



# City of Pflugerville

## Minutes - Final - Draft

### City Council

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Tuesday, October 27, 2020

7:00 PM

100 East Main Street, Suite 500

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#### 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=e9475a2944191f655957f7b19edc856d3>

Meeting Code/Number: 146 685 6425

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](mailto: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 regular meeting was held by telephone/video conference. Mayor Pro Tem Omar Peña and Councilmembers Doug Weiss, Jeff Marsh, Mike Heath and Jim McDonald were in attendance. Councilmember Rudy Metayer was absent. 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; Emily Barron, Planning and Development Services Director; Patricia Davis, City Engineer; Terri Toledo, Communications Director; Maggie Holman, Public Information Officer; Martie Simpson, Interim Finance Director; Gwen Holford, Digital Content Web Specialist; Wade Manes, Videography Multimedia Specialist; Jason Smith, Assistant Police Chief.

## 2. Items of Community Interest

Mayor Gonzales announced awards recently received by the Pflugerville Community Development Corporation. He provided a reminder regarding free COVID-19 testing downtown. He announced that Blue Santa is returning this year. Mr. McDonald challenged others to volunteer for Circle of Hope. Mr. Weiss thanked the Parks Department for the virtual Deutschen Pfest 5K.

## 3. Presentation

### 3A. [2020-8692](#) Aspire Pflugerville 2040 Comprehensive Plan Update.

Ms. Barron provided an update on the item. Mr. McDonald and Mayor Gonzales provided comments.

## 5. Public Comment

Mayor Gonzales stated that registration for public comment was taken until 5:00 p.m. today and that three written comments were received.

Ms. Thompson read the written comments.

Deanna Huff, Winderemere resident, indicated protest to the agreement with Capital Metro and that she was against item 9A, Downtown District Overlay.

Victor Johnson, Cambridge Estates resident, indicated opposition to item 10A Cap Metro funding.

Bob Reichenbach, Saxony resident, indicated concern for costs to residents during the economic slow down caused by the COVID-19 pandemic. He asked Council to delay and to vote against items 4A, 9A and 10A, stating that these items are non-essential until the economy has come back.

Mayor Gonzales stated that there was one request to speak under public comment from Roy Aleman.

Roy Aleman, resident of Cambridge Estates, requested that the curbside chipping program be restored at least on a reduced quarterly basis.

#### 4. Public Hearing and Ordinance First Readings

- 4A. [ORD-0547](#) Conduct a public hearing and consider approving an ordinance on first reading regarding with the caption reading An Ordinance amending Chapter 153 of the Code of Ordinances for the City of Pflugerville, Texas, by amending the 2030 Comprehensive Plan to update the elements of the overall plan and adopt the updated Transportation Master Plan Dated November 2019 incorporating an updated thoroughfare plan map; providing for severability; and providing an effective date.

Mayor Gonzales read the item to include the caption of the ordinance under consideration and opened the public hearing. Ms. Barron presented on the item. Mayor Gonzales stated that registration for public comment 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. Mr. McDonald seconded the motion. Mayor Pro Tem Peña and Mayor Gonzales also seconded the motion. All voted in favor. The motion carried.

Mr. Heath made a motion to approve the ordinance on first reading with the addition of a limited access facility for FM973. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

- 4B. [ORD-0551](#) Conduct a public hearing and consider approving an ordinance on first 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.

Mayor Gonzales read the item to include the caption of the ordinance under consideration and opened the public hearing. Ms. Barron provided an introduction. Jeff Whitacre, Kimley-Horn, provided a summary of maximum fees, recommended collection rates, the timeline and the recommendation provided by the Capital Improvement Advisory Committee (CIAC) and discussed with Council. Jake Gutekunst, Kimley-Horn, also answered questions of Council. Mr. Weiss indicated concern for losing money during the year and a

half. Mr. Heath stated that they could make effective in 2021. Ms. Barron provided information on plat activity, stating that it is significant. Mr. Marsh explained that developers will need time to price into their models. Mr. Heath stated that it seems prudent not to push it off a year. Discussion continued. Ms. Barron stated that the public hearing is this evening and if closed, action on the ordinance needs to be taken within 30 days. Discussion continued. Mr. Heath stated that he thinks six months with the tiered approach seems to be more equitable. Mr. Weiss indicated to concur on the tiered approach with a grace period and effective date of March 1 and no grace period for unplatted. Mr. Heath indicated agreement. Mr. Marsh asked that a longer grace period be considered to allow better understanding and to adjust. Mayor Pro Tem Peña indicated to agree with Mr. Heath. Mayor Gonzales stated that he supports the tiered approach and agrees with Mr. Marsh. Mr. McDonald stated that he agrees and would advocate for a third year phase in.

Mayor Gonzales stated that registration for public comment at the public hearing was taken until 5:00 p.m. today and he received one request to speak from David Glenn.

David Glenn, Home Builders Association of Austin, asked Council to consider the impact on the affordability of housing and how the construction industry has been affected by the pandemic with lumber shortages and increase in costs. He recommended another two tiers with a three-year implementation and to grandfather those with existing TIAs (Traffic Impact Analyses).

Mr. Heath made a motion to close the public hearing. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

Mr. Weiss indicated concern with the timeline. Mr. McDonald and Mr. Heath indicated to concur. Discussion followed regarding the deadline for action on the ordinance. Mr. Zech stated that the conservative approach is to fully adopt the ordinance within 30 days. No action was taken on the ordinance.

**4C.**    [ORD-0546](#)

Conduct a public hearing and consider approving an ordinance on first 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 approving a specific use permit for a proposed office/warehouse on lots 2E and 2G of the Renewable Energy Park Replat of Lot 2E, consisting of approximately 4.4-acres zoned Urban Center Corridor Level 5 (CL5) district located generally northeast of the Helios Way and Impact Way intersection. to be known as the Exaco Warehouse specific use permit (SUP2008-01); providing a cumulative and repealer clause; providing for a severability clause; and providing an effective date.

Mayor Gonzales read the item to include the caption of the ordinance under consideration and opened the public hearing. Ms. Barron presented on the item 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. Weiss seconded the motion. All voted in favor. The motion carried.

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

## Reading of the Consent Agenda

Items 7A, 8B and 8C were removed from the consent agenda. Ms. Thompson read the items under consideration.

### 6. Approval of Minutes

- 6A. [2020-8735](#) Approval of the minutes of the October 13, 2020 Worksession and Regular Meeting.  
The minutes were approved on the consent agenda.

### 8. Other Actions

- 8A. [2020-8736](#) Approving a Pflugerville Community Development Corporation (PCDC) FY21 budget amendment not to exceed \$1,000,000 as specified in the PCDC Economic Development Performance Agreement with Amazon.com Services LLC. for the purpose of road improvements at FM685 and Pecan Street.  
The item was approved on the consent agenda.
- 8D. [2020-8746](#) Approving an agreement with Kimley-Horn and Associates in the amount of \$69,994.20 for professional engineering services associated with the design, bidding, construction administration, and material testing for the Grand Avenue Parkway Pavement Repair Project and authorizing the City Manager to execute the same.  
The item was approved on the consent agenda.
- 8E. [2020-8753](#) Approving the selection of Ardurra for professional engineering services associated with the Water Treatment Plant Facility Expansion Project 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.

## Approval of the Consent Agenda

Mr. Heath made a motion to approve the consent agenda as read. Mayor Gonzales seconded the motion. Mr. McDonald was absent from the meeting and did not participate in the vote. All present voted in favor. The motion carried.

### 7. Resolutions - Removed from the Consent Agenda

- 7A. [RES-0772](#) Approving a resolution reviewing and readopting the Investment Policy of the City of Pflugerville.

Mayor Gonzales opened the item for consideration. Mr. McDonald returned to the meeting. Mr. McDonald asked if there were any significant changes. Ms. Simpson stated that this includes substantial re-writes. She provided a summary of the changes. Mr. McDonald made a motion to approve as presented. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

### Other Actions

- 8B. [2020-8739](#) Approving Amendment No. 2 to Professional Services Agreement between Kelly Lane Water Control and Improvement District No. 1 (Avalon) and the City of Pflugerville concerning the operation, maintenance and management of water and wastewater facilities, and municipal solid waste services within Kelly Lane Water Control and Improvement District No. 1 and authorizing the City Manager to execute the same.

Mayor Gonzales opened Items 8B and 8C to be addressed simultaneously. Mr. Weiss indicated concern that the City is providing but not receiving anything in return in the agreements. He stated that he thinks that they should have additional considerations. Mr. Fletcher stated that the amendments are to report for illicit discharges and the consideration for the service is a flat wastewater charge to the customers. Patrick Carlson, Armbrust & Brown, PLLC, stated that the recital of consideration is the standard language that was used in the previous amendments. Mayor Gonzales asked Mr. Zech if he had any concerns. Mr. Zech stated that he has no legal concerns, but it is a policy decision if they want additional considerations. Council discussion followed with Ms. Breland. Mr. Heath asked if there is a deadline. Ms. Breland stated not on the City's end. Mr. Carlson stated this is for a MS4 permit and he is unsure of a deadline. No action was taken on 8B and 8C. The items were to return for consideration in 30 days.

- 8C. [2020-8740](#) Approving Amendment No. 2 to Professional Services Agreement between Kelly Lane Water Control and Improvement District No. 2 (Avalon) and the City of Pflugerville concerning the operation, maintenance and management of water and wastewater facilities, and municipal solid waste services within Kelly Lane Water Control and Improvement District No. 2 and authorizing the City Manager to execute the same.

Mayor Gonzales opened Items 8B and 8C to be addressed simultaneously. Mr. Weiss indicated concern that the City is providing but not receiving anything in return in the agreements. He stated that he thinks that they should have additional considerations. Mr. Fletcher stated that the amendments are to report for illicit discharges and the consideration for the service is a flat wastewater charge to the customers. Patrick Carlson, Armbrust & Brown, PLLC, stated that the recital of consideration is the standard language that was used in the previous amendments. Mayor Gonzales asked Mr. Zech if he had any

concerns. Mr. Zech stated that he has no legal concerns, but it is a policy decision if they want additional considerations. Council discussion followed with Ms. Breland. Mr. Heath asked if there is a deadline. Ms. Breland stated not on the City's end. Mr. Carlson stated this is for a MS4 permit and he is unsure of a deadline. No action was taken on 8B and 8C. The items were to return for consideration in 30 days.

## 9. Ordinances Second Reading

- 9A. [ORD-0545](#) Approving an ordinance on second reading with the caption: An ordinance amending Ordinance No. 1203-15-02-24 of the City of Pflugerville Code of Ordinances Title XV Land Usage, amending Chapter 157, Subchapter 4, Zoning Districts and Use Regulations, by amending Section 4.5.1 Downtown District Overlay to include Downtown sub-districts, and specific development regulations; amending Subchapter 9, Architectural, Site Design and Layout Provisions by adding Section 9.9 Downtown Architectural Design Standards; amending Subchapter 20, Definitions; and repealing Chapter 155 Site Development, Subchapter B Central Business District, in its entirety; replacing all ordinances in conflict; containing severability and repealer clauses; providing for a penalty for a violation of Chapter 157 as a class C misdemeanor and a fine in an amount not to exceed \$2,000.00; and declaring an effective date.

Mayor Gonzales read the item to include the caption of the ordinance under consideration. Ms. Barron indicated that the item was not included on the consent agenda as she understands Mayor Pro Tem Peña would like to abstain. Mayor Pro Tem Peña exited the meeting and abstained on the item for a potential conflict of interest as his home is located in the Old Town Neighborhood. Mr. Marsh made a motion to approve the ordinance on second reading as presented. Mr. Weiss seconded the motion. Mayor Pro Tem was absent and abstained in the vote on the ordinance. All others in attendance voted in favor. The motion carried.

## 10. Discuss and consider action

- 10A. [2020-8752](#) Discuss and consider action to approve an Interlocal Agreement with Capital Metropolitan Transit Authority (CMTA) and authorizing the City Manager to execute said agreement.

Mayor Gonzales announced that Capital Metro had requested that the item be postponed. There was no discussion or action on the item.

- 10B. [2020-8743](#) Discuss and consider action to approve a professional services agreement with Kimley-Horn and Associates, Inc. in the amount of \$858,059.35 for professional engineering services associated with the Wilbarger Creek Wastewater Interceptor project and authorizing the City Manager to execute the same.

Ms. Davis presented on the item and answered questions of Council. Mr. Weiss made a motion to approve the item as presented. Mr. McDonald seconded the

motion. All voted in favor. The motion carried.

**10C.** [2020-8744](#)

Discuss and consider action to approve a professional services agreement with Garver, LLC in the amount of \$1,650,192.00 for professional engineering services associated with the Wilbarger Creek Regional Wastewater Treatment Facility project and authorizing the City Manager to execute the same.

**Ms. Davis presented on the item. She reviewed the schedule and answered questions of Council. Mr. Weiss indicated concern that he is not seeing deliverable dates in the schedule. Ms. Davis stated that there are stringent and tight deadlines. Council discussion with Ryan Owen, CP&Y, followed. Mayor Gonzales stepped away from the meeting. Mr. Weiss made a motion to approve with the addition of the schedule as a part of the commitment in the agreement. Mr. McDonald seconded the motion. Mayor Gonzales was absent and did not participate in the vote. All present voted in favor. The motion carried.**

**10D.** [2020-8745](#)

Discuss and consider action to approve a professional services agreement with CP&Y, Inc. in the amount of \$754,498.00 for professional engineering services associated with the Sorento Wastewater Interceptor Phase 2 project and authorizing the City Manager to execute the same.

**Mayor Pro Tem Peña was presiding. He read the item and opened it for consideration. Ms. Davis provided information. Mayor Gonzales returned to the meeting. Ms. Davis answered questions of Council. Mr. Weiss stated that the notice to proceed is showing as September 28, 2020. Ms. Davis stated that they had anticipated the item to come to Council sooner and it should be in November 2020. Mr. Ryan stated that they can update the notice to proceed and meet the other dates. Mr. Heath made a motion to approve with the updated schedule with start date in November. Mr. Weiss moved approval. Mr. Heath seconded the motion. All voted in favor. The motion carried.**

**10E.** [2020-8747](#)

Discuss and consider action to award a construction contract for the Old Austin-Hutto Road reconstruction Project to Smith Contracting Co., Inc., the lowest responsible bidder of eight (8) bids received on October 15, 2020 in the amount of \$3,607,538.59 and authorizing the City Manager to execute same.

**Ms. Davis reviewed the bids and stated that staff recommends approval of the base bid and two alternate bids. She reviewed the project and answered questions of Council. Ms. Giannini introduced Sean Berry, Freese and Nichols, to address questions regarding the alternate bid for black base. Council discussion followed with Mr. Berry. Mr. Heath stated that it is lower risk in quality and consistency. Mr. Weiss asked if it is worth \$250,000. Mr. Heath stated that with traffic control and timing, it will be less impactful during construction. Mayor Pro Tem Peña made a motion to approve as read. Mr. Marsh seconded the motion. Mayor Gonzales provided comments. All voted in favor. The motion carried.**

**11. Adjourn**

**Mr. Marsh made a motion to adjourn. Mayor Gonzales seconded the motion.**

All voted in favor. The motion carried. The meeting was adjourned at 9:32 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as \_\_\_\_\_ on November 10, 2020.