



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, November 24, 2020

7:00 PM

100 East Main Street, Suite 500

Regular Meeting (Telephone/Video Conference)

The City Council is scheduled to hold a Worksession starting at 5:00 p.m. Please see the Worksession Agenda for a list of items for discussion at the Worksession and how to connect to the Worksession telephone/video conference meeting.

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=e9c03a19c55af71c96ae69de858524366>

Meeting Code/Number: 146 346 6674

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 and Mike Heath were in attendance. Councilmember David Rogers entered at 7:01 p.m. City employees attending: Sereniah Breland, City Manager; Charlie Zech, City Attorney; Trey Fletcher, Deputy City Manager; Amy Giannini, Assistant City Manager; Karen Thompson, City Secretary; Patricia Davis, City Engineer; Terri Toledo, Communications Director; Maggie Holman, Public Information Officer; Gwen Holford, Application and Web Developer; Jessica Robledo, Police Chief; Emily Barron, Planning and Development Services Director; Jennifer Grizwold, Library Director; Rhonda McLendon, Animal Welfare Services Director; Shane Mize, Parks and Recreation Director; Martie Simpson, Interim Finance Director; Lauren Henkes, Assistant Finance Director; Stephanie Nations, Budget Analyst; Evan Groeschel, Public Works Operations Director; Jessie Davis, Communications Specialist.

2. Items of Community Interest

Mayor Gonzales provided COVID safety reminders and announced that the downtown COVID testing site would be closed on Thursday and Friday for Thanksgiving. He asked that residents shop Pflugerville on Black Friday. Mr. Metayer welcomed new Councilmembers Ruiz and Rogers. Mr. Heath reminded everyone to take time to be thankful and count their blessings this Thanksgiving.

3. Presentations

- 3A. [2020-8826](#) Update on the COVID-19 pandemic.

Stephanie Hayden, Austin Public Health Director, provided information and answered questions of Council. There was discussion on the item.

- 3B. [2020-8812](#) Pflugerville Public Library annual department presentation.

Ms. Grizwold provided information and answered questions of Council.

4. Public Hearing and Resolution

- 4A. [RES-0773](#) Conduct a second public hearing and consider approval of a resolution

regarding the Community Development Block Grant (CDBG) Amended Annual Action Plan for Program Year 2020.

Mayor Gonzales opened the public hearing and consideration on the item. Ms. Barron provided information and answered questions of Council. Mayor Gonzales stated that registration to speak at the public hearing was taken until 5:00 p.m. today and there were no requests to speak. Mayor Pro Tem Peña made a motion to close the public hearing. Mr. Heath seconded the motion. All voted in favor. The motion carried.

Mr. Heath made a motion to approve the resolution as presented. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

5. Public Hearing and Ordinance First Reading

5A. [ORD-0556](#)

Conduct a public hearing and consider approving an annexation ordinance on first reading with the caption: An ordinance of the City of Pflugerville, Texas, annexing, for full purposes, tracts of land totaling approximately 156.952 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 Hagn Timmerman & 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)

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 of Council with input from Mr. Zech. There was discussion on the item. Mayor Gonzales stated that registration to speak at the public hearing was taken until 5:00 p.m. today and there were no requests to speak. Mr. Heath made a motion to close the public hearing. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

Mr. Rogers made a motion to approve the ordinance on first reading as presented. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

6. Public Comment

Mayor Gonzales stated that registration for public comment was taken until 5:00 p.m. today and there were several written comments. Ms. Thompson read the written comments. Jesse Lister, Falcon Pointe resident; Jon and Dawn Grimes, Bohls Place residents; Lacy Wolff, Falcon Pointe resident; Karen Cunningham, Meadows of Blackhawk resident, Ron Cunningham, Meadows of Blackhawk resident; Lauren Brown, Verona resident; Logan Stehling, Commons at Rowe Lane resident; Blake Brown, Verona resident; and Gabriel Obiedo, Club at Wells Branch resident; provided written comments in support of holding an election for the Travis County ESD No. 2 overlay (Travis County ESD No. 17) for funding of Emergency Medical Services. Donald Wiederhold, Kuempel Tract Phase 2 resident, provided written comments with concerns

regarding ordinance under item 7A. and the need for the city to have good cooperative plans in place to assist homeowners with planning for repairs. Bob Reichenbach, Saxony resident, provided written comments in opposition to the budget amendment under item 7B.

Mayor Gonzales announced that there were several requests to speak under public comment.

Jessica Foreman, League of Women Voters, thanked the City for providing direct and easy to understand language regarding the November 3, 2020 bond propositions. She stated that the information on the bond website was excellent and they wanted to publicly thank the City for providing this voter access.

Teri Lucas, Heatherwilde resident, provided comments in support of holding an election for the Travis County ESD No. 2 overlay (Travis County ESD No. 17) for funding of Emergency Medical Services.

Chris Wolff, Falcon Pointe resident, provided comments in support of holding an election for the Travis County ESD No. 2 overlay (Travis County ESD No. 17) for funding of Emergency Medical Services.

Lorrie Schutt, Villages of Hidden Lake resident, provided comments in support of holding an election for the Travis County ESD No. 2 overlay (Travis County ESD No. 17) for funding of Emergency Medical Services.

Anthony Nguyen, Greenridge resident, stated that property tax and sales tax revenues have overall doubled to the Travis County ESD No. 2. He recommended if they would like to increase tax rates, that they call a rollback election.

Mario Cendan, Carmel resident, provided comments in support of holding an election for the Travis County ESD No. 2 overlay (Travis County ESD No. 17) for funding of Emergency Medical Services.

Travis Stokes, Representative for the Pflugerville Professional Firefighters Association, provided comments in support of holding an election for the Travis County ESD No. 2 overlay (Travis County ESD No. 17) for funding of Emergency Medical Services.

Joshua Stubblefield, President of the Pflugerville Professional Firefighters Association, provided comments in support of holding an election for the Travis County ESD No. 2 overlay (Travis County ESD No. 17) for funding of Emergency Medical Services.

Reading of the Consent Agenda

Ms. Thompson read the items to include the captions of the ordinances under consideration.

7. Ordinances First Reading

7A. [ORD-0555](#) Approving an ordinance on first reading with the caption reading: An

Ordinance of the City of Pflugerville amending Title XIII General Offenses, Chapter 130 Offenses Against City Regulations, Section 130.13 Repair of Defective Sidewalks; providing for a Penalty as a Class C Misdemeanor and a fine in an amount in accordance with Code of Ordinances, Section 10.99 General Penalty, in an amount not to exceed \$500.00; providing that this Ordinance shall be cumulative; 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.

- 7B. [ORD-0559](#) Approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville, Texas, adopting the fifth and final amendment to the FY20 Budget for the City of Pflugerville; and providing an effective date.

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

8. Ordinances Second Reading

- 8A. [ORD-0548](#) Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville amending Title IX, Chapter 90 Animals by repealing and replacing said chapter; replacing all ordinances in conflict; containing severability and repealer clauses; providing for a penalty for a violation of Chapter 90, as a Class C misdemeanor and a fine in an amount not to exceed \$500.00; and declaring an effective date.

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

- 8B. [ORD-0552](#) Approving an ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville, Texas, amending the City of Pflugerville, Texas Code of Ordinances Title VII Traffic Code, Chapter 71 Parking Regulations, Section 71.05 parking prohibited in certain designated areas by adding additional temporary no parking zones required by construction; providing for a penalty for a violation of Chapter 71 as a Class C Misdemeanor and a fine in an amount not to exceed \$500.00; providing that this ordinance shall be cumulative; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date

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

- 8C. [ORD-0550](#) Approving an ordinance on second reading with the caption reading: An ordinance granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to construct, maintain, and operate pipelines and equipment in the City of Pflugerville,

Travis County, Texas for the transportation, delivery, sale, and distribution of gas in, out of, and through said city for all purposes; providing for the payment of a fee or charge for the use of the public rights-of-ways; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; and repealing all previous gas franchise ordinances.

The ordinance was approved on second reading on the consent agenda. The ordinance was to be considered on third reading on December 8, 2020.

8D. [ORD-0551](#)

Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, Adopting the cities roadway impact fees; Amending the City's Code of Ordinances Chapter 152 Impact Fees to include Roadway Impact Fees per service unit; Establishing procedures for the assessment, collection, computation, expenditure, refund and general administration of Roadway Impact Fees; Providing for the establishment of accounts for Roadway Impact Fees; Replacing all ordinances in conflict; Containing severability and repealer clauses; and providing for an effective date.

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

9. Approval of Minutes

9A. [2020-8803](#)

Approval of the minutes of the November 10, 2020 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

10. Resolutions

10A. [RES-0783](#)

Approving a resolution appointing City of Pflugerville representatives to the Technical Advisory Committee of the Capital Area Metropolitan Planning Organization Transportation Policy Board.

The resolution was approved on the consent agenda.

10B. [RES-0784](#)

Approving a resolution with the caption reading: A Resolution of the City of Pflugerville, Texas, Authorizing Creation of An Employee Benefits Trust; Designating All Members of the City Council to be Trustees of Said Trust; And Authorizing the Trust to Purchase Various Forms of Insurance for the Benefit of City Officers, Employees, Qualified Retirees, and their Dependents.

The resolution was approved on the consent agenda.

10C. [RES-0788](#)

Approving a resolution with the caption reading: Resolution of the City of Pflugerville, Texas, electing to become eligible to participate in tax

abatement under Texas Tax Code, Chapter 312 and adopting Tax Abatement Guidelines.

The resolution was approved on the consent agenda.

- 10D.** [RES-0790](#) Approving a resolution creating the City of Pflugerville Deutschen Pfest Committee.

The resolution was approved on the consent agenda.

- 10E.** [RES-0791](#) Approving a resolution affirming the extension of term and providing a pay increase for Municipal Judge Farren Sheehan.

The resolution was approved on the consent agenda.

- 10F.** [RES-0792](#) Approving a resolution establishing a City of Pflugerville Cash Handling Policy.

The resolution was approved on the consent agenda.

11. Other Actions

- 11A.** [2020-8751](#) Canceling the December 22, 2020 City Council Worksession and Regular Meeting.

The item was approved on the consent agenda.

- 11B.** [2020-8810](#) Authorizing the City Manager to execute a conditional purchase agreement and associated conveyance documents between BH Pflugerville Golf, LP (Parcel 9) and the City of Pflugerville as necessary to acquire real property interests for the Kelly Lane Phase 2 Roadway Project.

The item was approved on the consent agenda.

- 11C.** [2020-8818](#) Approving a Memorandum of Understanding between the Travis County District Attorney's Office, Travis County Probation, Brave Alliance, partner law enforcement agencies and the City of Pflugerville for participation in the Austin/Travis County Interagency Sexual Assault Team (ISAT) and authorizing the Chief of Police to execute same.

The item was approved on the consent agenda.

- 11D.** [2020-8820](#) Approving a Memorandum of Understanding between Flock Group, Inc. ("Flock Safety") and the City of Pflugerville for access to Flock's technology platform (the "Flock Service") for investigative purposes and authorizing the Chief of Police to execute same.

The item was approved on the consent agenda.

- 11E.** [2020-8838](#) Approving City of Pflugerville participation in the Travis County Hazard

Mitigation Plan Update for 2022 and authorizing the City Manager to execute a letter of intent for participation and any and all future agreements for participation in the Travis County Hazard Mitigation Plan 2022 Update.

The item was approved on the consent agenda.

- 11F. [2020-8768](#) Approving the appointment of Ms. Melissa Neel as the City's Finance Director.

The item was approved on the consent agenda.

Action on the Consent Agenda

Mayor Pro Tem Peña made a motion to approve the consent agenda. Mr. Heath seconded the motion. The vote was: Mr. Weiss-yes, Mr. Ruiz-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-yes, Mr. Rogers-no, Mayor Gonzales-yes. The motion carried.

12. Ordinance Second Reading

- 12A. [ORD-0554](#) Discuss and consider action to approve an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, authorizing the conveyance of 0.29 acres of Real Property to United Partners, being Lot 1, Block 1, E.W. Pfluger Addition, Travis County, Texas as described in a deed to the City of Pflugerville, in Volume 2, Page 176, Plat Records, Travis County, Texas; Providing for a Severability Clause; and Providing an Effective Date. (201 South 3rd Street)

Mayor Gonzales opened and read the item to include the caption of the ordinance under consideration. Mayor Pro Tem Peña announced that he was abstaining on the item for a possible conflict of interest (in that his home is located with 500 feet of the property subject of the item). He exited the meeting and did not participate in the discussions or vote on the item. Mr. Rogers made a motion to approve the ordinance on second reading. Mr. Weiss seconded the motion. All present voted in favor. Mayor Pro Tem Peña abstained and was absent and did not participate in the vote on the item. The motion carried. Mayor Pro Tem Peña returned to the meeting.

13. Resolutions

- 13A. [RES-0778](#) Discuss and consider action to approve a resolution with the caption: Resolution of the City of Pflugerville authorizing the City Manager to execute a Post-Annexation Provision of Services Agreement with Ebensee LLC, providing that upon annexation the City will provide standard City services to a tract of land totaling approximately 4.724 acres situated in the Joseph Wiehl Survey No. 8, Abstract No. 802, Travis County, Texas, within the City's extraterritorial jurisdiction.

Mayor Gonzales opened the item for consideration. Ms. Barron provided information. Mr. Rogers made a motion to approve the resolution as presented. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

13B. [RES-0785](#)

Discuss and consider action to approve a resolution making additional appointments to the Charter Review Commission.

Mayor Gonzales opened the item and provided information. He stated that Mr. Weiss had appointed Darryl Houston and he has declined in order to retain his position on the Tax Reinvestment Zone No. One (TIRZ) Board and that Mr. Weiss has indicated that he will appoint Jim McDonald as his replacement. He stated that the City Council can appoint up to five additional members and indicated at the last meeting to allow the new Councilmembers to appoint two members each. He stated that Mr. Rogers has indicated that he would like to appoint Mark Gladney and Terry Newsom and Mr. Ruiz would like to appoint Kensing Marquez and Jeff Reeb. Mayor Gonzales stated that he would like to add Charlie Torres as an additional candidate. Mr. Rogers noted concern that Adeline Bui who was appointed on November 10, 2020 has a homestead in Austin. Mayor Gonzales stated that the City Secretary could look into that. Mr. Weiss made a motion to approve the resolution appointing the additional members as presented. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

13C. [RES-0789](#)

Discuss and consider action to approve a resolution amending the Pflugerville Community Development Corporation (PCDC) bylaws to allow two City Councilmembers to serve on the PCDC Board of Directors and any other updates as needed.

Mayor Gonzales opened the item for consideration. Mr. Weiss indicated concern for Section 8.04 of the proposed bylaws. Mr. Fletcher provided information. Council discussion followed with input from Ms. Breland. Mr. Weiss stated concern that the section could cause delay. He stated that he thinks that Section 8.05 addresses any communications concerns. Amy Madison, Executive Director of the Pflugerville Community Development Corporation, provided information and discussed with Council. Mr. Rogers made a motion to not adopt the amended bylaws and to leave them as is. The motion died due to lack of a second. Mr. Metayer made a motion to approve the resolution and proposed bylaws without Section 8.04. Mr. Weiss seconded the motion. The vote was: Mr. Weiss-yes, Mr. Ruiz-yes, Mayor Pro Tem Peña-no, Mr. Metayer-yes, Mr. Heath-yes, Mr. Rogers-no, Mayor Gonzales-yes. The motion carried.

13D. [RES-0775](#)

Review representation and discuss and consider action to approve a resolution designating a City of Pflugerville City Council representative on the Capital Area Metropolitan Planning Organization (CAMPO) Transportation Policy Board.

Mayor Gonzales opened the item and discussion followed. Mr. Heath made a motion to keep the current members (with Mr. Metayer serving as the representative and Mayor Gonzales serving as the alternate and any Councilmember to serve as an additional alternate as needed.) Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

- 13E.** [RES-0776](#) Review representation and discuss and consider action to approve a resolution appointing a City Council special events subcommittee.
- Mayor Gonzales** opened the item for consideration. **Mr. Mize** provided information. **Mr. Heath** made a motion to reappoint the current members **Mayor Pro Tem Peña** and **Mr. Weiss**. **Mr. Rogers** seconded the motion. All voted in favor. The motion carried.
- 13F.** [RES-0777](#) Review representation and discuss and consider action to approve a resolution appointing a City Council facilities subcommittee.
- Mayor Gonzales** opened the item for consideration. **Mayor Pro Tem Peña** recommended **Mr. Ruiz** and **Mr. Rogers** for appointment to the facilities subcommittee. **Mr. Heath** seconded the motion. All voted in favor. The motion carried.
- 14. Discuss and consider action**
- 14A.** [2020-8749](#) Discuss and consider action to elect a Mayor Pro Tem per City Charter Section 3.06.
- Mayor Gonzales** opened the item for consideration. **Mr. Heath** made a motion to elect **Mr. Peña** as Mayor Pro Tem. **Mr. Rogers** seconded the motion. The vote was: **Mr. Weiss**-yes, **Mr. Ruiz**-yes, **Mr. Peña**-no, **Mr. Metayer**-yes, **Mr. Heath**-yes, **Mr. Rogers**-yes, **Mayor Gonzales**-yes. The motion carried.
- 14B.** [2020-8750](#) Review representation and discuss and consider action to appoint a City Councilmember to serve on the Community Advancement Network (CAN) board of directors.
- Mayor Gonzales** opened the item for consideration. **Mr. Metayer** provided information on CAN. **Mayor Gonzales** made a motion to reappoint **Mr. Metayer** to the CAN Board of Directors. **Mr. Weiss** seconded the motion. All voted in favor. The motion carried.
- 14C.** [2020-8822](#) Review representation and discuss and consider action to appoint three representatives to the Capital Area Council of Governments (CAPCOG) General Assembly.
- Mayor Gonzales** opened the item for consideration. **Mayor Gonzales** indicated that he would be willing to give his position to another Councilmember. **Mr. Weiss** stated that he would like to take the Mayor's place. **Mr. Heath** indicated that he would like to continue on the CAPCOG General Assembly. **Mayor Pro Tem Peña** indicated that he would be willing to give his position to **Mr. Ruiz** or **Mr. Rogers**. **Mr. Ruiz** indicated he would be happy to serve. **Mr. Metayer** made a motion to appoint **Mr. Heath**, **Mr. Ruiz** and **Mr. Weiss** to the CAPCOG General Assembly. **Mayor Pro Tem Peña** seconded the motion. All voted in favor. The motion carried.
- 15. Adjourn**
- Mayor Gonzales** requested a motion to adjourn. **Mr. Heath** made a motion to adjourn. **Mr. Rogers** seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 9:37 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on December 8, 2020.