



City of Pflugerville

Minutes - Final - Draft

City Council

Tuesday, January 26, 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=e30fbaec7c45a72de4c8c1f3b8c1cab93>

Meeting Code/Number: 146 739 3369

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, Mike Heath and David Rogers were in attendance. City employees attending: Sereniah Breland, City Manager; Charlie Zech, City Attorney; Trey Fletcher, Deputy City Manager; James Hartshorn, Assistant City Manager; Amy Giannini, Assistant City Manager; Karen Thompson, City Secretary; Patricia Davis, City Engineer; Gwen Holford, Application and Web Developer; Jesse Davis, Communications Specialist; Melissa (Neel) Moore, Finance Director; Stephanie Nations, Budget Analyst; Ali Abdelfattah, Assistant City Engineer; Emily Barron, Planning and Development Services Director; Evan Groeschel, Public Works Operations Director; Derek Klenke, Assistant City Engineer; Jennifer Grizwold, Library Director; Shawn Cooper, Parks Development Manager; Shane Mize, Parks and Recreation Director; Romulus Atanasiu, Engineer Associate, Jessica Robleo, Police Chief; Bradley Marshall, Construction Manager; Maggie Holman, Public Information Officer.

2. Items of Community Interest

Mayor Gonzales provided reminders regarding the Pflugerville COVID testing center and staying safe. Mr. Metayer stated that Coach Todd at Connally High School had passed away and stated that we would have him and his family in our prayers.

3. Presentation

- 3A. [2021-0030](#) Finance Department annual presentation.

Ms. Moore presented and answered questions of Council.

4. Public Comment

Mayor Gonzales stated that registration for Public Comment was taken in advance of the meeting until 5:00 today and that he had received written comments and requests to speak on the subject of items 12C, 12D, 13A and 13B and that he would take those together with the items later in the meeting. He stated that he had also received one general public comment. Ms. Thompson read the written comment from Joshua Watson, Falcon Pointe resident, requesting that the City reopen the Wells Branch and 1849 fields so their kids can practice and hold their soccer season. Mr. Metayer asked for input from

Ms. Breland. Ms. Breland stated that the City is aligning the opening of the fields with the County who will reopen once in Stage 3.

5. Public Hearing and Ordinance First Readings

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

- 5A. [ORD-0563](#) 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 an approximate 48.126 acre-tract of land located at the southeast corner of the E Pflugerville Pkwy and Wilke Ridge Ln intersection along the south side of E Pflugerville Pkwy, from Retail (R) and General Business 1 (GB1) district to Planned Unit Development (PUD) district; to be known as the Hill Country Bible Church PUD Rezoning (REZ2008-01); 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 under consideration. Ms. Barron provided information and answered questions. Luke Bourolon, developer; Justin Kramer, civil engineer; and Michael Waldon, church elder; were in attendance and answered questions and discussed with the Council. Ms. Barron answered additional questions of Council. Mr. Bourolon provided information on this being an active adult product. There was continued discussion.

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

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

Reading of the Consent Agenda

Items 11E, 11F and 11H were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

6. Ordinances First Reading

- 6A. [ORD-0567](#) Approving an ordinance on first reading with the caption reading: Ordinance of The City of Pflugerville, Texas, amending the City of Pflugerville, Texas Code of Ordinances, Chapter 72 by supplementing Schedule III to provide for additional Stop Signs on City streets, providing for a penalty for a violation of Chapter 72 as a Class C misdemeanor and a fine in an amount not to exceed \$200.00; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an

effective date.

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

7. Ordinance Second Reading

- 7A. [ORD-0560](#) Approving an ordinance on second 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 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)

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

8. Ordinance Third Reading

- 8A. [ORD-0556](#) Approving an annexation ordinance on third 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 on third and final reading on the consent agenda.

9. Approval of Minutes

- 9A. [2021-0080](#) Approval of the minutes of the January 5, 2021 Special Meeting and January 12, 2021 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

10. Resolutions

- 10A. [RES-0822](#) Approving a resolution authorizing the City Manager to apply for and to accept, if awarded, a Victim of Crime Act Formula Grant award in the

amount of \$62,681.46 from the Office of the Governor for the funding of personnel, purchase of equipment, and training.

The resolution was approved on the consent agenda.

10B. [RES-0823](#)

Approving a resolution authorizing the City Manager to apply for and to accept, if awarded, a First Responder Mental Health Program Grant award for \$13,030.00 from the Office of the Governor for the enhancement of the current Police Resiliency Program for department staff.

The resolution was approved on the consent agenda.

10C. [RES-0824](#)

Approving a resolution authorizing the City Manager to apply for and to accept, if awarded, a Project Safe Neighborhood Grant award in the amount of \$184,085.00 from the Office of the Governor for the funding of personnel and purchase of equipment.

The resolution was approved on the consent agenda.

10D. [RES-0825](#)

Approving a resolution authorizing the City Manager to apply for and to accept, if awarded, a State Homeland Security Program Grant award in the amount of \$172,681.00 from the Office of the Governor for the funding of equipment.

The resolution was approved on the consent agenda.

10E. [RES-0826](#)

Approving a resolution authorizing the City Manager to apply for and to accept, if awarded, a Justice Assistance - Byrne Grant Program award in the amount of \$47,224.20 from the Office of the Governor for the purchase of equipment and training.

The resolution was approved on the consent agenda.

10F. [RES-0827](#)

Approving a resolution rejecting all bids received for the Pecan Street and Dessau Road Displaced Left Turn Intersection Project.

The resolution was approved on the consent agenda.

11. Other Actions

11A. [2021-0084](#)

Authorizing the City Manager to approve the purchase of City vehicles from Caldwell Country Ford in the amount of \$211,017.00 using budgeted fiscal year 2021 funds and utilizing the Buyboard purchasing cooperative contract.

The item was approved on the consent agenda.

11B. [2021-0085](#)

Authorizing the City Manager to execute a contract for contractual mowing services with Unity Contractor Services, Inc. the lowest responsible bidder of four (4) bids received in the amount of

\$535,453.54.

The item was approved on the consent agenda.

- 11C. [2021-0090](#) Approving action to authorize the City Manager to execute a change order for the West SH-130 Wastewater Interceptor Project to SJ Louis Construction of Texas, a deduction from the contract in the amount of \$65,500.00.

The item was approved on the consent agenda.

- 11D. [2021-0091](#) Approving a professional services supplemental agreement with Kimley-Horn in the amount of \$66,500.00 for professional engineering services associated with the Highland Park interceptor project and authorizing the City Manager to execute the same.

The item was approved on the consent agenda.

- 11G. [2021-0088](#) Approving the selection of Vanir Construction Management, Inc for professional consulting services associated with the 2020 General Obligation Bond Parks Projects and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

11. Other Actions - Removed from the Consent Agenda

- 11E. [2021-0097](#) Approving a Replacement Water Tower License Agreement between the City of Pflugerville and Cellco Partnership D/B/A Verizon Wireless and authorizing the City Manager to execute said agreement.

Mr. Weiss stated that he would like to recognize staff for proactively reviewing and renegotiating this contract instead of letting it auto-renew. He noted that it results in an additional quarter of a million dollars in revenue over the next ten years. Mr. Weiss made a motion to approve. Mr. Heath seconded the motion. All voted in favor. The motion carried.

- 11F. [2021-8914](#) Approving the engagement of McCarthy & McCarthy LLP as Special Counsel for the City.

Mr. Weiss stated that this item is in relation to the City obtaining water rights and looking to the future. Mr. Metayer stated that this is looking forward and looking at options. He stated kudos to City staff. Mr. Heath made a motion to approve. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

- 11H. [2021-0087](#) Approving the selection of Freese & Nichols, Inc for professional

engineering services associated with the 2020 General Obligation Bond Transportation Projects and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

Mayor Pro Tem Peña indicated that he requested the item be removed from the consent agenda so he could abstain due to a potential conflict of interest (in that his brother in law is employed with Freese and Nichols). Mayor Pro Tem Peña exited the meeting. Mr. Weiss made a motion to approve. Mr. Ruiz seconded the motion. Mayor Pro Tem Peña was absent and abstained from the vote on the item. All others voted in favor. The motion carried.

Mayor Pro Tem Peña returned to the meeting.

12. Resolutions

12A. [RES-0815](#)

Discuss and consider action to approve a resolution with the caption reading: "Resolution Expressing Official Intent to Reimburse Certain Expenditures" (from General Obligation issuance)

Mayor Gonzales opened the item for consideration. Ms. Moore introduced the item and answered questions. Mayor Pro Tem Peña made a motion to approve the resolution. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

12B. [RES-0816](#)

Discuss and consider action to approve a resolution with the caption reading: "Resolution Expressing Official Intent to Reimburse Certain Expenditures" (from Revenue Bond issuance)

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

12C. [RES-0821](#)

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

Mayor Gonzales stated he was opening items 12C, 12D, 13A and 13B for discussion and consideration.

Ms. Breland provided information and stated that the City has until February 8, 2021 to take action on the resolution. She reviewed the four items for consideration on the agenda. She answered questions of Council.

Discussion followed regarding requesting financial information from the Travis County ESD2. Ms. Breland noted that their audit is on their website but additional information is needed. Mr. Heath stated a need to understand how they are managing their resources. He stated that they are doing a great job at providing services. He asked if they have to have this resource or are there other solutions. Mr. Rogers stated to agree, stating that it is not clear where the doomsday predictions are coming from. He stated concern for those on social security that may be priced out of their homes in Pflugerville. Mr. Metayer stated that the City received the letter that provided a \$2.9 million price point for their services and that he thinks this was a good faith effort on their part. He noted that the consultant would look at this. Mr. Rogers stated that it is a good start.

Mayor Gonzales stated that the Council has a fiduciary responsibility to understand what this overlay would encompass and what other options are available. He stated that the Council has made a good faith effort to meet and find understanding. He stated a need to get the numbers and that it will take cooperation with the ESD2 Board and Fire Chief. He stated that we need to make the services cost effective and make our tax dollars work best. He stated let's move forward and try to work something out.

Mayor Gonzales stated that registration for public comment was taken until 5:00 p.m. today and there were two written comments and four requests to speak. Ms. Thompson read the written comments from Rebekah Calabuig, Swenson Farms resident, and Deanna Huff, Windermere resident, in opposition to consenting to the creation of the Travis County Emergency Services District No. 17 overlay.

Mayor Gonzales recognized those registered to provide public comment on the item:

Melody Ryan, Highland Park North resident, spoke in opposition to consenting to the creation of the Travis County Emergency Services District No. 17 overlay.

Lorrie Schutt, Villages of Hidden Lake resident, spoke in support of consenting to the creation of the Travis County Emergency Services District No. 17 overlay.

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

Joshua Stubblefield, President, Pflugerville Professional Firefighters Association, spoke in support of consenting to the creation of the Travis County Emergency Services District No. 17 overlay.

There was Council discussion. Mr. Rogers indicated a desire to take a vote on the resolution on 12C. Ms. Thompson recommended to make a motion to approve the resolution and then vote yes or no. Mr. Rogers made a motion to approve the resolution on 12C. Mr. Heath stated that they do not have to act on the resolution this evening. Ms. Breland noted that the deadline is February 8, 2021. Mr. Weiss asked what happens if they do not vote on it. Mr. Zech indicated that it results in the Council's denial. Mayor Pro Tem Peña asked what other cities need to act on it and where they are on it. Ms. Breland reported that Taylor had approved, Hutto had not voted on it yet, she is unsure on Round Rock and Austin is scheduled to vote on it tomorrow. Mr. Rogers indicated to remove his motion due to lack of second. There was continued discussion. Mr. Weiss stated that they would continue to reach out to the ESD2 Board and leadership to try to set a joint meeting. Mr. Rogers made a motion to postpone item 12C. Mr. Heath seconded the motion. All voted in favor. The motion carried.

12D. [RES-0830](#)

Discuss and consider action to approve a resolution requesting that Travis County perform a financial and operational audit of Travis County Emergency Services District No. 2.

Mayor Gonzales opened item 12D for consideration. He stated that he had one

request to speak on the item. Melody Ryan, Highland Park North resident, urged the City Council to approve the resolution on the item and to expand the request to include budget 15-year projections with details and assumptions. She stated concern that the ESD2 could be overestimating expenses and underestimating revenues. She recommended that the City also request the ESD2 to appoint a Finance and Budget Committee. She noted that the lack of financials and stated the public deserves information.

Mr. Metayer requested to allow Selena Xie, Austin EMS Association, to speak. Ms. Xie stated that the Pflugerville firefighters have failed to run a clean campaign and have forced us all to wonder why this is so desperate. She stated that Pflugerville is already paying Travis County for EMS and the ESD2. She stated this would be a triple tax. She stated that they have plenty of options to look at. She urged the City Council to block this.

Mr. Weiss asked whether it should ask Travis County for this review or to ask them to participate with the City's consultant in their review. Mr. Heath indicated both, that he thinks it is non-exclusive. He indicated a need to ask formally. Mr. Rogers stated to agree. There was continued discussion. Mayor Pro Tem Peña made a motion to approve the resolution under item 12D. Mr. Heath 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.

13. Discuss and consider action

13A. [2021-0118](#)

Discuss and consider action to issue response to Travis County Commissioners Jeffrey Travillion and Brigid Shea regarding their January 21, 2021 memorandum to the City Council Regarding Request to Approve Allowing Pflugerville / Pflugerville ETJ Voters to Participate in Emergency Service District No. 17 Election.

Mr. Weiss made a motion to request a meeting with ESD2. Mayor Gonzales opened the item for consideration. Mr. Rogers indicated to accept Mr. Weiss' request to insert language into the draft memo. Mr. Heath asked to expand the memo to all of the Commissioners Court. There was continued discussion. Mr. Rogers stated that he is open to withdrawing the memo for the time being to allow for editing. Mr. Heath asked if they can just allow the letter to go with a secondary request for a joint meeting with the ESD2 and Travis County Commissioners. Mr. Weiss stated that he is disappointed in the tone of the draft letter, that he does not want a confrontational approach. Mr. Heath asked to talk about the request to meet. Mr. Weiss made a motion to request a joint meeting with the Travis County Commissioners Court and the ESD2 Board and to participate in the third party review. Mr. Heath seconded the motion. Mr. Metayer stepped away from the meeting and was absent and did not participate in the vote. All others were present and voted in favor. The motion carried.

Mr. Rogers made a motion to postpone the draft letter on 13A until a later time. Mayor Gonzales seconded the motion. Mr. Metayer had stepped away from the meeting and was absent and did not participate in the vote. All others were present and voted in favor. The motion carried. It was suggested that Mr. Rogers work with the Subcommittee of Mr. Weiss and Mr. Metayer to redraft the letter.

- 13B.** [2021-0077](#) Discuss and consider action to select AP Triton for the Fire and EMS Assessment and Service Options and authorize the City Manager to negotiate a scope and fee for the study and execute documents.
- Mayor Gonzales opened the item for consideration. Mr. Weiss provided information on the item and stated that the Subcommittee had determined a need to make a plan and therefore issued the Request for Proposals (RFP). He recommended that they engage with AP Triton. Richard Buchannon, AP Triton, presented and answered questions of Council. There was Council discussion with input from Ms. Breland. Mr. Weiss made a motion to approve as read. Mr. Rogers seconded the motion. All voted in favor. The motion carried.**
- 13C.** [2021-0010](#) Conduct introductions and take action to make appointments to the Board of Adjustment for up to one regular member with an unexpired term ending December 31, 2021; an alternate member with a term ending December 31, 2021; and an alternate member with a term ending December 31, 2022.
- Mayor Gonzales opened the item for consideration. Council conducted introductions with candidates Melanie Knox and Joseph Norrell. Mayor Gonzales and each Council member recommended to appoint Melanie Knox as the regular member and Joseph Norrell as the alternate member. Mr. Heath made a motion to appoint Melanie Knox as regular member and Joseph Norrell as alternate member. Mayor Pro Tem Peña seconded the motion. All were in favor. The motion carried.**
- 13D.** [2021-0029](#) Discuss and consider action to award a construction contract for the SH 45 Water and Wastewater Line Extension Project to PGC General Contractors, LLC the lowest responsible bidder of nine (9) bids received on December 18, 2020, in the amount of \$2,389,144.00 and authorizing the City Manager to execute same.
- Mayor Gonzales opened the item for consideration. Ms. Davis provided information and answered questions of Council. Mr. Heath made a motion to approve as presented. Mr. Weiss seconded the motion. All voted in favor. The motion carried.**
- 13E.** [2021-0076](#) Discuss and consider action to award a construction contract for the Office Tenant Improvement Project to Trimbuilt Construction, Inc., the lowest responsible bidder of six (6) bids received on January 15, 2021 in the amount of \$481,500.00 and authorizing the City Manager to execute same.
- Mayor Gonzales opened the item for consideration. Mr. Fletcher provided information and answered questions of Council. Mayor Pro Tem Peña made a motion to approve. Mr. Heath seconded the motion. All voted in favor. The motion carried.**

14. Adjourn

Mayor Gonzales adjourned the meeting at 9:57 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on February 9, 2021.