



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, March 10, 2020

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

The City Council is scheduled to hold a Worksession starting at 6:00 p.m. Please see the Worksession agenda for a list of items for discussion at the Worksession.

1. Call to order

Mayor Victor Gonzales called the regular meeting to order at 7:05 p.m. 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, Assistant City Manager; James Hartshorn, Assistant City Manager; Karen Thompson, City Secretary; Vicky Rudy, Interim Public Works Director; Wayne Granger, Streets and Drainage Superintendent; Amy Good, Finance Director; Tracy Hibbs, Utility Business Operations Manager; Terri Toledo, Communications Director; Maggie Holman, Public Information Officer; Jennifer Coffey Grizwold, Library Director; Emily Barron, Planning Director; Erin Sellers, Senior Planner; Jessica Robledo, Police Chief; Aileen Dryden, Parks Development Manager; Sheila Wiora, Assistant Parks Director; Billy Gibbens, Police Civilian Director.

2. Opening

A. Pledge of Allegiance to the Flag of the United States of America

Members of Boy Scout Troop 1407 lead those in attendance in reciting the Pledge of Allegiance to the Flag of the United States of America.

B. Pledge of Allegiance to the Texas State Flag

Members of Boy Scout Troop 1407 lead those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

C. Moment of Silence

Mayor Gonzales observed a moment of silence.

3. Items of Community Interest

Mr. Metayer thanked Ms. Breland for providing updates on COVID-19 to the City Council. Mayor Pro Tem Peña reminded everyone to wash their hands.

4. Public Hearing

- 4A. [2020-8292](#) Conduct a public hearing regarding the update of the City's Land Use Assumptions and Capital Improvement Plan and Water and Wastewater Impact Fees.

Mr. Fletcher provided introductory information. Jessica Vassar, Freese and Nichols, provided information on the study and recommendations for amendment to water and wastewater impact fees to be considered for adoption by ordinance on first reading on item 8A. Ms. Vassar answered questions of Council and there was discussion.

Bob Reichenbach, 309 Cottonwood Lane, spoke regarding his concerns regarding CIP (Capital Improvement Program) information on the city website not lining up with the budget. He suggested that the City have an audit and check everything out to really know where they are. Mr. Heath stated that he understands that they have an annual audit and receive a clean audit. Ms. Breland indicated yes and stated that they would be bringing the audit forward to the next Council meeting. Ms. Breland answered Council questions and there was discussion. Mr. Weiss verified that the impact fees are based on the CIP projects listed in the water and wastewater master plans also on the agenda for adoption. There was continued discussion.

There were no additional requests to speak at the public hearing. Mr. Heath made a motion to close the public hearing. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

5. Public Comment

Kathryn Reichenbach, 309 Cottonwood Lane, stated that they were here last year talking about the sales tax receipts that could lower the taxes for the homes. She stated that a lot of them have started shopping locally to help with that. She indicated that she was wondering how that was coming.

Reading of the Consent Agenda

Items 8D, 9A, 9B, 9C, 10A, 10B, 10C, 10D, 10E. and 10F were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

6. Approval of Minutes

- 6A. [2020-8270](#) Approval of the minutes of the February 25, 2020 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

7. Ordinances First Reading

- 7A. [ORD-0517](#) Approving an ordinance on first reading with the caption reading: An ordinance approving amended Impact Fees and amending Chapter 152,

Implementation of Impact Fee, of the Code of Ordinances for the City of Pflugerville, Texas, to update the impact fees pursuant to Texas Local Government Code Chapter 395, Subchapter C; and providing an effective date.

The ordinance was approved on first reading on the consent agenda.

7B. [ORD-0513](#)

Approving an ordinance on second reading with the caption reading: Amending Chapter 153 of the Code of Ordinances for the City of Pflugerville, Texas, by amending the fourth policy chapter of the 2030 Comprehensive Plan to include the Water Master Plan dated February 2020 and Updated Wastewater Master Plan dated February 2020; providing for severability; and providing an effective date.

The ordinance was approved on first reading on the consent agenda.

7C. [ORD-0516](#)

Approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville, Texas, finding that the provision of a solid waste collection and recycling is not a public utility; amending an exclusive franchise agreement for the collection, hauling, recycling and disposal of municipal solid waste and recyclable materials; amending certain terms and conditions of the franchise grant; extending the term of the franchise; and providing an effective date.

The ordinance was approved on first reading on the consent agenda.

8. Ordinances Second Reading

8A. [ORD-0508](#)

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 changing the zoning designation of approximately 8.284 acres, of unplatted land out of the George M. Martin survey, Abstract No. 9, in Travis County, Texas, from Agriculture/Development Reserve (A) to Single Family Mixed Use (SF-MU) district; to be known as the Villarreal development project rezoning (REZ2001-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

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

8B. [ORD-0509](#)

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 changing the zoning designation of approximately 2.2013 acres, Lot 1a from the Milestone Pecan Street Re-Subdivision, from General Business 2 (GB2) to General Business 1 (GB1) district; to be known as the Heatherwilde office condos rezoning (REZ2001-03); providing for repeal

of conflicting ordinances; providing for severability; and providing an effective date.

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

8C. [ORD-0510](#)

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 changing the zoning designation of an approximate 1.0 acre lot out of the John Van Winkle Survey, Abstract no. 689, Travis County, Texas, from Agriculture/Development Reserve (A) to Retail (R) and lot 43 an approximate 2.3 acre lot & lot 44 an approximate 4.5 acre lot out of the Springbrook One Section One Subdivision from Single Family Suburban (SF-S) to Parks Facilities and Open Space (PF); to be known as the Wilke Ridge Rezoning (rez2001-02); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

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

8E. [ORD-0507](#)

Approving an ordinance on second reading with the caption reading: An ordinance amending Ordinance No. 1203-15-02-24 of the City of Pflugerville Code of Ordinances Title XV Land Usage, Chapter 157 Unified Development Code by amending Subchapter 4, Zoning Districts and Use Regulations, by updating provisions relating to temporary uses and structures, integrating mobile food vendor provisions, and establishing a Temporary Use Permit process in Section 4.7; amending provisions relating to Mobile Food Vendors and Parks in Sections 4.9 and 4.10; amending Subchapter 20, Definitions, by adding corresponding definitions; and repealing Title IX General Regulations, Chapter 98 Temporary Storage Structures in its entirety; replacing all ordinances in conflict; containing severability and repealer clauses; providing for a penalty for a violation of Chapter 157, Subchapter 4 as a class C misdemeanor and a fine in an amount not to exceed \$2,000.00; and declaring an effective date.

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

8F. [ORD-0514](#)

Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, amending the City of Pflugerville, Texas Code of Ordinances, by amending Title VII Traffic Code, Chapter 71 Parking Regulations, section 71.05 parking prohibited in certain designated areas by establishing an additional No Parking Zone on Picadilly Drive between 7:00 a.m. and 4:00 p.m.; providing for a violation of section 71.05 as a misdemeanor and a fine 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 second and final reading on the consent agenda.

10. Other Actions

- 10G. [2020-8295](#) Authorizing the City Manager to enter into a Facility Use Agreement for the Kayak/Canoe Rental Concession at Lake Pflugerville.

The item was approved on the consent agenda.

Action on the Consent Agenda

Mayor Gonzales made a motion to approve the consent agenda. Mr. Heath seconded the motion. All voted in favor. The motion carried.

8. Ordinances Second Reading - Removed from the Consent Agenda

- 8D. [ORD-0506](#) Approving an ordinance on second reading with the caption reading: An ordinance amending Ordinance No. 1203-15-02-24 of the City of Pflugerville Code of Ordinances Title XV Land Usage, Chapter 157 Unified Development Code by amending Subchapter 4, Zoning Districts and Use Regulations, Section 4.6.5 relating to screening for outdoor display and storage; replacing all ordinances in conflict; containing severability and repealer clauses; providing for a penalty for a violation of Chapter 157, Subchapter 4 as a class C misdemeanor and a fine in an amount not to exceed \$2,000.00; and declaring an effective date.

Mayor Gonzales opened and read the item to include the caption of the ordinance under consideration. Mayor Pro Tem Peña requested to review what was changed since the first reading. Ms. Barron stated that the portion relating to home occupations was removed per the action taken on first reading. Mayor Pro Tem Peña made a motion to approve the ordinance on second reading and final reading. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

9. Resolutions - Removed from the Consent Agenda

- 9A. [RES-0707](#) Approving a resolution authorizing the City Manager to apply for and to accept, if awarded, a Justice Assistance - Byrne Grant Program award in the amount of \$77,945.69 from the Office of the Governor for the purchase of equipment and training.

Mayor Gonzales read and opened items 9A, 9B, and 9C to be considered simultaneously. Mayor Pro Tem Peña stated that he had requested that the items be removed from the consent agenda so that he could recognize Billy Gibbens for his work on these grants. Council provided comments. Mayor Pro Tem Peña made a motion to approve items 9A, 9B, and 9C. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

- 9B.** [RES-0708](#) Approving a resolution authorizing the City Manager to apply for and to accept, if awarded, a Victim of Crime Act Formula Grant award in the amount of \$64,726.70 from the Office of the Governor for the funding of personnel, purchase of equipment, and training.

Mayor Gonzales read and opened items 9A, 9B, and 9C to be considered simultaneously. Mayor Pro Tem Peña stated that he had requested that the items be removed from the consent agenda so that he could recognize Billy Gibbens for his work on these grants. Council provided comments. Mayor Pro Tem Peña made a motion to approve items 9A, 9B, and 9C. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

- 9C.** [RES-0709](#) Approving a resolution authorizing the City Manager to apply for and to accept, if awarded, a First Responder Mental Health Program Grant award for \$10,258.61.00 from the Office of the Governor for the enhancement of the current Police Resiliency Program for department staff.

Mayor Gonzales read and opened items 9A, 9B, and 9C to be considered simultaneously. Mayor Pro Tem Peña stated that he had requested that the items be removed from the consent agenda so that he could recognize Billy Gibbens for his work on these grants. Council provided comments. Mayor Pro Tem Peña made a motion to approve items 9A, 9B, and 9C. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

10. Other Actions - Removed from the Consent Agenda

- 10A.** [2020-8259](#) Approving a professional services agreement with Halff Associates, Inc. in the amount of \$71,587.00 for professional engineering services associated with the Justice Center parking lot expansion and authorizing the City Manager to execute same.

Mr. Fletcher and Dan Franz, Halff Associates, provided information and answered Council questions. Mr. Weiss stated that it looks like they need to know more before spending the money and he would like to use the facilities master plan. Mr. Heath indicated to agree. Mr. McDonald stated that there is a need for additional evidence storage and there is a need for additional parking. He stated that the City needs more storage space and with the combined benefit, there is cost savings there. He stated that this is something that has been a pending issue for some time now. Mr. Heath stated that he doesn't think the additional parking seems adequate. There was continued discussion. Mr. Marsh stated that this \$70,000 is to figure out how much space we can use. Mr. Heath asked what they should do long term. Mr. Weiss stated that he would like them to get to the right answer. Mr. Heath stated that if they are doing a facilities plan, they should bring back the facilities plan. Mayor Pro Tem Peña stated that this is a near-term fix for immediate needs. Mr. Weiss stated if there is a \$4 million expansion proposed, then why go through this. Mr. Marsh stated that the expansion plans are just preliminary. Mr. Marsh made a motion to approve the item. Mr. Metayer seconded the motion. The vote was: Mr. Weiss-no, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.

- 10B.** [2020-8274](#) Approving a professional services agreement with Waeltz & Prete, Inc. in the amount of \$65,879.50 for professional engineering services associated with the Gilleland Creek Pool Bathhouse Improvement Project and authorizing the City Manager to execute same.
- Mayor Pro Tem Peña noted past pool floodings and ask why they are still operating this facility. Mr. Marsh provided information on the poor conditions of the buildings. Mr. McDonald provided additional information on the facilities and explained that the pool has recently been updated and is the City's largest pool facility which is highly used. There was continued Council discussion with input from Mr. Fletcher. Mr. Fletcher stated that they are looking to make safety improvements and to mitigate flood plain issues. He stated that there is no replacement plan in place at this time and they would like to get the best use out of the current improvements. There was continued discussion. Mr. Metayer exited the dais during the discussion. Mr. Marsh made a motion to approve the item. Mr. McDonald seconded the motion. All present voted in favor. Mr. Metayer was absent and did not participate in the vote on the item. The motion carried.**
- 10C.** [2020-8008](#) Approving a professional services agreement with Garver in the amount of \$199,820 to provide owner representative services associated with the Surface Water Treatment Plant Expansion Project and authorizing the City Manager to execute same.
- Mr. Fletcher provided information and answered questions of Council. Ian Toohey and Rex Swoboda, Garver representatives, provided information on their qualifications, projects and staff expertise and further discussed with Council. Mayor Pro Tem Peña made a motion to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.**
- 10D.** [2020-8264](#) Approving a Work Authorization Number 2020-5 as a supplement to the professional services agreement for the Water Treatment Plant Engineering Services with DCS Engineering, LLC. in the amount of \$253,305.80 for professional services associated with the High Service Pumping Station Expansion Project.
- Mr. Fletcher and Ms. Rudy provided information and answered questions of Council. Mr. Heath stated that he would prefer to have more cumulative expense information than the report provided quarterly. Mayor Pro Tem Peña made a motion to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.**
- 10E.** [2020-8265](#) Approving Work Authorization Number 2020-1 as a supplement to the professional services agreement for the Water Treatment Plant Engineering Services with DCS Engineering, LLC. in the amount of \$85,060 for professional services associated with emergency compliance and rehabilitation work at the City's Surface Water Treatment Plant from October 25, 2019 to February 29, 2020.
- Mayor Gonzales opened items 10E and 10F to be considered simultaneously. Mr. Heath verified that these work orders are also from the 2015 master agreement. He stated that he would rather that the numbering show the year 2015 with the total number of agreements. Mayor Pro Tem Peña verified that**

these would complete this. Mayor Pro Tem Peña made a motion to approve items 10E and 10F. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

- 10F. [2020-8266](#) Approving Work Authorization Number 2020-7 as a supplement to the professional services agreement for the Water Treatment Plant Engineering Services with DCS Engineering, LLC. in the amount of \$64,940 for professional services associated with compliance and rehabilitation work at the City's Surface Water Treatment Plant.

Mayor Gonzales opened items 10E and 10F to be considered simultaneously. Mr. Heath verified that these work orders are also from the 2015 master agreement. He stated that he would rather that the numbering show the year 2015 with the total number of agreements. Mayor Pro Tem Peña verified that these would complete this. Mayor Pro Tem Peña made a motion to approve items 10E and 10F. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

11. Discuss and consider action

- 11A. [2020-8255](#) Discuss and consider action to approve a professional services agreement with CP&Y in the amount of \$1,154,308.00 for professional engineering services associated with the Pecan Street and Weiss Lane Water Line project and authorizing the City Manager to execute the agreement.

Mr. Fletcher and Ryan Owen, CP&Y, provided information and answered questions of Council. There was discussion on the item. Mr. Heath made a motion to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

- 11B. [2020-8285](#) Discuss and consider action to approve an agreement with Freese and Nichols, Inc. in the amount of \$1,233,169.00 for professional engineering services associated with the proposed 2.0 and 2.5 million-gallon (MG) Elevated Storage Tanks (ESTs) project and authorizing the City Manager to execute the agreement.

Mayor Pro Tem Peña recused himself due to a potential conflict of interest in that his brother in law is employed with Freese and Nichols. Mr. Heath stated that he would like to see the overall accumulation of contracts with Freese and Nichols. Mr. Fletcher stated that the City conducted a competitive RFQ process for the project and provided information. Charles Kucherka, Freese and Nichols, provided additional information and answered questions. Mr. Heath made a motion to approve the item. Mr. McDonald seconded the motion. Mayor Pro Tem abstained from all discussion and the vote on the item. All voting voted in favor. The motion carried.

- 11C. [2020-8286](#) Discuss and consider action to award a construction contract for the West SH 130 Interceptor Phase 1 Project to S. J. Louis Construction of Texas, Ltd. in the amount of \$12,762,393.94 and authorizing the City Manager to execute same.

Mayor Pro Tem Peña returned to the dais. Mr. Fletcher indicated that Darren Strozewski, DCS Engineering, had handled the bidding process. Mr. Fletcher provided information on the project. Mr. Weiss asked regarding the disqualification of the low bidder and verified with Mr. Zech that the City followed appropriate protocol. Mr. Strozewski provided information on the bids and provided a bid tabulation handout and discussed with Council.

Jon Rowan, outside general counsel for Excel Trenching, indicated that Excel Trenching was the low bidder and he was here to answer any questions. He stated that last time there were questions about the tunneler, so this time they have used a different tunneler that meets all the requirements. He stated that the only reason they are being denied their low bid is that they have a bad Dun & Bradstreet (D&B) rating. He stated that Dun & Bradstreet is a for-profit advertiser of business information and that he and Excel are not members and do not believe in their business model. He stated that it seems shortsighted for the Council to throw out their bid based on this. He asked the Council to accept their bid. Mr. Rowan answered questions of Council. Mr. Weiss asked Mr. Zech what risk the City has if the company fails to perform. Mr. Zech stated that he is sure that they have a bid bond and performance bond in place. Mr. Rowan stated that they do have a bid bond and performance bond. Mr. Strozewski stated that his company has used Dun & Bradstreet for 15-20 years. He provided information and stated that Dun & Bradstreet had identified Excel as high risk. He stated that the metrics were clearly published in the bid requirements the second time around. There was continued discussion. Mr. Zech noted that even though the bonds are in place, this is critical path project and if there was an inability to complete, it would cause delay on a critical path project. Mr. Strozewski indicated that it is a critical path project. Mr. Marsh made a motion to approve as presented. Mr. Heath seconded the motion. The vote was: Mr. Weiss-no, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-yes, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.

12. Discuss only

- 12A. [2020-8275](#) Discussion regarding a grant application to the Texas Commission on Environmental Quality (TCEQ) Alternative Fueling Facilities Program to upgrade and/or replace eight existing electric vehicle charging stations.

Mr. Fletcher and Ms. Coffey-Grizwold provided information and answered questions of Council. There was discussion regarding the City providing electric vehicle charging stations. Ms. Breland stated that they can apply for the grant and reject the funds later if needed. Mr. Fletcher stated that they have time to look at it further.

- 12B. [2020-8272](#) Discussion regarding annexation and Special Partnership Agreements as they relate to annexation authority.

Discussion on the item took place at the worksession. There was no discussion on the item at the regular meeting.

- 12C. [2020-8304](#) Discussion regarding management of the City's Extraterritorial Jurisdiction (ETJ) to include Water and Wastewater Certificates of Convenience and Necessity (CCN).

There was continued discussion on the item from the worksession. Ms. Breland stated that they could bring it up again at a later date if they would like. There was additional discussion. Mayor Gonzales asked that they bring the item back.

13. Adjourn

Mayor Gonzales adjourned the meeting at 9:42 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on April 14, 2020.