



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, March 8, 2022

7:00 PM

100 East Main Street, Suite 500

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#### 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.

#### 1. Call to order

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

City staff 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; Trista Evans, City Secretary; Ashley Gilleland, Deputy City Secretary; Terri Toledo, Communications Director; Maggie Holman, Public Information Officer; Jennifer Coffey Griswold, Library Director; Jason O' Malley, Police Chief

#### 2. Opening

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

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

##### C. Moment of Silence

Mayor Pro Tem Weiss observed a moment of silence.

#### 3. Presentation

##### 3A. [2022-0185](#) Mayor's proclamation declaring March 2022 as Women's History Month.

Mayor Pro Tem Weiss announced he is issuing a proclamation declaring March 8, 2022 as International Women's Day. Mayor Pro Tem Weiss read the proclamation and presented to Pat Epstein. Pat Epstein spoke about receiving the proclamation and highlighted the women leaders in the City of

Pflugerville.

#### **4. Items of Community Interest**

Mayor Pro Tem Weiss announced that Ozone season is upon us. Mayor Pro Tem Weiss encouraged citizens to take precautions on days when ozone levels are expected to reach 'unhealthy for sensitive groups' or higher. Mayor Pro Tem Weiss stated that for additional information on ozone and air quality, please refer to [pflugervilletx.gov/environmental](http://pflugervilletx.gov/environmental)

Mayor Pro Tem Weiss said that the City is hiring for numerous positions including finance, utility, engineering and animal services. Mayor Pro Tem Weiss stated available jobs can be found at [pflugervilletx.gov/jobs](http://pflugervilletx.gov/jobs).

Mayor Pro Tem Weiss said that March 11th, is the one year anniversary of the adoption of the American Rescue Plan Act, ARPA. Mayor Pro Tem Weiss stated that these funds have provided cities with critical funding to help us invest in our communities.

Mr. Metayer thanked staff for ARPA funds and helping small local businesses. Mr. Metayer thanked staff for the work on the historic colored district cemetery. Mr. Metayer stated that work has been done to the area that had not previously received attention in the past. Mr. Metayer said that staff has done a lot of work on the project and is appreciative.

Mr. McDonald stated that sixty residents showed up and helped work on the historic colored district cemetery. Mr. McDonald said families were brought to tears seeing the work being done. Mr. McDonald thanked the Rotary Club of Pflugerville, Black Pflugerville and everyone that participated.

Mr. Ruiz thanked the Pflugerville Police Department for helping St. Elizabeth on Saturday morning. Mr. Ruiz stated that St. Elizabeth set up for a fish fry and the wind blew everything over. Pflugerville police officers saw this and picked up the area.

#### **5. Public Comment**

Mike Heath spoke on ARPA funds and ethics, he wanted to make sure of transparency. Talked about waste management group problem in the City. He talked about personal experience with Airbnb in his neighborhood and Airbnb's becoming a problem in the City. He stated concern with lack of transparency about City Hall project, funds and ethics.

Chelsea Robertson spoke on Governor Abbott and Attorney General Paxton's recent action on transgender youth and their parents. She spoke about the effects of this action on children and their parents. She spoke of other government entities showing opposition to Paxton and Abbott. She talked about risks that this action can cause in children.

Pat Epstein spoke about a personal family story. She talked about concerns of Governor Abbott's recent action to report parents to state authorities. She talked about similarities of reporting parents to that of Nazis Germany. She talked about the systematic dehumanization and marginalization that Abbott's actions can cause. She talked about the importance of community supporting

resolution on agenda

Peggy Hamsey spoke about city's policy on bidding. She stated she has worked as a purchasing agent in the past. She had concerns of not seeing bids posted. She also had concerns about bidding system and oversight. She asked for City to explain what the bidding system is in Pflugerville.

## Reading of the Consent Agenda

Item 6C. was removed from the consent agenda. Ms. Gilleland read the consent agenda including the captions of the ordinances.

### 6. Ordinances

- 6A. [ORD-0640](#) Approving an ordinance on first reading with the caption reading: An Ordinance of the City of Pflugerville, Texas repealing and amending the City's Code of Ordinances to adopt certain international building codes and standards with amendment; establishing certain building regulations and requirements; establishing penalties thereto; providing for severability; and providing an effective date.

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

- 6B. [ORD-0645](#) Approving a disannexation ordinance on second reading with the caption: An ordinance of the City of Pflugerville, Texas, disannexing, for full purposes, two tracts of land totaling approximately 11.706 acres of land situated in the John Leisse Survey No. 18, Abstract No. 496, in Travis County, Texas, of the Real Property Records of Travis County, generally located north and west of Cameron Road, east of Weiss Lane and south of Jesse Bohls Road; contracting the boundaries of the City to exclude land; to be known as the Carmel East Disannexation; providing for severability; and providing an effective date.

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

- 6D. [ORD-0642](#) Approving an ordinance on third and final reading with the caption reading: An ordinance of the City of Pflugerville, Texas Adopting the Pflugerville Fee Schedule; amending certain fees and establishing costs and fees charged by the City of Pflugerville; providing for a penalty for a violation of Section 10.99 of the City Code of Ordinances; and authorize an effective date.

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

### 7. Other Actions

- 7A. [2022-0251](#) Approving the minutes of the February 22, 2022 Worksession, and February 22, 2022 Regular Meeting.

**The minutes were approved on the consent agenda.**

- 7B.**     [RES-0974](#)     Approving a resolution authorizing the acceptance, in accordance with City parkland dedication requirements and through special warranty deed, of certain real property described as Lot 82A, Block A, Carmel West Phase 3 Section 2 subdivision in the Travis County, Texas, recorded in Document No. 202100069 of the Official Public Records of Travis County, Texas, and directing the City Manager and City Attorney, or their respective designees, to take all necessary actions to complete the land conveyance to the City.

**The item was approved on the consent agenda.**

- 7C.**     [RES-0970](#)     Approving a resolution joining with the State of Texas and political subdivisions of the State as a party in the Texas opioid settlement agreements secured by the Office of the Attorney General; authorizing the City Manager to execute settlement participation forms; and providing an effective date.

**The item was approved on the consent agenda.**

- 7D.**     [RES-0971](#)     Approving a resolution and providing a letter of partnership for the Capital Area Council of Governments' application to the Environmental Protection Agency (EPA) to seek funding to establish additional air quality monitoring in Central Texas.

**The item was approved on the consent agenda.**

- 7E.**     [RES-0972](#)     Approving a resolution authorizing the competitive sealed proposal procurement method for the construction of the Trail Gap Improvements projects associated with the 2020 General Obligation Bond Program, and delegating authority to use said method in accordance with the Texas Government Code.

**The item was approved on the consent agenda.**

- 7F.**     [RES-0973](#)     Approving a resolution authorizing the Construction Manager-at-Risk (CMAR) project delivery method for the construction of the Secondary Colorado River Raw Water Line Project, and delegating authority to use said method in accordance with the Texas Government Code.

**The item was approved on the consent agenda.**

- 7G.**     [2021-1249](#)     Approving the selection of Berry Dunn McNeil & Parker, LLC (BerryDunn) for professional engineering services associated with the Parks, Recreation, Facilities and Open Space Strategic Master Plan and authorizing the City Manager to execute a Professional Services Agreement in the amount of \$246,320.

**The item was approved on the consent agenda.**

- 7H. [2022-0248](#) Approving the selection of CBRE, Inc. and Atrium Real Estate Services to provide On-Call Appraisal Services and authorizing the City Manager to enter into negotiations as needed regarding scopes of work and fee proposals.

**The item was approved on the consent agenda.**

- 7I. [2022-0249](#) Approving the selection of Lockwood, Andrews & Newnam, Inc., LJA Engineering, Inc. and Seven Arrows Land Staff, LLC to provide On-Call Right of Way Services and authorizing the City Manager to enter into negotiations as needed regarding scopes of work and fee proposals.

**The item was approved on the consent agenda.**

- 7J. [2022-0253](#) Approving the purchase of Dell servers from GTS Technology Solutions, Inc. in the amount of \$97,902.00 utilizing Texas DIR-TSO-3763-R purchasing cooperative contract, and authorizing the City Manager to execute the same.

**The item was approved on the consent agenda.**

- 7K. [2022-0254](#) Approving a Professional Services Agreement with Kimley-Horn and Associates, Inc. in the amount of \$1,025,000 for professional engineering services associated with the 2020 Transportation Bond Program Project: FM 685 Corridor Study and Preliminary Engineering and authorizing the City Manager to execute the same.

**The item was approved on the consent agenda.**

- 7L. [2022-0258](#) Approving a professional services supplemental agreement with Plus Six Engineering, LLC in the amount of \$118,560.00 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.**

- 7M. [2022-0265](#) Approving a Professional Services Supplemental Agreement with LJA Engineering, Inc. in the amount of \$81,235.00 associated with the 2020 Transportation Bond Program Project: East Pflugerville Parkway from Colorado Sand Drive to Weiss Lane, and authorizing the City Manager to execute the same.

**The item was approved on the consent agenda.**

- 7N. [2022-0262](#) Approving the Pflugerville Community Development Corporation President to enter into an Economic Development Performance Agreement (EDPA) with Project Charge not to exceed \$1,575,000 for

the purpose of expansion and creation of primary jobs.

The item was approved on the consent agenda.

## **Action on the Consent Agenda**

Items pulled from the consent agenda will be addressed under Item 10.

### **10C. [2022-0291](#)**

Discuss and consider termination of the Contract for Emergency and Non-emergency Ground Ambulance Services for the City of Pflugerville, Texas and direction to city staff regarding the same.

Mayor Pro Tem Weiss opened item 10C to public comment.

Peggy Hamsey spoke about living at the Cove in Pflugerville. She talked about concern of City going with Acadian and level of ambulance service. She also talked about being confused when she went to vote and being unclear about the tax raises. Peggy talked about how the people of Pflugerville should have had more say in ambulance service. Peggy asked that city check vet next ambulance provider better.

Netti Henderson lives at the Cove at HeatherWilde. She said she has several health problems. She asked that council consider if it was there loved one that needed Acadian. She talked about how prior service was equipped to help her during medical events. She asked that council think about Pflugerville community and think of their loved ones in a medical situation needing an ambulance.

Cynthia Williams stated she has spoken about Acadian before. She talked about voting and not understanding what she voted for in regards to ambulance services. She talked about negative experience with Acadian when a fellow resident at the Cove had a medical emergency. She asked council to not think about money when choosing the next ambulance provider. She asked that council talk to the community.

Doug Hinds talked about concerns regarding Acadian. He talked about negative experience when a fellow resident had medical emergency and Acadian's response time being slow. He talked about concern with communication between caller during emergency and Acadian. He stated concern that Acadian only had two options of transport. He voiced concern to council regarding future lawsuits.

Josh Stubbfield talked about how service from Acadian has been a disaster. He said it has been two months and there has been an increase in ambulance response time and unanswered 911 calls. He talked about concern with City choosing another private ambulance after Acadian. He talked about the opportunity for City to go back to ESD2 for ambulance services.

Juan Valdez stated he represents a private ambulance company that does work in Austin. He talked about how his company was vetted by the City of Austin. He said the company has advanced life support and proven track

record. He asked to be a part of city's vetting process.

Katherine Zimmerman said she moved to Texas from South Florida. She said she has concerns about needing to call Acadian. She asked for council to make a decision with consideration and heavy thought.

Trevor Stokes said his comments are for the council members who chose Acadian. He said that council was given advise and choose to go a different way. He talked about examples from the past two months of Acadian service. He said that council can return services back to ESD2 for ambulance services. He asked that council reverse course and work with the Fire Chief to have ESD2 provide ambulance service.

Omar Pena discussed his tenure on council. He said the clear message from citizens and ESD that there is a need of leadership in the City. He asked for council to make a sound decision and that it will be a difficult decision. He said that this will be one of the hardest decisions council will have to go through

Mike Heath said he warned when he left council to be wary of council wisdom. He asked that council make the right decision for the community and to take their time.

Mayor Pro Tem Weiss opened the item for discussion. Mr. Ruiz motioned to mutually terminate contract with Acadian and go with ESD 2 as provider. Ms. Holiday seconded the motion. Discussion followed regarding Acadian, ESD 2 and other provider options. Mr. Ruiz stated that termination of Acadian is mutual decision between the City and Acadian. Mr. McDonald asked for clarification as to how many days of service Acadian has until the transition period. City Staff confirmed July 13th. Mr. Rogers asked the City Attorney if the motion was allowed and the City Attorney confirmed the language on the agenda item would cover the motion. Mr. McDonald, Mr. Rogers and Mr. Weiss voted no. Mr. Ruiz and Ms. Holiday voted yes. Motion to terminate contract with Acadian and go with ESD 2 as a provider failed.

Mr. McDonald made a motion to terminate contract with Acadian. Mr. Rogers seconded the motion. All voted in favor, motion passed. Discussion followed regarding what council wanted the next step to be for staff. Council discussed whether to limit service city staff to a single ambulance service or to allow staff to reach out to multiple services. Mr. Ruiz discussed the importance of not just looking at financial, but quality when choosing the next ambulance service. Mr. Metayer stated that the next ambulance service needs to be looked at as a permanent solution and not something that is okay for a few years. Ms. Holiday stated that she is honored to be on the subcommittee and does not take the ambulance service decision lightly. Mayor Pro Tem Weiss made a motion to advise staff to look at multiple options, for staff and the subcommittee to interview them and for the results to be brought back to council. Mr. Metayer seconded the motion. All voted in favor, motion passed.

## 8. Presentation

- 8A. [2022-0288](#) Update from Austin Public Health regarding COVID-19 conditions.

Austin Public Health Dr. Desmar Walkes and Adrienne Sturup presented Covid-19 Update to Council. Dr. Walkes stated that Travis County is in stage

two. Dr. Walkes discussed current statistics and precautions residents can take to continue downward trend. Dr. Walkes answered questions from council and recommended citizens to get Covid-19 vaccination and boosters. Discussion followed regarding minority communities and vaccination rates. Mayor Pro Tem Weiss thanked APH for working with the City of Pflugerville.

## 9. Executive Session

- 9A. [2022-0232](#) Executive Session Item: Consultation with legal counsel for discussion regarding historically underutilized businesses (HUB) contracting and hiring pursuant to Chapter 551.072 of the Texas Government Code.

**Item covered in work session. No further discussion**

- 9B. [2022-0260](#) 1.) Executive Session Item: Deliberations regarding the purchase, exchange, lease, transfer and/or sale of real property related to the Colorado Sand Drive Project pursuant to Chapter 551.072 of the Texas Government Code. 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 Colorado Sand Drive project.

**Mayor Pro Tem Weiss opened item for discussion. Mr. Metayer motioned item for approval. Mr. McDonald seconded the motion. All voted in favor. Motion approved unanimously.**

## 10. Regular Agenda

- 10A. [RES-0975](#) Discuss and consider action to approve a resolution repealing or amending Resolution No. 1914-21-09-14-0922 requiring the wearing of masks in city facilities.

**Mayor Pro Tem Weiss opened the item for discussion. Discussion followed regarding CDC and Travis County guidelines. No action taken at this time**

- 10B. [RES-0976](#) Discuss and consider action to approve a resolution standing in solidarity with the LGBTQIA+ community.

**Mayor Pro Tem Weiss opened the item for discussion. Mayor Pro Tem Weiss asked Councilmembers McDonald and Ruiz to discuss the resolution further. Mr. McDonald stated resolution was to support trans gender children and families in community. Discussion followed regarding state politics and Pflugerville community. Mr. Rogers brought forward concerns regarding passing the resolution.**

**Mr. Metayer made a motion to approve resolution. Mr. Ruiz seconded. Mr. Rogers voted no. All others voted in favor. Motion carried.**

## 11. Discuss and Consider Items Pulled from Consent Agenda



- 6C.**    [ORD-0646](#)            Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, amending the City's Code of Ordinances, Chapter 152, Subchapter B. Roadway Impact Fees to include an updated roadway impact fee service area map and provisions relating to appraisals for estimating fair market value for the dedication of right-of-way, and approving a Roadway Impact Fee Study 2022 Update incorporated herein; containing severability and repealer clauses; and providing an effective date.

**Mayor Pro Tem Weiss read the ordinance caption and opened the item for discussion. Mr. Metayer asked for item to be discussed in executive session for legal consultation. Mayor Pro Tem Weiss announced city council was in executive session at 9:07pm. Mayor Pro Tem Weiss reconvened the meeting in open session at 9:13pm.**

**Mr. Metayer made a motion to approve the ordinance. Ms. Holiday seconded the motion. All others voted in favor. Motion carried.**

## **12.    Adjourn**

**Mayor Pro Tem Weiss adjourned the meeting at 9:15pm.**

**Respectfully submitted,**

**Ashley Gilleland, Deputy City Secretary**

**Approved as \_\_\_\_\_ on March 22, 2022.**