



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, December 8, 2020

7:00 PM

100 East Main Street, Suite 500

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=eeafc921c9fed02ce405907071ce524f6>

Meeting Code/Number: 146 140 6202

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, were in attendance. Councilmember Rudy Metayer joined at 7:02 p.m. Councilmember Mike Heath joined at 7:03 p.m. Councilmember David Rogers joined at 7:56 p.m. 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; Gwen Holford, Application and Web Developer; Wade Maness, Videography Multimedia Specialist; Jennifer Grizwold, Library Director; Melissa Neel, Finance Director; Lauren Henkes, Assistant Finance Director; Stephanie Nations, Budget Analyst; Jason Smith, Assistant Police Chief; Brandon Pritchett, Utility Director; Evan Groeschel; Public Works Operations Director; Breanna Higgins, City Manager's Office Intern.

2. Items of Community Interest

Mayor Gonzales provided reminders regarding COVID-19 safety and information on the testing site in downtown Pflugerville. He provided comments on the virtual tree lighting and Pfestival of lights in downtown. Mr. Weiss stated appreciation for Pflugerville Chamber of Commerce's State of the City today. Mr. Weiss and Mr. Metayer thanked the Mayor for his participation and leadership in the event.

3. Presentation

3A. [2020-8859](#) Communications Division annual presentation.

Ms. Toledo presented under the item. Mayor Gonzales and Mr. Weiss provided comments.

4. 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. Teri Lucas, Heatherwilde resident; Ron Cunningham, Meadows of Blackhawk resident; Chris Wolff, Falcon Pointe resident; Brandon Barkley, Park Crest resident; Lacy Wolff, Falcon Pointe resident; Blake Brown,

Vine Creek resident; Lauren Brown, Vine Creek resident; and Gabriel Obiedo, Club at Wells Point 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.

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

Trevor Stokes, Representative for Pflugerville Professional Firefighters Association, spoke 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, Pflugerville Professional Firefighters Association, spoke 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.

5. Public Hearing and Resolution

- 5A. [RES-0803](#) Conduct a public hearing and consider approval of a resolution regarding the Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2019.

Mayor Gonzales opened the public hearing and consideration of the resolution. Ms. Barron provided information. 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. Weiss made a motion to close the public hearing. Mr. Heath seconded the motion. All present voted in favor. Mr. Rogers was absent and did not participate in the vote. The motion carried.

Mr. Weiss made a motion to approve the resolution. Mr. Heath seconded the motion. All present voted in favor. Mr. Rogers was absent and did not participate in the vote. The motion carried.

- 5B. [RES-0797](#) Continuation of a public hearing and approval of a resolution with the caption reading: Resolution of the City of Pflugerville, Texas, Authorizing and Creating the Martin Tract Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code; Providing for related matters; and Providing for an effective date.

Mayor Gonzales opened continuation of the public hearing and consideration of the resolution. Ms. Barron provided information and answered questions of the Council. Jon Snyder, the City's consultant with P3Works, provided information regarding the financials and Matt Tiemann, developer, provided information regarding the project's community benefits. There was discussion.

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 present voted in favor. Mr. Rogers was absent and did not participate in the vote. The motion carried.

Mayor Pro Tem Peña made a motion to approve the resolution. Mr. Weiss

seconded the motion. All present voted in favor. Mr. Rogers was absent and did not participate in the vote. The motion carried.

Reading of the Consent Agenda

Items 6A, 7A, 10B and 11D were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

7. Ordinances Second Reading

- 7B. [ORD-0559](#) Approving an ordinance on second 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 second and final reading on the consent agenda.

8. Ordinances Third Reading

- 8A. [ORD-0550](#) Approving an ordinance on third 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 third and final reading on the consent agenda.

9. Approval of Minutes

- 9A. [2020-8845](#) Approval of the minutes of the November 13, 2020 Quorum, November 17, 2020 Special Meeting and November 24, 2020 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

10. Resolutions

- 10A. [RES-0770](#) Approving a resolution with the caption reading: A resolution of the City Council of the City of Pflugerville, Texas, authorizing the acceptance of a general warranty deed conveying certain real property described as 0.040-acre tract of land out of the Alexander Walters Survey No. 67,

Abstract 791, and being part of that certain tract of land conveyed to James Robert Bohls, et al, recorded in Document No. 2007012384 of the Official Public Records of Travis County, Texas, and directing the City Manager and City Attorney, or the respective designees, to take all necessary actions to complete the land conveyance to the City. (Located at the intersection of Paul Street and Bohls Street).

The resolution was approved on the consent agenda.

10C. [RES-0793](#)

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 Heatherwilde at Pecan Street intersection improvement project.

The resolution was approved on the consent agenda.

10D. [RES-0795](#)

Approving a Resolution with a caption reading "Resolution of the City of Pflugerville, Texas authorizing the vacation, abandonment, and release of an existing water line and sewer line easement originally granted to the City by easement recorded in Travis County Real Property Records, Document No. 00102422".

The resolution was approved on the consent agenda.

10E. [RES-0798](#)

Approving a resolution with the caption reading: A Resolution of the City of Pflugerville, Texas consenting to the addition of road powers for New Sweden Municipal Utility District No. 1.

The resolution was approved on the consent agenda.

10F. [RES-0804](#)

Approving a resolution with the caption reading: Resolution of the City of Pflugerville, Texas, authorizing the City Manager to enter into an agreement to dissolve the Martin Tract Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code at a future date if assessments are not levied; Providing for related matters; and Providing an effective date.

The resolution was approved on the consent agenda.

10G. [RES-0805](#)

Approving a resolution of the City of Pflugerville, Texas authorizing the City Manager to execute the Wastewater Service Agreement Between the City of Hutto and Kelly Lane Utility Company Addendum No. 2. providing a six-month extension to the Wholesale Wastewater Service Agreement between the City of Hutto and Kelly Lane Utility Company.

The resolution was approved on the consent agenda.

10H. [RES-0808](#)

Approving a resolution approving the Mayor's nomination and appointment of Jeffrey Thompson to Position 1, Michael Martin to

Position 3 and Michelle Sheehan to Position 5 of the City of Pflugerville Reinvestment Zone No. One (Falcon Pointe TIRZ) Board of Directors for two-year terms beginning January 1, 2021.

The resolution was approved on the consent agenda.

- 10I. [RES-0807](#) Approving a resolution approving the Mayor's nomination and appointing Jeffrey Thompson, Position 1, as chairman of Reinvestment Zone No. One (TIRZ) for a one-year term beginning January 1, 2021.

The resolution was approved on the consent agenda.

- 10J. [RES-0799](#) Approving a resolution amending authorized representatives for the Texas Local Government Investment Pool "Texpool".

The resolution was approved on the consent agenda.

11. Other Actions

- 11A. [2020-8850](#) Authorizing the City Manager to execute documents approving Melissa Neel, Finance Director, and Cory Beran, Senior Accountant, as additional authorized signers for the Lone Star Investment Pool.

The item was approved on the consent agenda.

- 11B. [2020-8863](#) Approving the Mayor's appointment of Doris Williams, Terry Knighton, Shelley Helyer, and Danielle Williams to the Personnel Appeal Board for three-year terms beginning January 1, 2021.

The item was approved on the consent agenda.

- 11C. [2020-8781](#) Authorizing the City Manager to approve the purchase of a Centrifuge Rotating Assembly for the Central Wastewater Treatment Plant from GEA Mechanical Equipment US, Inc. in the amount of \$305,183.11.

The item was approved on the consent agenda.

- 11E. [2020-8844](#) Authorizing the City Manager to purchase a replacement utility jet truck from Rush Truck Centers in the amount of \$197,017.00 using budgeted fiscal year 2021 funds and utilizing the Buyboard purchasing cooperative contract.

The item was approved on the consent agenda.

- 11F. [2020-8846](#) Authorizing the City Manager to approve the purchase of a 3-D Laser Scanner from FARO Technologies, Inc. in the amount of \$77,999 using budgeted and awarded fiscal year JAG Grant funds and utilizing the U.S. General Services Administration Cooperative Purchasing Program (GSA).

The item was approved on the consent agenda.

Action on the Consent Agenda

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

6. Ordinances First Reading - removed from the Consent Agenda

- 6A. [ORD-0558](#) Approving an ordinance on first reading with the caption reading: An Ordinance of the City of Pflugerville amending Section 1 for General Provisions to the 2014 Engineering Design Manual and Construction Standards, replacing all Engineering and Construction Standards in conflict; containing a severability clause; and providing for publication and an effective date.

Mayor Gonzales read the item to include the caption of the ordinance under consideration. Ms. Davis provided information and answered questions of Council. Mr. Rogers joined the meeting during the discussion on the item. Mr. Heath made a motion to approve the ordinance on first reading. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

Ordinances Second Reading - removed from the Consent Agenda

- 7A. [ORD-0555](#) Approving an ordinance on second 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.

Mayor Gonzales read the item to include the caption of the ordinance under consideration. He stated that he wanted clarification on the impact to the citizens. Mr. Groeschel provided information and answered questions of Council. Ms. Giannini stated that the ordinance continues to put the responsibility on the homeowner but allows the City to make improvements. Discussion followed with input from the City Attorney concerning the fines which is based on each day. Ms. Breland noted that the only change provided by the ordinance is to allow the City to make the repairs. Mr. Metayer made a motion to approve the ordinance on second reading. There was continued discussion. Mayor Gonzales seconded the motion. Mr. Rogers indicated concern for the penalty being too high. The vote was: Mr. Weiss-yes, Mr. Ruiz-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-no, Mr. Rogers-no, Mayor Gonzales-yes. The motion carried.

Resolutions - removed from the Consent Agenda

- 10B. [RES-0787](#) Approving a resolution authorizing the City Manager to reject all bids received on the Colorado River Water Supply Improvements Project.

Mayor Gonzales opened the item for consideration. Mr. Rogers asked for information on the process. He asked why there was only one bid and why it was so much higher than expected. Ms. Breland stated that they wouldn't know those answers but they have rolled it into another bid and ask Council to approve the item to reject all bids. Mr. Heath made a motion to approve the resolution. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

Other Actions - removed from the Consent Agenda

- 11D. [2020-8804](#) Approving the appointment of Autumn Arnett, James Matlock and Amy Hart to the Equity Commission for two-year terms beginning January 1, 2021.

Mayor Gonzales opened the item for consideration. He stated that the candidates are not in attendance and Mr. Rogers has indicated interest in hearing from the candidates prior to appointment. He stated that they could add these appointments to the December 15, 2020 Special Meeting. It was noted that the candidates are already members of the Equity Commission and this is to extend their initial terms which were very short to provide for staggered terms on the Commission. Mr. Metayer suggested having a joint meeting instead. Discussion with Ms. Breland followed regarding the Equity Commission. Mr. Weiss made a motion to approve the appointments as presented. Mayor Pro Tem Peña 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. Discuss and consider action

- 12A. [2020-8805](#) Discuss and consider action to award a construction contract for the High Services Pumping Station Expansion from 17.14 mgd to 25.71 mgd and Colorado River Pump Station Improvement Projects to Legion Development Inc., the lowest responsible bidder of four (4) bids received on November 11, 2020, in the amount of \$1,439,345.00 and authorizing the City Manager to execute same.

Mayor Gonzales opened the item for consideration. Mr. Pritchett provided information and answered questions of Council. Mayor Pro Tem Peña made a motion to approve the item as presented. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

- 12B. [2020-8806](#) Discuss and consider action to approve a professional services agreement with Ardurra Group, Inc. in the amount of \$1,947,512 for professional engineering services associated with the Water Treatment Plant Facility Expansion Project and authorizing the City Manager to execute the same.

Mayor Gonzales opened the item for consideration. Ms. Davis provided information and answered questions of Council. Mr. Weiss stated that this is for

30% plans through June 2021. Ms. Davis provided information on the schedule and stated that staff will ask for construction services and the rest of the plans in an amendment. She noted that cost estimate for the total project is \$67 million. Discussion followed regarding the scope and fees and use of Federal Acquisition Regulation (FAR) information in the process. Ms. Davis stated that staff has not used FAR audit information. Mr. Heath provided information. Ian Toohey, Garver USA, provided information on their comparison of rates with competitors in the Austin area and negotiation of a modified staffing mix to get more competitive rates. He noted that they did not request FAR audit. There was continued discussion. Mayor Pro Tem Peña made a motion to approve as presented. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

13. Adjourn

Mayor Gonzales adjourned the meeting at 9:08 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on January 12, 2021.