current protections. Discussion followed with Mr. Zech regarding the limited authority of the City to provide regulations. He stated that he thinks they have little power over late fees. Mr. Marsh suggested waiting to see how it turns out.

- 9B. [2020-8364](#) Discussion regarding placing a temporary moratorium on construction activities in the City of Pflugerville due to the COVID-19 pandemic.

Mayor Pro Tem Peña stated that he brought this forward for discussion. He

indicated concern that in these environments they may not be performing PPE (Personal Protective Equipment) and distancing. Ms. Breland stated that Robert Polanco, Building Official, had reported good compliance with commercial more than residential. She stated that Building Inspection had put precautions in place for City staff in conducting inspections. Mr. Marsh provided information on construction site safety. He noted that workers on construction sites are typically more than six feet apart. He stated that construction is an essential job. Mr. Zech indicated that yes it is and provided information. There was continued discussion. Mayor Gonzales stated that he has received some citizen concerns and that we need to educate what is permitted and what is not. Mr. Heath asked regarding the current construction permit process and Mr. Fletcher provided information. There was continued discussion.

10. Discuss and consider action

- 10A. [2020-8323](#) 1.) Executive Session Item: Pursuant to Chapter 551.072 of the Texas Government Code, deliberations regarding the purchase, exchange, lease, transfer and/or sale of real property related to the SH 45 Water and Wastewater Line Extension project. 2.) Open Session Item: Discuss and consider action regarding the purchase, exchange, lease, transfer and/or sale of real property related to the SH 45 Water and Wastewater Line Extension project.

Mayor Gonzales read the item and announced that the City Council was retiring to executive session. The time was 8:50 p.m. Mayor Gonzales reconvened in open session at 9:03 p.m. No action was taken.

11. Adjourn

Mayor Gonzales adjourned the meeting at 9:03 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on April 28, 2020.