



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, March 28, 2023

7:00 PM

1611 Pfennig Lane

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#### Regular Meeting

#### 1. Call to Order

Mayor Pro Tem Doug Weiss called the regular meeting to order at 7:00pm. Councilmembers Cesar Ruiz, Kimberly Holiday, Rudy Metayer, Jim McDonald, and David Rogers were in attendance. Mayor Victor Gonzales was not in attendance.

City staff in attendance: Sereniah Breland, City Manager; James Hartshorn, Deputy City Manager; Emily Barron, Assistant City Manager; Thomas Hunter, Assistant City Manager; Trista Evans, City Secretary; Charles Zech, City Attorney; Breanna Higgins, Assistant to the City Manager; Melissa Moore, Finance Director; Sara King, Assistant Finance Director; Jeremy Frazzell, Planning and Development Services Director; Erin Sellers, Innovation Strategist; Jeff Dunsworth, City Engineer; Brandon Pritchett, Public Utility Director; Terri Toledo, Director of Management Services; Jason O'Malley, Police Chief; Roger Heaney, Assistant Communications Director; Makeba Lewis, Commander.

#### 2. Opening

##### A. Pledge of Allegiance to the Flag of the United States of America

Mayor Pro Tem Weiss led those in attendance in the Pledge of Allegiance to the Flag of the United States of America.

##### B. Pledge of Allegiance to the Texas State Flag

Mayor Pro Tem Weiss led those in attendance in the Pledge of Allegiance to the Texas State Flag.

##### C. Moment of Silence

Mayor Pro Tem Weiss led those in attendance in a moment of silence.

#### 3. Items of Community Interest

Mayor Pro Tem Weiss stated the annual Egg Palooza is Saturday, April 8 at Pfennig Park.

Mayor Pro Tem Weiss stated there is an Earth Day Trail Cleanup event on April 22 at Pfluger Park.

Mayor Pro Tem Weiss stated the inaugural Slice of Pflugerville is Saturday,

April 29th in Downtown Pflugerville.

Ms. Holiday recognized women business owners in Pflugerville doing great things to close out Women's History Month.

Mr. Metayer discussed the tragedy in Nashville and stated the City's law enforcement groups work together tirelessly to make sure the children are safe in schools. Mr. Metayer discussed having the opportunity to watch multiple entities work together on scenario training.

#### 4. Public Comment

Yolanda Gary-Fisher urged City Council to pass the CROWN Act which prohibits discrimination based on hair texture or style. Ms. Gary-Fisher discussed its importance for human dignity and respect regardless of hair type. Ms. Gary-Fisher stated by passing the Act it sends a clear message to treat people fairly regardless of background.

Phillip Zendejas stated he came here prepared to express opposition for use of City tax dollars for certain group, but is instead asking for a city wide fundraiser for veterans. Mr. Zendejas provided information about the first upcoming Memorial Day Festival stating he hopes it will become an annual event. Mr. Zendejas stated March 29 is also National Vietnam Veterans Day.

Chasity Hattley stated she stands in support of the CROWN Act and hair discrimination needs to come to an end. Ms. Hattley stated the Act was recently passed in Austin and provided information about data of hair discrimination for black women. Ms. Hattley asked council to consider creating an act to make sure minority women can safely express themselves in the workplace.

Melissa Call stated she is the co-founder and president of the Pflugerville Arts Council. Ms. Call provided information about the Arts Council, its history, and purpose. Ms. Call discussed programs at the library coordinated by the Arts Council and discussed ideas for art programs around the city. Ms. Call stated she supports the Art in Public Places resolution.

Simone Pollard stated Pflugerville lacks facilities designed just for young people. Ms. Pollard stated Pflugerville youth and young adults have to travel outside of the city and provided information about the number of students in the ISD. Ms. Pollard discussed Austin Community College locations and student makeup stating there need to be more services for young people that should be included in the multi-generational facility or a new facility.

Pat McCord stated city staff is the backbone of the community and thanked the city for the response to the ice storm. Mr. McCord stated the response to limb collection shows the city thinks about the citizens and responds tot he need. Mr. McCord stated he feels like the city is losing focus on quality of life issues and stated he still enjoys living in Pflugerville.

#### 5. Presentation

- 5A. [2023-0238](#) Proclamation recognizing Senior Access 30th anniversary.

Mayor Pro Tem Weiss read the proclamation and presented it to Serita Lacasse recognizing Senior Access's 30th anniversary.

- 5B. [2023-0232](#) Conduct a presentation on Pf101 Class of 2023 Graduation.

Ms. Higgins introduced the Pf101 program and introduced the 2023 Class President, Cindy Williams. Ms. Williams discussed the sessions and thanked the staff for all of the hard work put into the Pf101 class. Ms. Williams read comments from the graduates recognizing the amount of work that goes into the city and learning about what the departments do. Ms. Williams shared the graduates' appreciation of the opportunity to learn about the inner workings of the city.

### Reading of the Consent Agenda

Items 6C., 6G., and 6H. were pulled from the consent agenda. Ms. Evans stated that items remaining on the consent agenda may be acted upon in a single motion.

### 6. Other Actions

- 6A. [2023-0250](#) Approving the minutes of the March 14, 2023 Worksession, March 14, 2023 Regular Meeting, and March 20, 2023 Worksession.

The minutes were approved on the consent agenda.

- 6B. [2023-0277](#) Approving a professional services supplemental agreement with Plus Six Engineering, LLC in the amount of \$293,661 to provide Owner's Representative Services associated with the Central Wastewater Treatment Plant Expansion Phase 1 project, and authorizing the City Manager to execute the same.

The item was approved on the consent agenda.

- 6D. [RES-1083](#) Approving a resolution accepting the final report for the multi-generational recreation center to be located in Downtown East.

The resolution was approved on the consent agenda.

- 6E. [RES-1094](#) Approving a resolution authorizing the City Manager to apply for and to accept, if awarded, a Criminal Justice Program Grant award in the amount of \$156,310 from the Office of the Governor for the funding of personnel and purchase of equipment.

The resolution was approved on the consent agenda.

- 6F. [RES-1084](#) Approving a resolution of the City of Pflugerville, Texas, and the state of Texas approving Local On-System Improvement Agreement (Intersection Improvements at East Pflugerville Parkway and FM 685), and hereby authorizing the city manager to execute the agreement.

The resolution was approved on the consent agenda.

## Action on the Consent Agenda

Mr. Rogers moved to approve the consent agenda. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

## 7. Regular Agenda

- 7A. [2023-0248](#) Conduct introductions and take action to make appointments to the Deutschen Pfest Committee for up to one regular member with a term ending December 31, 2023, and one regular member with a term ending December 31, 2024.

Mayor Pro Tem Weiss opened the item and stated an application has been received from Juan Guerra. Mr. Guerra introduced himself stating he would like to give back to the community. Mr. Ruiz asked if he is planning on attending PF101. Mr. Guerra stated he is. Mr. Metayer asked for information about Mr. Guerra's comment in the application about making more people aware of Deutschen Pfest. Mr. Guerra provided information stating he wants more people to be included.

Mr. Metayer moved to appoint Juan Guerra to Deutschen Pfest for the term ending December 31, 2024. Mr. Ruiz seconded the motion. All voted in favor. The motion carried.

- 7B. [2023-0280](#) Discuss and consider action on an event funding request from Pflugerville Pride for Pflugerville Pride Pfestival.

Mayor Pro Tem Weiss opened the item for discussion. Raymie Corpuel, President of Pflugerville Pride, provided information about last year's Pride event stating the feedback received was that people were proud that Pflugerville had the event for them. Raymie Corpuel stated the organization recently received their 501c3, want to raise more funds to grow the festival and are asking for the City's help for one more year to get them off the ground. Raymie Corpuel provided information about the community and the help from city staff is what made the festival successful last year.

James Matlock stated he is the former president of the City's Equity Commission and has been pleased to see the City embrace events like Juneteenth and Pride. Mr. Matlock stated once the city starts stepping back on support where does it stop. Mr. Matlock stated he wants the council to continue to do what they have done and be a leader.

Kelsey Black stated Pflugerville has provided a community to call home and as the owner of Book Burrow in the City urges the council to allocate more funds to Pride. Kelsey Black stated the event is not only for the Pride community, but helps a diverse group of individuals, business owners, and fosters a diverse community.

Ashley Theer stated she is here on behalf of her brother and knows the event is a great opportunity for Pflugerville youth to be part of the Pride community.

Mr. Mize reviewed the subsidy request stating \$3,000 was budgeted for the event and Pflugerville Pride is requesting \$7,000 more to match what was provided last year. Mayor Pro Tem Weiss asked what the funding would provide. Mr. Mize provided information about the city services provided and answered questions about change in costs due to the 501c3 status. Raymi Corpuel answered questions from council regarding fundraising, budget, and vendor fees. Mr. Metayer discussed how to fund events for all groups. Ms. Holiday discussed charging more for vendors.

Karen Drennan stated Pflugerville Pride event was the best one of the events in the area.

Mr. Ruiz and Mr. McDonald discussed parking and using Pfetch a Ride for the event. Ms. Holiday discussed making sure there are enough funds for other groups and organizations to hold their events. Mr. Metayer moved to approve the subsidy request for \$7,000 on top of the \$3,000 that was previously budgeted. Mr. McDonald seconded the motion. Mr. Rogers stated he does not think the government should be subsidizing events for any organization. Discussion followed regarding the role of the city. Mr. Metayer discussed seeing the city grow and change and stated there are different responsibilities of the city. Mayor Pro Tem Weiss called for the vote. The vote was as follows: Mayor Pro Tem Weiss - yes, Mr. Metayer - yes, Mr. Ruiz - yes, Mr. Rogers - no, Mr. McDonald - yes, Ms. Holiday - no. The motion carried.

**7C.** [2023-0281](#)

Discuss and consider action on an event funding request from Rotary Club of Pflugerville for Wild West Brew Fest.

Mayor Pro Tem Weiss opened the item for discussion. Mr. Mize stated the Brew Fest event is a new event and is currently unfunded. Mr. Mize stated Rotary has been provided \$5,500 from the Chamber and is requesting \$3,060. Jeff Coleman stated he is the immediate past president of the Rotary Club and discussed the funds Rotary has provided to the community to give back. Mr. Coleman stated the City of Katy holds a Brew Fest and they are hoping to follow the same track for Pflugerville. Mr. Rogers asked Mr. Coleman if the city approved subsidies like this when Mr. Coleman was mayor. Mr. Coleman stated they never received requests like this and discussed the fiscal changes since he was mayor. Discussion followed regarding city support of Deutschen Pfest. Mr. Coleman stated the City of Katy fills up every hotel room in the city for three nights for their Brew Fest.

Mr. Metayer discussed the historic colored addition cemetery and the Rotary Club's work fixing up the area. Discussion followed regarding the cemetery. Mr. Ruiz stated that it is not a city event and has concern providing money for this type of event. Discussion followed regarding a Brew Fest and the city's role. Mayor Pro Tem Weiss asked if there are any return estimates or hotel occupancy. Mr. Coleman stated not for this first year. Mr. Metayer moved to approve providing \$3,060 to the Rotary Club. Mr. McDonald seconded the motion. The vote was as follows: Mayor Pro Tem Weiss - no, Mr. Ruiz - no, Mr. Rogers - no, Mr. McDonald - yes, Mr. Metayer - yes, Ms. Holiday - no. The motion failed.

**7D.** [2023-0225](#)

Discuss and consider approving an Exclusive Negotiating Agreement (ENA) with Griffin Swinerton and Catellus for the development of Downtown East and authorizing the City Manager to execute the same.

Mayor Pro Tem Weiss opened the item for discussion. Ms. Barron discussed the timeline of the project and provided information about setting the framework for the Exclusive Negotiating Agreement (ENA). Jeff Nydegger with Winstead LLC provided information about the developer agreement progression and discussed the purpose of the ENA. Mr. Nydegger discussed the ENA to allow parties to complete due diligence and concept refinement work. Mr. Metayer asked if this is typical for the industry. Mr. Nydegger stated it is typical. Ms. Barron discussed ENA activities stating it defines partnership to ensure delivery of the project. Ms. Barron provided information about community engagement efforts, design, and detail. Mr. Nydegger discussed the ENA deliverables to lay out definitive terms for parties to commit to timelines and budgets and answered questions from council.

Ms. Barron reviewed the teams involved and the progress so far on the Downtown East project. Mr. Metayer asked Mr. Zech if he saw any risk in the agreement. Mr. Zech provided comment that it is a good agreement. Mr. Metayer moved to approve the item. Mr. Rogers seconded the motion. All voted in favor. The motion carried.

- 7E. [RES-1089](#) Discuss and consider approving a resolution authorizing the publication of notice of intention to issue combination tax and limited revenue certificates of obligation, in an estimated amount not to exceed \$153 million for public improvements related to the Downtown East Project, designating certain self-supporting debt and other matters related thereto.

Mayor Pro Tem Weiss opened the item for discussion. Ms. Barron reviewed the proposed funding sources to support the public safety components, parking, and infrastructure for Downtown East. Mr. Metayer asked for information about the current market. Dusty Traylor with RBC Capital Markets discussed the current market situation stating it has been good for bond markets and expects a favorable bond market. Mr. Rogers asked what kind of number Mr. Traylor expects in May. Mr. Traylor stated today the interest is at 4% and is very consistent with historical averages.

Mr. Metayer moved to approve the item. Ms. Holiday seconded the motion. The vote was as follows: Mr. Ruiz - yes, Ms. Holiday - yes, Mayor Pro Tem Weiss - yes, Mr. Rogers - no, Mr. Metayer - yes, Mr. McDonald - yes. The motion carried.

- 7F. [2023-0106](#) Conduct a presentation on the Police Department.

The item was discussed during the earlier posted worksession.

- 7G. [2023-0230](#) Discussion regarding the Transportation Capital Improvement Program.

The item was discussed during the earlier posted worksession.

- 7H. [2023-0266](#) 1.) Executive Session Item: Deliberation regarding the purchase of real property pursuant to Texas Government Code Section 551.072. 2.) Open Session Item: Discuss and consider action regarding the purchase of real property.

The item was discussed in executive session during the earlier posted worksession. No action was taken.

## 8. Discuss and Consider Item Pulled from Consent Agenda

- 6C. [2023-0284](#) Approving the procurement of water treatment membrane modules in the amount of \$672,744, and authorizing the City Manager to execute the same.

Mayor Pro Tem Weiss opened the item for discussion. Mr. Pritchett gave a presentation about the existing membranes stating they are roughly eight years old and out of specification for pressure delay. Mr. Pritchett provided information about the new membranes stating the request is replace one of two. Mayor Pro Tem Weiss stated he would like to see the second membrane replaced before the train goes down. Mr. McDonald asked if it is experiencing normal wear and tear. Mr. Pritchett stated it is and provided information about the typical damage. Mr. Ruiz discussed blue light used to purify water. Mr. Pritchett provided information about the City's process.

Mr. Rogers moved to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

- 6G. [RES-1086](#) Approving a resolution with the caption: Resolution of the City of Pflugerville creating an Art in Public Places program; establishing goals and policies for the review, consideration, purchase and commissioning of public art.

Mayor Pro Tem Weiss opened the item for discussion. Mr. Rogers asked about the criteria for review and asked if there is an overarching view of what the city is doing with the art. Mr. Rogers discussed consistency seen in art in some other cities and asked what the vision is. Ms. Sellers stated the vision will change over time as the board and commissions work on themes and identify culture and community. Mr. Metayer discussed bringing in things that make the city unique and different. Mayor Pro Tem Weiss stated art is supposed to make a person feel. Mr. Rogers discussed the difference in civic art. Discussion followed regarding the review process.

Ms. Holiday moved to approve the item. Mr. Metayer seconded the motion. The vote was as follows: Mayor Pro Tem Weiss - yes, Ms. Holiday - yes, Mr. Ruiz - yes, Mr. Metayer - yes, Mr. Rogers - no, Mr. McDonald - yes. The motion carried.

- 6H. [RES-1087](#) Approving a resolution accepting the Fiscal Year 2022 audit.

Mayor Pro Tem Weiss opened the item for discussion. Mr. Metayer stated they just received the audit information and asked for the item to be postponed. Mr. Rogers moved to postpone the item to the next meeting. Mr. Metayer seconded the motion. All voted in favor. The item was postponed.

## 9. Adjourn

Mayor Pro Tem Weiss adjourned the item at 9:23pm.

Respectfully submitted,

Trista Evans, City Secretary

Approved as \_\_\_\_\_ on April 11, 2023.