



City of Pflugerville

Minutes - Final - Draft

City Council

Tuesday, April 28, 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 5:30 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=e2038f5542d213ca48843056f755619f8>

Meeting Code/Number: 960 876 905
Dial-in number: (US toll): = +1-408-418-9388

Public comment will only 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. All public comment will occur at the beginning of the Regular Meeting 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.

A recording of the telephone/video meeting will be made, and will be available to the public in accordance with the Open Meetings Act 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. He announced that the meeting was taking place as a telephone/video conference. Mayor Pro Tem Omar Peña and Councilmembers Doug Weiss, Jeff Marsh, Rudy Metayer, Mike Heath and Jim McDonald were in attendance. City employees attending: Sereniah Breland, City Manager; Charles Zech, City Attorney; Trey Fletcher, Assistant City Manager; James Hartshorn, Assistant City Manager; Amy Giannini, Assistant City Manager; Amy Good, Finance Director; Karen Thompson, City Secretary; Emily Barron, Planning Director; Jennifer Grizwold, Library Director; Daniel Berra, Assistant Library Director; Maggie Holman, Public Information Officer; Gwen Holford, Digital Content Web Specialist; Shane Mize, Parks and Recreation Director; Sheila Wiora, Assistant Parks and Recreation Director; Kaitlyn Neal, Special Events Coordinator; Patricia Davis, City Engineer; Rhonda McLendon, Animal Welfare Services Director. Amy Madison, Executive Director of the Pflugerville Community Development Corporation, was in attendance.

Items were addressed in the order as recorded in the minutes.

2. Items of Community Interest

Mayor Gonzales announced the reopening of the Pfarmers Market on May 5, 2020. Mayor Gonzales provided a reminder to residents to complete the 2020 Census. Mayor Gonzales announced that the City of Pflugerville was recognized as a Gold Star Affiliate by Keep Texas Beautiful for the fourth year. Mayor Gonzales provided a reminder regarding virtual programs available by the Library and Parks and Recreation.

Mr. Weiss extended appreciation to the Pflugerville Chamber of Commerce for the Pflugerville pfund to support businesses and to the Downtown Association for making contributions this weekend to help the community. Mr. Weiss encouraged the public to check out the Library's virtual programs, stating that there is something for everyone.

Mr. Metayer thanked Central Health for opening a COVID-19 testing center at the Travis County Tax Office in Pflugerville. Mr. Metayer also thanked the Pflugerville ISD for providing food to our students and the Travis County ESD No. 2 for their partnership. Mr. Metayer stated that the Texas Workforce Commission is showing our zip code as one of the highest for unemployment. He encouraged those affected to get the benefits that they need and deserve.

Mr. McDonald acknowledged the community support from businesses supporting first responders, medical practitioners and the elderly. He stated that he is proud to represent the community.

3. Presentations

- 3A. [2020-8361](#) Proclamation declaring May 4-8, 2020 as Air Quality Awareness Week in the City of Pflugerville.

Mayor Gonzales announced that he had issued a proclamation declaring May 4-8, 2020 as Air Quality Awareness Week and provided comments. Mr. Heath, who serves as the City's representative on the Capital Area Council of Government's Clean Air Coalition, also provided comments.

- 3B.** [2020-8376](#) Proclamation declaring May 4-9, 2020 as Economic Development Week in the City of Pflugerville.

Mayor Gonzales announced that he had issued a proclamation declaring May 4-9, 2020 as Economic Development Week. He provided comments and recognized the Pflugerville Community Development Corporation and the Pflugerville Chamber of Commerce for their continued efforts.

- 3C.** [2020-8375](#) Proclamation declaring May 2020 as Motorcycle Safety and Awareness Month in the City of Pflugerville.

Mayor Gonzales announced that he had issued a proclamation declaring May as Motorcycle Safety and Awareness Month. He provided comments and asked that motorists exercise extra caution around motorcyclists.

4. Public Comment

Mayor Gonzales read the following public comments:

Jessica Hernandez, IDEA Pflugerville parent, public comment in support of item 7A.

Urcha Dunbar-Crespo, public comment requesting that the City consider resuming pick up of large items, tree trimmings and yard waste.

Page Vandiver, public comment requesting the City to consider reopening Lake Pflugerville.

Kyle Cross spoke under public comment in support of reopening Lake Pflugerville.

Reading of the Consent Agenda

Item 7C was removed from the consent agenda. Ms. Thompson read the items to include the caption of the ordinance under consideration.

5. Ordinances First Reading

- 5A.** [ORD-0518](#) Approving an ordinance on first reading with the caption reading: an ordinance of the City of Pflugerville, Texas amending the City of Pflugerville, Texas code of ordinances Title XV land usage, chapter 151 flood damage prevention, section 151.55 Floodplain Administrator by redesignating the City Engineer or appointee as the Floodplain Administrator; 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.

6. Approval of Minutes

- 6A.** [2020-8365](#) Approval of the minutes of the April 14, 2020 Regular Meeting.

The minutes were approved on the consent agenda.

7. Resolutions

- 7A. [RES-0717](#) Approval of a resolution extending the timeframe for consideration of the Timmerman 2020 rezoning case.

The resolution was approved on the consent agenda.

- 7B. [RES-0718](#) Approving a resolution for athletic field lighting for IDEA School, located at 1901 E Wells Branch Pkwy.

The resolution was approved on the consent agenda.

Approval of the Consent Agenda

Mr. Heath made a motion to accept the consent agenda as read. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

- 7C. [RES-0719](#) Approving a resolution of the City of Pflugerville, Texas authorizing the City Manager to execute an Agreement for a Local On-System Improvement Project (LOSA) with the Texas Department of Transportation (TxDOT) for roadway work associated with the FM 685 at Pecan Street intersection improvement project.

Ms. Davis provided information and noted TxDOT's support for the project. Council discussion followed. Mr. Heath indicated concern for investing in improvements without improving the level of service to a level that meets city requirements. He asked if there would be an opportunity for change order improvements to conform to current standards. Ms. Davis stated that they can look at it. Council discussion with Ms. Davis followed regarding the design of the improvements. Mr. Weiss stated that TxDOT is contributing by covering their costs at about \$250,000 and it does improve operational efficiency. Mr. Metayer made a motion to approve item 7C as written. Mr. Weiss seconded the motion. Mr. Heath stated that he appreciates that they will look at additional improvements to improve the level of service. All voted in favor. The motion carried.

9. Discuss only

- 9A. [2020-8372](#) Discussion regarding reestablishment of City services, programs and events.

Mayor Gonzales opened item 9A for discussion. Mayor Gonzales stated that they need to keep in mind that there is still a concern about COVID-19. He stated that wearing a facemask is important and that this has become a learning process. He stated in Pflugerville, he is concerned for the safety of our employees. It was noted that Mayor Gonzales had moved past items 8A and 8B, so he indicated to return to those items.

8. Discuss and consider action

- 8A.** [2020-8366](#) Discuss and consider action to approve the selection of Kimley-Horn and Associates for professional services associated with the Comprehensive Americans with Disabilities Act (ADA) Self Evaluation and Transition Plan and authorizing the City Manager to execute a professional services agreement in the amount of \$149,997.50.

Ms. Davis provided information and answered questions of Council. Mr. McDonald asked if there would be value added by discussing with the Equity Commission. Mayor Gonzales indicated that the Equity Commission has not been formalized yet. Mr. McDonald asked if it would be good to sit down with them. Ms. Davis indicated that they could add them to the public contact list. Mr. Heath indicated a need to include the business community as well. There was continued discussion. Mr. Marsh stated that he thinks that this is to find out where the City is out of compliance and that he does not see a need for community input. Mr. Weiss stated that he expects a lists of projects to come out of it and a need for budget prioritization. Mr. Marsh stated that he thinks we will have to complete the projects. Ms. Davis provided additional information on the items for review to include public access of city facilities, public intersections, curbs and sidewalks. There was additional discussion. Ms. Davis noted that there would be no external committee for this, only an internal staff committee. Mr. Metayer made a motion to approve 8A as written. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

- 8B.** [2020-8367](#) Discuss and consider action to approve a supplemental agreement with Freese and Nichols, Inc. to provide Engineering Staff Augmentation services in the amount of \$240,000.00.

Mayor Gonzales announced that Mayor Pro Tem Peña was recusing himself due to a potential conflict of interest in that his brother in law is employed with Freese and Nichols.

Ms. Giannini provided information. She explained that to date Freese and Nichols had billed \$189,000 on the current contract and following the close out of April, they would use this \$240,000 for the next six months. She answered questions of Council and discussion followed. Mr. Weiss indicated a concern that the amount to go forward for the next six months is \$240,000 and \$389,344 has already been approved, allowing for a total expenditure of \$629,344. He indicated that he understands there is an expectation that there would be a deduct but that is not how the contract is written. Ms. Giannini noted that the initial proposed contract was \$711,000. Mr. Heath asked if there is any legal issue with this percentage increase. Mr. Zech indicated that he has no issue with the agreement. There was additional discussion.

Mr. Heath made a motion to approve item 8B. Mr. McDonald seconded the motion. Mr. Weiss indicated concerns that what is expected is not what is written in the contract. Mayor Pro Tem Peña abstained from all discussion and the vote on the item. The vote was: Mr. Weiss-no, Mr. Marsh-yes, Mr. Metayer-yes, Mr. Heath-yes, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.

9. Discuss only

9A. [2020-8372](#)

Discussion regarding reestablishment of City services, programs and events.

Mayor Pro Tem Peña returned to the meeting. Mayor Gonzales stated that he had discussion with Ms. Breland and Mayor Pro Tem Peña to look at a proposed reopen plan for the City. He reviewed the incident efforts to provide information to City staff and the public, work with City departments to maintain essential services, to provide for the safety of employees, to support the community's health, to work in step with the Travis County ESD No. 2 and Pflugerville ISD, and to plan for financial impacts. He reviewed plans to continue most current restrictions and closures until further notice with curbside service and WiFi in the parking lot being added at the library and curbside chipping to resume on a once a month schedule. Council discussion followed with Ms. Breland. Ms. Breland stated that she would like to receive some direction on Lake Pflugerville. Council discussion followed. Mayor Pro Tem Peña stated that he would want to make sure that the employees have what they need before opening up. Mr. Weiss noted that enforcement of selective activities would be a challenge. He recommended keeping Lake Pflugerville closed for a longer time. Mr. Metayer spoke on the need to be cautious but to move forward. Mr. McDonald stated that he is seeing that the data shows that Texas is not ready to reopen. He stated that he wants to be sure we don't reverse. There was continued discussion. Mr. McDonald stated in two weeks, they might be in a safer position to consider opening. He recommended waiting. There was continued Council discussion with Ms. Breland regarding holding on plans for reopening of facilities. Mayor Gonzales stated that they would revisit it again in a couple of weeks. Mr. Weiss asked when they think they will be back in the Council Chambers for meetings. Ms. Breland stated that she does not anticipate that until Phase 2.

9B. [2020-8160](#)

1.) Executive Session: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding a Pflugerville Community Development Corporation performance agreement for Project Charm. 2.) Open Session: Discussion regarding a Pflugerville Community Development Corporation performance agreement for Project Charm.

Mayor Gonzales read the item and announced that the City Council was retiring to executive session. The time was 9:04p.m. Mayor Gonzales reconvened in open session at 9:21 p.m. There was no discussion in open session.

10. Adjourn

Mayor Gonzales adjourned the meeting at 9:21 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on May 12, 2020.