



# City of Pflugerville

## Minutes - Final - Final

### City Council

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Tuesday, March 23, 2021

7:00 PM

100 East Main Street, Suite 500

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#### Regular Meeting (Telephone/Video Conference)

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=ee7edddc3cb979598d1648b0f56d337e5>

Meeting Code/Number: 187 034 8110

Dial-in number: (US toll): = 1-408-418-9388

Public comment 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. 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 Pro Tem Omar Peña called the regular meeting to order at 7:02 p.m. The meeting was held by telephone/video conference. Councilmembers Doug Weiss, Ceasar Ruiz, Rudy Metayer and David Rogers were in attendance.

Mayor Victor Gonzales and Councilmember Mike Heath were 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; Melissa Moore, Finance Director; Patricia Davis, City Engineer; Terri Toledo, Communications Director; Maggie Holman, Public Information Officer; Gwen Holford, Application and Web Developer; Wade Maness, Videography Multimedia Specialist; Emily Barron, Planning and Development Services Director; Shane Mize, Parks and Recreation Director; Brandon Pritchett, Utilities Director; Caroline Davis, Associate Municipal Judge; Farren Sheehan, Municipal Judge; Derek Klenke, Assistant City Engineer; Romulus Atanasiu, Engineer Associate.

## 2. Items of Community Interest

Mayor Pro Tem Peña observed a moment of silence for the victims and their families of the shooting in Boulder as well as the Boulder police department and employees of the King Soopers grocery store.

He provided reminders regarding the available dumpsters for storm clean up as well as COVID-19 testing and vaccines and announced that the public comment period for the Historic Colored Addition infrastructure improvements project has been extended through April 2.

## 3. Presentations

### 3A. [2021-0223](#)

Graduation of the PF101 Classes of 2020 and 2021.

Mayor Pro Tem Peña provided comments regarding PF101 and introduced Kristen Marengo, 2020 PF101 Class President. Ms. Morengo provided comments on the 2020 PF101 program. Mayor Pro Tem Peña recognized the participants of the PF101 Class of 2020.

Mayor Pro Tem Peña introduced Jorge Amador and Laura Goettsche, Co-Presidents of PF101 Class of 2021. Mr. Amador and Ms. Goettsche provided comments on the 2021 PF101 program. Mayor Pro Tem Peña recognized the participants of the PF101 Class of 2021.

Mayor Pro Tem Peña and the Councilmembers provided comments and thanked the participants.

### 3B. [2021-0256](#)

Presentation on the launch of Pflugerville Pickup Transit program

Mr. Fletcher provided information and answered questions of Council. Chad Ballentine and Julie Mazur, Capital Metropolitan Transportation Authority (Capital Metro), provided comments. Council provided additional comments on the program.

### 3C. [2021-0263](#)

Presentation and discussion with Armando Perez, Area Manager, Oncor Electric, regarding winter weather even coordination.

Mr. Perez presented a storm summary and answered questions of Council.

#### 4. Public Comment

Registration for public comment was taken until 5:00 p.m. and there were no requests to provide public comment.

#### Reading of the Consent Agenda

Items 6A was removed from the consent agenda and postponed to April 13, 2021. Items 6A and 6B were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

#### 5. Ordinances First Reading

- 5A. [ORD-0568](#) 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 VII Traffic Code, Chapter 72 Traffic Schedules, Section II Speed Limits on City Streets to add provisions for Biltmore Avenue and Helios Way; providing for a penalty for a violation of Chapter 72 as a Class C Misdemeanor and a fine in an amount not to exceed \$200.00; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date.
- The ordinance as approved on first reading on the consent agenda.

#### 6. Ordinances Second Reading

- 6B. [ORD-0572](#) Approving an ordinance on second with the caption reading: An ordinance of the City of Pflugerville, amending Section 3 - Sidewalks, Pedestrian and Bicycle Facilities of the 2014 Engineering Design Manual and Construction Standards, replacing all Engineering and Construction Standards in conflict; Containing a savings clause; Containing a severability clause; and providing for a publication and an effective date.
- The ordinance was approved on second and final reading on the consent agenda.
- 6C. [ORD-0573](#) Approving an ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville amending Section 2 - Street Subsection DG2.4 Pavement Design of the 2014 Engineering Design Manual and Construction Standards, replacing all Engineering and Construction Standards in conflict; containing a savings clause, containing a severability clause; and providing for publication and an effective date.
- The ordinance was approved on second and final reading on the consent agenda.

## 7. Approval of Minutes

- 7A. [2021-0262](#) Approval of the minutes of the March 9, 2021 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

## 8. Resolutions

- 8A. [RES-0845](#) Approving 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 Hagn & Timmerman, Ltd., providing that upon annexation the City will provide standard City services to a tract of land totaling approximately 1.416 acres situated in the T.S. Barnes Survey No. 46, Abstract No. 67, Travis County, Texas, within the City's extraterritorial jurisdiction.

The resolution was approved on the consent agenda.

## 9. Other Actions

- 9C. [2021-0268](#) Authorizing the City Manager to execute a conditional purchase agreement and associated conveyance documents between Falcon Pointe Community Association, Inc. (Parcel 4) 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.

- 9D. [2021-0269](#) Authorizing the City Manager to execute a Drainage Easement from City parkland located along Kelly Lane for improvements associated with the Kelly Lane Phase 2 Roadway Project.

The item was approved on the consent agenda.

- 9E. [2021-0270](#) Authorizing the City Manager to execute a Public Utility Easement on City parkland located along Kelly Lane for improvements associated with the Kelly Lane Phase 2 Roadway Project.

The item was approved on the consent agenda.

- 9F. [2021-0264](#) Approving a Professional Services Supplemental Agreement with Kimley-Horn and Associates in the amount of \$198,614.14 for professional engineering services associated with the Grand Avenue Parkway Pavement Repair Project and authorizing the City Manager to execute the same.

The item was approved on the consent agenda.

## Action on the Consent Agenda

Mr. Weiss made a motion to approve the consent agenda. Mr. Ruiz seconded the motion. All voted in favor. The motion carried.

### 6. Ordinance Second Reading - Removed from the Consent Agenda

- 6A. [ORD-0564](#) Approving an ordinance on second 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 multi-family mixed-use development on approximately 15-acres zoned Urban Center Corridor Level 4 (CL4) district located at the southwest corner of the E Pflugerville Parkway and Weiss Lane intersection, to be known as the Tacara at Weiss Ranch Specific Use Permit (SUP2009-01); providing a cumulative and repealer clause; providing for a non-severability clause; and providing an effective date.

There was no discussion or action on the item. The item was postponed.

9.

- 9A. [2021-0107](#) Appointing Melissa Call, Crystaleen Guerra, Laura Luther, and Linda Botello with terms ending December 31, 2022 and Robert Romig with a term ending December 31, 2021 to the Deutschen Pfest Committee.

Mr. Rogers stated that he had removed from the consent agenda to encourage others to apply as there are still three positions available. Mr. Rogers made a motion to approve the item. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

- 9B. [2021-0257](#) Authorizing the City Manager to execute a contract with Brenntag SW, Inc. for the purchase of aluminum sulfate in the amount of \$0.60/gallon for wastewater treatment.

Mr. Rogers asked for additional information on the item. Mr. Pritchett explained that the lowest bidder would not honor their bid price. Mr. Rogers made a motion to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

### 10. Discuss and consider action

- 10A. [2021-0228](#) Discuss and consider action to approve a Professional Services Agreement with Freese & Nichols, Inc in the amount of \$1,574,574.00 for professional engineering services associated with the 2020 General Obligation Bond Transportation Projects and authorizing the City Manager to execute same.

Mayor Pro Tem Peña stated that he would not participate in the vote on the item (due to a potential conflict of interest in that his brother in law is employed with Freese and Nichols). Ms. Davis provided information. Mr. Rogers made a motion to approve the item. Mr. Weiss seconded the motion. Mayor Pro Tem Peña did not participate in discussions or in the vote on the item. All others present voted in favor. The motion carried.

## 11. Discuss only

11A. [2021-0274](#) Discussion regarding Municipal Court collections.

Mayor Pro Tem Peña asked regarding the collections in 2020, stating that it is only at 7%. He asked how that compares to other cities and year to year. Ms. Davis stated that the case load is lower during COVID and indicated that citations and filings are down statewide. Judge Sheehan stated that there was no court from April 2020 to August 2020. Ms. Davis and Sam Turner, Linebarger, answered questions and discussed with Council. Ms. Breland was to gather additional information and provide to Council.

11B. [2021-0284](#) Discussion regarding an emergency generator power system for the Water Treatment Plant and Lake Pump Station.

Mr. Pritchett provided information. George Luke, Gupta & Associates, presented on the generator install project and answered questions of Council. He confirmed that they can have a temporary solution in place before winter. Mr. Weiss stated that he wants to concentrate on the permanent solution. Mayor Pro Tem Peña requested another update in 4-6 weeks.

11C. [2021-0287](#) Discussion with regard to Homeowners Association attack on Pflugerville Independent School District (PflSD) yard signs congratulating children.

Mr. Rogers indicated that this was his item. He stated that since kids are in school on line, in an effort to reach out, schools have placed signs for being on the honor roll. He explained that after the schools placed the signs in the yards, at least two homeowner associations (HOAs) sent letters threatening to issue fines to the homeowners. He stated that it seems there is some ability for the City to regulate what HOAs can do on signs. He stated that it seems to be a possibility that the City could regulate and that HOA's cannot fine people for receiving communications for government agencies, such as the school district. Mr. Rogers stated that he has discussed with the City Attorney. Mr. Rogers stated that he thinks that they could make an ordinance. Council discussion followed with input from Mr. Zech. Mr. Zech stated that the City is not in charge of letters sent by the HOA and there is a lot of case law regarding the City's ability to regulate signs. He stated that he thinks there is a way forward if the Council wants to do so. There was continued discussion.

## Executive Session

Mayor Pro Tem Peña announced that the City Council was retiring to executive session on items 11G and 11H. He read the items and retired to executive session. The time was 9:24 p.m. Mayor Pro Tem Peña reconvened in open session at 10:14 p.m.

- 11D.** [2021-0271](#) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding a proposed Pflugerville Community Development Corporation (PCDC) performance agreement for Project Beeline.
- This item was addressed in the earlier worksession. There was no discussion on the item at the regular meeting.**
- 11E.** [2021-0265](#) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for discussion regarding litigation: Austin Materials, LLC vs. The City of Pflugerville, et. al.
- This item was addressed in the earlier worksession. There was no discussion on the item at the regular meeting.**
- 11F.** [2021-0285](#) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for discussion regarding litigation: Cash Construction Company, Inc. vs. the City of Pflugerville.
- This item was addressed in the earlier worksession. There was no discussion on the item at the regular meeting.**
- 11G.** [2021-0283](#) Executive Session Item: Deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code regarding the purchase, exchange, lease, and/or value of real property related to Colorado Sand Drive.
- Discussion on the item took place in executive session.**
- 11H.** [2021-0282](#) Executive Session Item: Deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code regarding the purchase, exchange, lease, and/or value of real property.
- Discussion on the item took place in executive session.**

## **12. Adjourn**

**Mayor Pro Tem Peña adjourned the meeting at 10:14 p.m.**

**Respectfully submitted,**

**Karen Thompson  
City Secretary**

**Approved as presented on April 13, 2021.**