



City of Pflugerville

Minutes - Final

City Council

Tuesday, July 27, 2021

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.

The items were addressed in the order they appear in the minutes.

1. Call to order

Mayor Gonzales called the meeting to order at 7:03pm. Mayor Pro Tem Peña, Councilmembers Doug Weiss, Ceasar Ruiz, Rudy Metayer, Mike Heath, and David Rogers were in attendance.

City employees in attendance: Sereniah Breland, City Manager; Trey Fletcher, Deputy City Manager; James Hartshorn, Assistant City Manager; Amy Giannini, Assistant City Manager; Charles Zech, City Attorney; Emily Barron, Planning and Development Services Director; Trista Evans, City Secretary; Jason Smith, Acting Police Chief; Sheila Wiora, Parks and Recreation Assistant Director; Maggie Holman, Public Information Officer; Terri Toledo, Communications Director; Jennifer Griswold, Library Director; Shawn Cooper, Parks Development Manager; Bonita Hall, People and Culture Director.

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

Mayor Gonzales announced that Pflugerville Animal Welfare Services is offering \$20 adoptions at the shelter for cats and dogs. Visit

pflugervilletx.gov/adopt to see the animals that are available. Mayor Gonzales announced that Pflugerville Parks and Recreation will be hosting Music in the Park Friday night at Pfluger Park with La Dezz from 7:30-9:30pm. Mayor Gonzales announced that that Pflugerville is now in Stage 4 of Austin Public Health Covid-19 guidelines and masks are recommended for those unvaccinated. For vaccine and other Covid-19 information visit pflugervilletx.gov/virus.

Mr. Heath stated he would like to echo what the Mayor said about vaccines saying it is everyone's duty to the community to get vaccinated.

Mr. Metayer stated that dividers are up at the dais and asked everyone to do their research and get the vaccine. He commended Pflugerville ISD and their discussions in their planning meeting about a lot of the issues that will be coming up this next school year and stated they have been great partners.

Mr. Rogers encouraged everyone to get their vaccine regardless of politics.

4. Presentations

4A. [2021-0708](#)

Presentation of the quarterly report and discussion about the City's Capital Improvement Program and 2020 Bond Program Status.

Ms. Davis introduced Jim Smith with Vanir and Chris Trevino with Freese and Nichols. Mr. Trevino gave a presentation to council about Transportation General Obligation Bonds and answered questions from the council. Ms. Davis provided clarification to the council about the schedule. Jim Smith with Vanir provided information about Parks General Obligation Bond and answered questions from the council related to the estimated schedule, and selection process.

Ms. Davis gave a presentation providing information about the Capital Improvement Program (CIP) third quarter budget, and some of the active CIP projects and answered questions from council. Ms. Davis provided information about projects currently under design and projects that are coming up. Mr. Heath requested Gantt charts to clarify the schedules since there are many projects.

5. Public Comment

Emily Alvers, Falcon Pointe, stated she has a passion for children and promoting health and thanked the city for the successes this year. She voiced concern related to the Falcon Pointe Disc Golf Course and lack of oversight. She stated Central Park as it once was no longer exists and people come play in the park who do not live there and do not treat the park or the neighborhood with respect. Ms. Alvers asked council to consider the residents who want to enjoy the parks safely and asked for the baskets to be removed.

Matt Alvers, Falcon Pointe, stated people came to Central Park in June of 2020 to relocate and re-install the disc golf baskets. He stated from his research the previous designer did not have knowledge about how to design a course. Mr. Alvers stated he has concerns that there are no signs warning people they may be hit, and there is no area in the park where someone would be safe from being hit. He stated he reached out to a disc golf designer and provided the

report to council, detailed his concerns about the activities of people who use the course, and asked council to close it until it can be relocated.

6. Public Hearing and Ordinance First Readings

- 6A. [ORD-0594](#) 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 zoning designation of approximately 0.29 acres being Lot 4 Block 3 of the George Pfluger Addition, in Pflugerville, Texas, from Office (O) district to Neighborhood Services (NS) district; to be known as the 201 W Main St Rezoning (REZ2106-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

Mayor Gonzales read the item and opened the public hearing. Ms. Barron provided information on the rezoning, stating Planning and Zoning Commission approved the item, and answered questions from the council. The applicant, Blanca Rodriguez, provided information about her salon business and stated she would love to own her salon here in downtown Pflugerville. There were no requests to speak. Mr. Weiss made a motion to close the public hearing. Mr. Heath seconded the motion. All voted in favor. The motion carried.

Mr. Weiss made a motion to approve the ordinance on first reading. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

- 6B. [ORD-0592](#) 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 zoning designation of approximately 43.013 acres of land out of the J. Van Winkle Survey Abstract No. 787, the WM. Barker Survey Abstract No. 109, and the P. Conrad Survey Abstract No. 200 all located generally northeast of the New Meister Ln and Meister Ln intersection, portions of Meister Ln, and land generally west of Meister Ln from Urban Level 4 (CL4) to Campus Industrial (CI); to be known as the Longhorn Rezoning (REZ2106-02); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

Mayor Gonzales read the item and opened the public hearing. Ms. Barron provided information on the rezoning stating it was approved by the Planning and Zoning Commission. The applicant, Michael Clark, stated he was representing the land owner and developer. Mr. Clark stated their goal was for continuity and the need for one contiguous piece of zoning. Discussion followed regarding the area and Mr. Clark and Mr. Fletcher answered questions from the council. There were no requests to speak. Mr. Heath made a motion to close the public hearing. Mr. Weiss seconded the motion. All voted in favor.

Mr. Metayer made a motion to approve the ordinance on first reading. Mr.

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

Reading of the Consent Agenda

Items 9F, 10A, 10C, 10D, and 10F were removed from the consent agenda. Ms. Evans read the items to include the captions of the ordinances under consideration.

7. Ordinances Second Reading

- 7A. [ORD-0591](#) Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, amending the City of Pflugerville Code of Ordinances Title III Administration, Chapter 31 Departments, Boards and Commissions, Section 31.60 Equity Commission, to amend Section 31.63 to establish an alternate member position; providing that this ordinance shall be cumulative and repealing all ordinances in conflict; providing for severability; and declaring an effective date.

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

8. Approval of Minutes

- 8A. [2021-0752](#) Approval of the minutes of the July 13, 2021 Quorum, Worksession and Regular Meeting, and July 17, 2021 Special Meeting.

The minutes were approved on the consent agenda.

9. Resolutions

- 9A. [RES-0897](#) Approving a resolution with the caption reading: A Resolution of the City of Pflugerville, Texas accepting a Stormwater Facilities Maintenance Covenant, License and Agreement for Destiny Church Pond Maintenance between Destiny Church Outreach Center (“Owner”) and the City of Pflugerville (“City”).

The resolution was approved on the consent agenda.

- 9B. [RES-0898](#) Approving a resolution with the caption reading: A Resolution of the City of Pflugerville, Texas accepting a Stormwater Facilities Maintenance Covenant, License and Agreement for CrossLife Academy Pond Maintenance between CrossLife Christian Academy (“Owner”) and the City of Pflugerville (“City”).

The resolution was approved on the consent agenda.

- 9C. [RES-0899](#) Approving a resolution with the caption reading: A Resolution of the City of Pflugerville, Texas accepting a Stormwater Facilities Maintenance Covenant, License and Agreement for Lisso Phase 1 Pond Maintenance

between Taylor Morrison of Texas, Inc. ("Owner") and the City of Pflugerville ("City").

The resolution was approved on the consent agenda.

- 9D.** [RES-0900](#) Approving a resolution with the caption reading: A Resolution of the City of Pflugerville, Texas accepting a Stormwater Facilities Maintenance Covenant, License and Agreement for Pflugerville Assisted Living Pond Maintenance between Pflugerville Senior Living, LLC, a Limited Liability Company ("Owner") and the City of Pflugerville ("City").

The resolution was approved on the consent agenda.

- 9E.** [RES-0901](#) Approving a resolution with the caption reading: A Resolution of the City of Pflugerville, Texas authorizing the City Manager to execute Utility Conveyance and Security Agreements for Sorento Phases 4-10.

The resolution was approved on the consent agenda.

- 9G.** [RES-0903](#) Approving a resolution appointing Wayne Redd as a replacement member to the bond committee.

The resolution was approved on the consent agenda.

10. Other Actions

- 10B.** [2021-0751](#) Authorizing the City Manager to execute a purchase agreement and associated conveyance documents between Timmermann Commercial Investments, LP (Parcel 1) and the City of Pflugerville as necessary to acquire real property interests for the Highland Park Wastewater Interceptor Project.

The item was approved on the consent agenda.

- 10E.** [2021-0698](#) Approving the selection of Burditt Consultants, LLC. for professional services associated with the 2020 Parks Bond Program Project: 1849 Park Phase 2 and authorizing the City Manager to execute a professional services agreement in the amount of \$1,915,050.

The item was approved on the consent agenda.

- 10F.** [2021-0701](#) Approving the selection of MWM DesignGroup for professional services associated with the 2020 Parks Bond Program Projects: Trail Gaps and Trail Improvements and authorizing the City Manager to execute a professional services agreement in the amount of \$220,000.00.

The item was approved on the consent agenda.

- 10G.** [2021-0702](#) Approving the selection of Asakura Robinson for professional services associated with the 2020 Parks Bond Program Projects: Pecan Park and Picadilly Park and authorizing the City Manager to execute a

professional services agreement in the amount of \$316,458.86.

The item was approved on the consent agenda.

- 10H.** [2021-0705](#) Approving the selection of Dunaway Associates, LLC. for professional services associated with the 2020 Parks Bond Program Projects: Kelly Lane Park and Murchison Mallard Park and authorizing the City Manager to execute a professional services agreement in the amount of \$374,163.00.

The item was approved on the consent agenda.

- 10I.** [2021-0706](#) Approving the selection of Studio 16:19 for professional services associated with the 2020 Parks Bond Program Project: Wilbarger Creek Park Phase 2 and authorizing the City Manager to execute a professional services agreement in the amount of \$499,751.00.

The item was approved on the consent agenda.

- 10J.** [2021-0709](#) Approving the selection of CP&Y, Inc., for professional engineering services associated with the 12-inch Water Lines in New 794' Pressure Zone and 36/30-inch Weiss Lane/Kelly Lane Water Line projects and authorizing the City Manager to execute a professional services agreement in the amount of \$978,440.00.

The item was approved on the consent agenda.

- 10K.** [2021-0710](#) Approving the selection of K Friese + Associates, Inc. for professional engineering services associated with the 2020 Transportation Bond Program Project: Cameron Road Re-Alignment and authorizing the City Manager to execute a professional services agreement in the amount of \$389,702.49.

The item was approved on the consent agenda.

- 10M.** [2021-0712](#) Approving the selection of Rodriguez Transportation Group, Inc. for professional engineering services associated with the 2020 Transportation Bond Program Project: Immanuel Road and authorizing the City Manager to execute a professional services agreement in the amount of \$1,096,623.36.

The item was approved on the consent agenda.

- 10N.** [2021-0713](#) Approving the selection of Burns and McDonnell Engineering Company, Inc. for professional engineering services associated with the 2020 Transportation Bond Program Project: Intersection Improvements including E. Pflugerville Parkway at FM 685 and FM 685 at Copper Mine Overpass and authorizing the City Manager to execute a professional services agreement in the amount of \$224,335.13.

The item was approved on the consent agenda.

100. [2021-0714](#) Approving the selection of Vickrey and Associates, LLC for professional engineering services associated with the 2020 Transportation Bond Program Project: Kelly Lane Phase 3 and authorizing the City Manager to execute a professional services agreement in the amount of \$1,527,103.59.

The item was approved on the consent agenda.

- 10P. [2021-0715](#) Approve the selection of Cobb, Fendley & Associates, Inc. for professional engineering services associated with the 2020 Transportation Bond Program Project: Main Street Improvements and authorizing the City Manager to execute a professional services agreement in the amount of \$322,764.55.

The item was approved on the consent agenda.

Action on the Consent Agenda

Mr. Heath made a motion to approve the consent agenda. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

Discuss and Consider Action

- 11A. [2021-0754](#) Conduct introductions and take action to make appointment to the Equity Commission for a regular member with an unexpired term ending December 31, 2022 and an alternate member with a term ending December 31, 2021.

Mayor Gonzales moved item 11A up on the agenda and opened the item for consideration. Pat Epstein was present and spoke about her experience and interest in the Equity Commission and answered questions from council. Virginia Rogers was present and spoke about her love of public service and personal experiences and answered questions from council. Mr. Metayer made a motion to appoint Pat Epstein and Virginia Rogers to the two full member unexpired terms and Elizabeth Montoya to the alternate opening. Mr. Heath seconded the motion. All voted in favor. The motion carried.

Other Actions - Removed from Consent Agenda

- 10C. [2021-0757](#) Appointing Nicholas Goettsche to the Deutschen Pfest Committee with a term ending December 31, 2021.

Mayor Gonzales moved item 10C. up on the agenda and opened the item for consideration. Nicholas Goettsche was present and spoke to council about his background and answered questions from council about his expectations of the committee. Mr. Metayer made a motion to approve Nicholas Goettsche's appointment to the Deutschen Pfest Committee. Mr. Heath seconded the motion. All voted in favor. The motion carried.

Resolutions - Removed from Consent Agenda

- 9F. [RES-0902](#) Approving a resolution authorizing the City to participate as part of the Coalition of Cities in proceedings to be hold by the Railroad Commission of Texas related to implementation of House Bill 1520.

Mayor Gonzales opened the item for consideration. Mr. Fletcher provided background information and answered questions from the council. Mr. Fletcher stated he would invite Alfred Herrera with Herrera Law & Associates to the next meeting to answer questions if needed. Mr. Heath made a motion to postpone the item until the next meeting. Mr. Rogers seconded the motion. All voted in favor. The motion carried.

Other Actions - Removed from Consent Agenda

- 10A. [2021-0750](#) Approving an amendment to the professional services agreement with Freese and Nichols, Inc. in the amount of \$100,000 for professional services associated with the preparation of a Comprehensive Plan and authorizing the City Manager to execute same.

Mayor Gonzales opened the item for consideration. Mayor Pro Tem Peña announced that he was recusing himself on the item due to a possible conflict of interest (in that his brother in law is employed with Freese and Nichols) and left the dais. Mr. Heath made a motion to approve the item. Mr. Rogers seconded the motion. All present voted in favor. Mayor Pro Tem Peña abstained and did not participate in discussion or in the vote of the item. The motion carried.

- 10D. [2021-0759](#) Approving a Public Safety Quarantine Leave Policy and authorizing to the City Manager to make subsequent changes in accordance with statutory guidelines.

Mayor Gonzales opened the item for consideration. Mayor Pro Tem Peña asked what sort of accommodations are made for departments like Public Works. Mr. Heath stated he wanted to hear from the Police what sort of challenges they are facing. Ms. Breland stated this was brought forward to bring the city into accordance with state law. Chief Smith answered questions from council and gave some information about the law. Mr. Metayer made a motion to approve the item as presented. Mr. Rogers seconded the motion. All voted in favor. The motion carried.

- 10L. [2021-0711](#) Approve the selection of Kimley-Horn and Associates, Inc. for professional engineering services associated with the 2020 Transportation Bond Program Project: East Pecan Street Improvements and authorizing the City Manager to execute a professional services agreement in the amount of \$791,024.30.

Mayor Gonzales opened the item for consideration. Sam Lundquist with Kimley Horn provided information and answered questions from council. Mr. Metayer made a motion to approve the item as presented. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

11. Discuss and consider action

- 11B.** [2021-0753](#) Discuss and consider action regarding adding Charter amendment propositions to the November 2, 2021 special election ballot.
- Mayor Gonzales** opened the item for consideration. **Ms. Breland** stated that if there are any other Charter amendments the council has this is the time for them because the election will be called at the next meeting. **Mr. Weiss** asked **Mr. Zech** if he had reviewed the Charter for any conflicts with state law. **Mr. Zech** stated he had and that would be included in the final document. No action was taken.
- 11C.** [2021-0756](#) Discuss and consider action regarding the Fire & EMS Assessment / Service Options for the City report prepared by AP Triton.
- Mr. Metayer** made a motion to postpone the item until the report from AP Triton is received. **Mr. Heath** seconded the motion. **Ms. Breland** stated it would be complete the end of September. All voted in favor. The motion carried.
- 11D.** [2021-0772](#) Discuss and consider action on \$5 million CO bond issuance for EMS
- Mr. Metayer** asked if this should be postponed until the report is done also. **Ms. Breland** stated staff has been directed to issue the \$5 million. **Mr. Weiss** made a motion to instruct staff to take no further action on the issuance of COs. **Mr. Metayer** seconded the motion. **Mayor Pro Tem Peña** asked if he would accept an amendment to cease all action. **Mr. Weiss** accepted the amendment. **Mr. Metayer** accepted the amendment.
- Discussion followed regarding the timeline and what the law would allow. **Dusty Traylor** with RBC Capital provided information on what the law details and stated there is some ambiguity of where EMS falls that would have to be addressed. **Mr. Traylor** provided information about what kind of information would be needed on the timeline and answered questions from council.
- Mayor Gonzales** called for a vote on the previous motion. **Mr. Rogers** voted no. All others voted yes. The motion carried.
- [2021-0756](#) Discuss and consider action regarding the Fire & EMS Assessment / Service Options for the City report prepared by AP Triton.
- Mr. Weiss** requested item 11C. be reopened for discussion. He stated that he heard that the council may want to meet with the Travis County ESD2 Board of Commissioners and the Board stated a desire to hold a mediated meeting. Discussion followed regarding the setup of the meeting and who would be involved. **Mr. Heath** stated he would like to see the council, the board, AP Triton, and if they wanted to bring someone. Discussion followed about location and dates. **Mr. Weiss** stated he would like a date where 5 council members and 4 commissioners can be present. After discussion August 7, 14, and 28 were provided as times to send to the board for meeting dates. **Mr. Heath** stated it would be for a review of the operational performance, numbers, a look at AP Triton's operational model as it compares to theirs.
- 11E.** [2021-0552](#) 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 Melber Lane Roadway Project. 2.) Open Session Item: Discuss and consider action to authorize City Staff and City Attorney to take any and all action necessary to secure right-of-entry and access to real property for the purpose of conducting a survey and any other testing as needed for the Melber Lane roadway project.

Mr. Metayer made a motion to authorize City Staff and City Attorney to taken any an all action necessary to secure right-of-entry and access to real property for the purpose of conducting a survey and any other testing as needed for the Melber Lane roadway project. Mr. Heath seconded the motion. Mayor Pro Tem Peña voted no. All others voted yes. The motion carried.

12. Discuss only

12A. [2021-0748](#) Discussion regarding Deutschen Pfest Updates.

Discussion on this item took place in the earlier worksession.

12B. [2021-0647](#) Request to place item on future agenda.

Mr. Heath stated he would like staff to give a presentation on Central Park and the disc golf next month. He stated he would like to see the options for recovery of excess natural gas for Winter Storm Uri. Ms. Breland stated Mr. Herrera will be here for the next meeting and the topic will be covered.

Mr. Rogers asked to look at the Parks and Recreation plan to do the repairs and upgrades necessary on the two houses in Heritage Park. Mr. Weiss stated Mr. Rogers may want a conversation with staff before that. Mr. Rogers stated it could be a worksession item. There was discussion about meeting with staff first. Mr. Rogers agreed to meet with staff before requesting an agenda item. Mr. Rogers stated he would like to see any additional efforts to recover road expansion expenses from some of the nearby subdivisions east of Pflugerville. Ms. Breland stated that discussion would be happening at Friday's meeting. Mayor Pro Tem Peña requested an item about the trigger for the city around Covid restrictions now that the county is starting to elevate.

13. Adjourn

Mayor Gonzales adjourned the meeting at 10:00pm.

Respectfully submitted,

Trista Evans, City Secretary

Approved as submitted on August 10, 2021