



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, November 10, 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=e2dd151233425817c810cf4cdfa5ec600>

Meeting Code/Number: 146 940 7645

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/videoconference. 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; Charlie Zech, City Attorney; Trey Fletcher, Deputy City Manager; Amy Giannini, Assistant City Manager; James Hartshorn, Assistant City Manager; Emily Barron, Planning and Development Services Director; Maggie Holman, Public Information Officer; Rhonda McLendon, Animal Welfare Services Director; Terri Toledo, Communications Director; Evan Groeschel, Public Works Operations Director; Brandon Pritchett, Utilities Director; Jennifer Grizwold, Library Director; Jessica Robledo, Police Chief; Jason Smith, Assistant Police Chief; Patricia Davis, City Engineer.

2. Items of Community Interest

Mayor Gonzales provided a Veteran's Day reminder and encouraged residents to visit the Fallen Warrior Memorial. He thanked all veterans for their service. Mayor Gonzales recognized the Parks Operations Crew for their participation in the Texas Recreation and Parks Society Central Region Park Maintenance Rodeo and Jose Vargas, Fred Ziari and Cordell Alvarado for advancing to the state competition. Mayor Gonzales provided announcements on the comprehensive plan process underway, free COVID testing in downtown Pflugerville and Blue Santa returning this year.

3. Presentation

- 3A. [2020-8771](#) Appreciation presentation to Mr. Jeff Marsh for service to the City as City Councilmember Place 2 from September 2016 to November 2020 and Mr. Jim McDonald for service to the City as City Councilmember Place 6 from November 2017 to November 2020.

Mayor Gonzales recognized outgoing Councilmembers Jeff Marsh and Jim McDonald for their service, leadership and contributions to the Council and to the community. Mayor and Council provided comments.

4. Public Hearing

- 4A. [RES-0773](#) Conduct the first public hearing for the proposed Community Development Block Grant (CDBG) program amended 2020 Action Plan.

Mayor Gonzales read the item and opened the public hearing. Ms. Barron provided information and answered questions of Council. Mayor Gonzales stated that registration to provide public comment at the public hearing was taken until 5:00 p.m. 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. Mayor Gonzales announced that a second public hearing and action on the CDBG program amended 2020 Action Plan would be considered on November 24, 2020.

5. 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 from Bob Reichenbach, Saxony resident, who asked that the City Council vote against item 13A; Jim Slagle, Kempel Tract Phase 2 resident, who requested that the Council consider restoration of the City chipping program; Brandon Barkley, Park Crest resident, who stated that taxpayers should have the opportunity to decide on the ESD17 overlay district; Lacy Wolff, Falcon Pointe resident, who asked that the Council allow the vote on the creation of the ESD17 to fund ambulance service; Martin Lucas, Heatherwilde resident, who made comments regarding the petition for the ESD17 overlay and need for funding for EMS and ambulance service; and Josh Stubblefield, President of the Pflugerville Professional Firefighters Association, who commented about the 4700 signatures submitted on the petition calling for the ESD17 election and voters wanting to make the decision on the issue.

Mayor Gonzales announced that there was one request to speak under public comment. Trevor Stokes, Pflugerville Professional Firefighters Association, asked that the Council consent to allowing the citizens to vote on the ESD17. He asked what the City would do if the ESD discontinues ambulance service.

Reading of the Consent Agenda

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

6. Ordinances First Reading

- 6A. [ORD-0548](#) Approving an ordinance on first 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 first reading on the consent agenda.

- 6B. [ORD-0552](#) 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 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 first reading on the consent agenda.

6C. [ORD-0550](#)

Approving an ordinance on first 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 first reading on the consent agenda.

7. Ordinances Second Reading

7A. [ORD-0546](#)

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 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.

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

7B. [ORD-0547](#)

Approving an ordinance on second 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.

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

8. Approval of Minutes

- 8A. [2020-8769](#) Approval of the minutes of the October 27, 2020 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

9. Resolutions

- 9A. [RES-0724](#) Approving a resolution authorizing the City Manager to execute a Second Amendment of the Amended and Restated Non-Annexation Development Agreement by and between the City of Pflugerville and East Blackland Solar Project 1 LLC .

The resolution was approved on the consent agenda.

- 9B. [RES-0701](#) Approving a resolution with the caption: A resolution of the City Council of the City of Pflugerville, Texas, authorizing the acceptance of a Special Warranty Deed, described as a 1-acre tract of land situated out of the J.P. Kempe Survey No. 27, Abstract No. 462, and being a portion of a 186.629 acre tract of land conveyed to East Blackland Solar Project 1 LLC by deed recorded in Document No. 2018102864 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; and providing an effective date.

The resolution was approved on the consent agenda.

- 9C. [RES-0780](#) Approving a Resolution with a caption reading: Resolution of the City of Pflugerville, Texas authorizing the vacation, abandonment, and release of an existing drainage easement originally granted to the City by easement recorded in Travis County Real Property Records, Document No. 2013075961.

The resolution was approved on the consent agenda.

- 9D. [RES-0779](#) Approving a Resolution with the caption reading: A Resolution of the City of Pflugerville, Texas accepting a Stormwater Facilities Maintenance Covenant, License and Agreement for Pflugerville Farms Phase 1 Pond Maintenance between RPC Stone Hill Investments, LP, a Delaware limited partnership ("Owner") and the City of Pflugerville ("City").

The resolution was approved on the consent agenda.

10. Other Actions

- 10A. [2020-8773](#) Authorizing the City Manager to execute a contract with Colonna Group

for the purchase of aluminum sulfate in the amount of \$0.43/gallon for wastewater treatment.

The item was approved on the consent agenda.

- 10B.** [2020-8774](#) Authorizing the City Manager to execute a contract with Brenntag SW, Inc. for the purchase of Chlorine in the amount of \$690.00/ton; Liquid Ammonium Sulfate (wells) in the amount of \$170.00/drum; salt in the amount of \$239.00/ton.
- The item was approved on the consent agenda.**
- 10C.** [2020-8777](#) Authorizing the City Manager to execute a contract with Gulbrandsen for the purchase of aluminum chlorohydrate in the amount of \$0.217/lb. for water treatment.
- The item was approved on the consent agenda.**
- 10D.** [2020-8778](#) Authorizing the City Manager to execute a contract with Napco Chemical Co. for the purchase of sodium bisulfite in the amount of \$1.85/gallon for wastewater treatment.
- The item was approved on the consent agenda.**
- 10E.** [2020-8779](#) Authorizing the City Manager to execute a contract with Polydyne Inc. for the purchase of Clarifloc C-6232 Polymer in the amount of \$2,898.00/tote for wastewater treatment.
- The item was approved on the consent agenda.**
- 10F.** [2020-8652](#) Approving the appointment of Shawn Douglas, Elizabeth Guillory Medina, Donald Scott and Daisy Delgado Castillo to the Equity Commission for partial terms ending December 31, 2021 and Autumn Arnett, James Matlock and Amy Hart to the Equity Commission for partial terms ending December 31, 2020.
- The item was approved on the consent agenda.**

Action on the Consent Agenda

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

11. Ordinances First Reading

- 11A.** [ORD-0554](#) Discuss and consider action to approve an ordinance on first 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 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. Fletcher provided information. Mr. Weiss made a motion to approve the ordinance on first reading. Mr. Marsh 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.

11B. [ORD-0551](#)

Discuss and consider action to approve 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 opened and read the item to include the caption of the ordinance under consideration. Ms. Barron introduced Jake Gutekunst, Kimley-Horn, to provide information. Mr. Gutekunst provided information and answered questions. Mr. Weiss stated that he would like development to pay for itself and thinks homes will still be affordable and desirable. Mr. McDonald indicated to agree and that they need developers to pay their fair share. Mr. Marsh stated to disagree and explained that homeowners would pay for it and it would affect affordability. He recommended to extend the program to four or five years. Council discussion followed and Mr. Gutekunst answered additional questions. Mr. Heath made a motion to approve the ordinance on first reading and accept the traffic impact fees as presented. Mayor Pro Tem Peña seconded the motion. The vote was: Mr. Weiss-no, Mr. Marsh-no, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-yes, Mr. McDonald-yes, Mayor Gonzales-no. The motion carried.

12. Resolution

12A. [RES-0726](#)

Discuss and consider action to approve a resolution for the creation and appointments to a Charter Review Commission.

Mayor Gonzales opened the item for consideration. He stated that he has appointed Dorothy Lee, Adeline Bui and Copie Hotman; Mayor Pro Tem Peña has appointed April Griffin and Darelle White; Mr. Weiss has appointed Carol Teitelman and Darryl Houston; Mr. Marsh has appointed Elizabeth Montoya and Brad Hickman; Mr. Metayer has appointed Nicole Cortez and Sheldon Lamey; Mr. Heath has appointed Brianna Bardhi and Gayle Heath; and Mr. McDonald has appointed Amanda Maedgen and Marilyn Klassen. He asked if there were additional appointments for consideration. Council discussed considering additional appointments at the next meeting to allow the newly seated

Councilmembers to make appointments. Mr. Zech stated that he does not see the Charter language as a barrier to appointing additional members. Mayor Pro Tem Peña made a motion to approve the resolution as presented. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

13. Discuss and consider action

- 13A. [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 opened the item for consideration. Mr. Fletcher provided information. Mayor Gonzales asked Mr. Weiss if he is comfortable with the metrics. Mr. Weiss stated that this is exactly what he was looking for and it makes him very comfortable. Mr. Metayer indicated appreciation for providing these metrics in order to be able to measure success. Mr. Fletcher stated that this is a 12-month pilot that could start as early as January. Mr. Metayer suggested starting in March or April. Mr. Heath suggested starting in May to meet the Amazon service demand. Mr. Weiss stated that he is comfortable with January. Mr. McDonald stated to agree and that he wants to get the program up and running. Mr. Marsh indicated concerns and asked the Council to really look at the metrics and consider it again next year. He indicated concerns for the future costs. Mayor Pro Tem Peña stated that he is still struggling with this and voiced his concerns. Discussion followed. Mr. Marsh stated that this originally got started in order to provide service to those that most need it. Discussion continued regarding the pilot program. Mr. McDonald made a motion to approve as presented. Mr. Weiss seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-no, Mayor Pro Tem Peña-no, Mr. Metayer-yes, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.

14. Adjourn

Mayor Gonzales adjourned the meeting at 8:42 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on November 24, 2020.