



City of Pflugerville

Minutes - Final - Draft

City Council

Tuesday, May 25, 2021

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=e9c5140e23073e1a0c205b4dd903f71bb>
Meeting Code/Number: 187 259 0840

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 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 7:00 p.m. The meeting was held by telephone/video conference. Councilmembers Doug Weiss, Ceasar Ruiz, and David Rogers were in attendance. Councilmember Mike Heath connected just after the call to order. Councilmember Rudy

Metayer connected at 7:54 p.m. Mayor Victor Gonzales 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; Caroline Davis, Associate Judge; Jason Smith, Acting Police Chief; Chet Vronka, Police Lieutenant; Jennifer Grizwold, Library Director; Terri Toledo, Communications Director; Maggie Holman, Public Information Officer; Melissa Moore, Finance Director; Stephanie Nations, Budget Analyst; Patricia Davis, City Engineer; Gwen Holford, Application and Web Developer; Shane Mize, Parks and Recreation Director; Emily Barron, Planning and Development Services Director; Evan Groeschel, Public Works Operations Director; Brandon Pritchett, Utilities Director; Bradley Marshall, Engineering Construction Manager.

2. Items of Community Interest

Mayor Pro Tem Peña announced that masks are no longer required at City facilities but that everyone is encouraged and welcome to wear a facemask. He provided information on the reopening of City lobbies and facilities on June 1, 2021. He announced that it is Flood Awareness week and encouraged the public to sign up for weather alerts at WarnCentralTexas.org.

Items were addressed in the order as recorded in the minutes.

3. Presentations

3A. [2021-0476](#) Youth Advisory Council end of program year presentation.

Katie Krause, Youth Advisory Council Chair, presented on the item and answered questions.

3B. [2021-0361](#) Presentation of Charter Review Commission report of findings and recommendations.

Charter Review Commission Members Nicole Cortez, Mark Gladney, Gayle Heath, Copie Hotman, Sheldon Lamey, Dorothy Lee, Amanda Maedgen, Jim McDonald, Elizabeth Montoya, Terry Newsom, Jeff Reeb, Carol Teitelman, Charlie Torres and Darelle White were in attendance. Mr. McDonald, Charter Review Commission Chair, presented on the Charter Review Commission's recommendation for the eight propositions to be brought forward to the voters. Mayor Pro Tem Peña asked the City Attorney to provide information on the Charter Review Commission. Mr. Zech provided information. Mayor Pro Tem Peña asked regarding creation of the executive assistant to the City Council. Discussion with Mr. McDonald followed. Mr. Zech read the measure language on the proposed amendment. There was further discussion. Mr. McDonald spoke on the process and explained that all of the proposed amendments brought forward by the Charter Review Commission will be brought forward to the ballot. Mr. Ruiz asked if Amendment H prohibiting Council Members or City employees from being voting members of Charter or Ordinance created boards and commissions would pertain to all boards and commissions. Mr. Zech explained that it would not be applicable to the Pflugerville Community Development Corporation as that is included in State law.

- 3C.** [2021-0362](#) Appreciation presentation to the members of the Charter Review Commission.

Mayor Pro Tem Peña extended appreciation to the Charter Review Commission members for their time and efforts. He opened the item for comments of the Charter Review Commission members. Ms. Maedgen thanked the Commissioners and stated that it had been a good experience. Mr. Reeb noted the comments regarding the executive assistant to the City Council and stated that the position could be part-time and defined as needed by the City Council. Mr. McDonald indicated to agree with Mr. Reeb and provided comments. Ms. Teitelman thanked the Council for the opportunity and provided information on the executive assistant to the City Council as a connection to the citizens. Mr. White thanked the City Council. He stated that the group was a totally different group than he had ever worked with but there was a lot of interest and a lot was done and provided additional comments. Ms. Hotman stated that she was proud to be on the Commission and that the Commissioners did a fabulous job. Mr. Gladney stated that it was a great honor serving and he invited the Council to review the Commission's minutes as there were a lot of issues that were close but were not approved. Ms. Cortez thanked everyone and agreed that the Council should review some of their contentious issues. Mayor Pro Tem Peña and Mr. McDonald provided closing comments.

4. Public Comment

Mayor Pro Tem Peña stated that registration for public comment was taken until 5:00 p.m. and Antonia Villegas had registered to speak. Ms. Holford confirmed that Ms. Villegas was not connected. Mayor Pro Tem Peña asked Ms. Thompson if Ms. Villegas had provided any written comment. Ms. Thompson indicated no, but that Ms. Villegas was requesting that the City's chipping program be reinstated.

5. Public Hearing and Ordinance First Readings

Each person providing public comment at the public hearing will be limited to 3 minutes

- 5A.** [ORD-0585](#) 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 changing the zoning designation of approximately 4.724 acres, of unplatted land situated in the Joseph Wiehl Survey, Abstract No. 802, in Travis County, Texas, from Agriculture/Development Reserve (A) district to Retail (R) district; to be known as the Weiss Lane Commercial Rezoning (REZ2104-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

Mayor Pro Tem Peña opened the public hearing and read the item to include the caption of the ordinance under consideration. Ms. Barron provided information. Mayor Pro Tem Peña stated that registration to speak at the public hearing had been taken until 5:00 p.m. and there were no requests to speak at

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

Mr. Rogers made a motion to approve the ordinance on first reading. Mr. Ruiz seconded the motion. All voted in favor. The motion carried.

Reading of the Consent Agenda

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

6. Ordinances First Reading

- 6A. [ORD-0588](#) Approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville, Texas, amending the City's Code of Ordinances, Chapter 33 Finance and Taxation by adding a new Section 32.23, Telecommunication Services Tax relating to taxation of Telecommunications Services; repealing the application of the exemption provided for in Section 321.210 of the Texas Tax Code; providing for notification to the Comptroller of the State of Texas; providing that no such tax provided for hereunder shall serve as an offset to or to reduce any amount payable by any provider of Telecommunications Services pursuant to any franchise, street use ordinance, statute or any other imposition of the City of Pflugerville; providing for incorporation of premises; providing for findings; providing a cumulative repealer clause; providing for savings, providing for severability; providing for engrossment and enrollment; and providing an effective date.

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

- 6B. [ORD-0584](#) Approving an ordinance on first reading with the caption reading: An Ordinance of the City of Pflugerville, Texas, approving athletic field lighting per Subchapter 13.9 of the Unified Development Code to be installed at Park Crest Middle School located at 1500 N. Railroad Ave.; Approving variations from Subchapter 13.9 of the Unified Development Code in that the athletic field lighting is proposed to exceed the maximum light fixture height and maximum foot candle allowances in order to meet the University Interscholastic League (UIL) standards for a football field; providing for repeal of conflicting Ordinances; providing for severability; and providing and effective date.

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

7. Ordinances Second Reading

- 7A. [ORD-0565](#) Approving an ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville Readopting Code of Ordinances Title IX General Regulations, Chapter 95 Parks and Recreation Subchapter

95.50 Youth Programs Standards of Care; Replacing all ordinances in conflict; containing a savings clause and declaring an effective date.

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

8. Ordinances Third Reading

- 8A. [ORD-0549](#) Approving an ordinance on third reading with the caption reading: An ordinance of the City of Pflugerville, Texas granting to One Gas, Inc., acting by and through its Texas Gas Service Company Division, and its successors and assigns, for a period of fifteen (15) years from approval and acceptance of this ordinance, a non-exclusive franchise and right to enter the public ways to install, operate and maintain a distribution system within, along, across, over and under the public ways of the City of Pflugerville, Travis County, Texas for the transportation, distribution and/or sale of gas to customers and the public generally in the city; defining the words and phrases therein; providing for assignment, sale or lease of the franchise; providing that the city may enact an ordinance charging persons transporting gas through grantee's distribution system a fee on the calculated value of such transported gas; providing for use and repair of the public ways; providing for regulation of service; establishing depth of pipelines; establishing rights and duties in the movement and alteration of pipelines; providing for indemnification of the City of Pflugerville; providing for grantee's rules and regulations; providing for inspection of grantee's records; requiring grantee to pay a franchise fee; providing for conditions of the franchise; providing for construction of this ordinance upon the invalidity of any part thereof; providing for acceptance of this franchise by grantee and both an effective and an operative date thereof; repealing all other ordinances directly in conflict herewith; providing for severability; and publication.

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

9. Approval of Minutes

- 9A. [2021-0499](#) Approval of the minutes of the May 11, 2021 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

10. Resolutions

- 10C. [RES-0875](#) Approving a resolution adopting the receipt of electronic bids and proposals in accordance with the Texas Local Government Code.

The resolution was approved on the consent agenda.

11. Other Actions

- 11C.** [2021-0507](#) Appointing Ashley Wilson to the Deutschen Pfest Committee with a term ending December 31, 2022.

The item was approved on the consent agenda.

- 11D.** [2021-0526](#) Approving a Memorandum of Understanding and License Plate Reader (LPR) User Agreement between The Texas Department of Public Safety (“TX DPS”) and the City of Pflugerville for access to the Texas Automated License Plate Reader (TX LPR) Database and Texas Crime Information Center (TCIC) Stolen License Plate and Stolen Vehicle Information administered by the TX DPS for investigative purposes and authorizing the Chief of Police to execute same.

The item was approved on the consent agenda.

- 11F.** [2021-0544](#) Approving a Water Tower License Agreement between the City of Pflugerville and New Cingular Wireless PCS, LLC and authorizing the City Manager to execute said agreement.

The item was approved on the consent agenda.

Action on the Consent Agenda

Mr. Weiss made a motion to approve the consent agenda. Mr. Rogers seconded the motion. All voted in favor. Mr. Heath asked if on item 11D if it needed to read Acting Police Chief instead of Police Chief. Mr. Zech indicated that it was not necessary. The motion carried.

10. Resolutions - Removed from the Consent Agenda

- 10A.** [RES-0801](#) Approving a resolution establishing a City of Pflugerville Securities Compliance Law and Disclosure Policy.

Mayor Pro Tem Peña opened the item for consideration. Ms. Moore introduced Richard Donoghue, Bond Counsel, and Dusty Traylor, Financial Advisor, to provide information. Mr. Traylor provided information and explained that this ensures that the City is in compliance. Mr. Donoghue agreed and provided additional information and answered questions of Council. There was further discussion. Mr. Heath made motion to approve as presented. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

- 10B.** [RES-0802](#) Approving a resolution adopting a City of Pflugerville Debt Management Policy.

Mayor Pro Tem Peña opened the item for consideration. Ms. Breland noted that on the last bond call, they asked for this policy. Ms. Moore provided an introduction and Mr. Traylor provided information. He stated that it is what the rating agencies want to see. He answered questions of Council and there was further discussion. Mr. Heath made a motion to approve as presented. Mr.

Rogers seconded the motion. All voted in favor. The motion carried. Mr. Traylor commended City staff.

10D. [RES-0848](#)

Approving a resolution amending the policy and procedures for acquisition of real property or property rights.

Mayor Pro Tem Peña opened the item for consideration. Ms. Davis provided information and answered questions. There was discussion on the item. Mr. Heath made a motion to approve resolution as presented. Mr. Rogers seconded the motion. All voted in favor. The motion carried.

11. Other Actions - Removed from the Consent Agenda

11A. [2021-0467](#)

Approving action to authorize the City Manager to execute a Deductive Change Order in an amount no less than \$187,315.67 or greater than \$271,869.92 and deduct 10 days for the FM 1825 (Pecan Street) and FM 685 (Dessau Road) Displaced Left Turn Intersection Project, to Capital Excavation.

Mayor Pro Tem Peña opened the item for consideration. Mr. Heath stated concern for the acceleration of the project going away. Ms. Davis provided information and explained that this is speeding up the delivery by 10 days. Cliff Alexander, Capital Excavation, answered questions and provided information. Discussion followed regarding the possibility of shortening the schedule. Mr. Heath made a motion to approve as presented. Mayor Pro Tem Peña provided comments. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

11E. [2021-0529](#)

Authorizing the City Manager to award a construction contract for the decommissioning of the Historic Water Tank site through Basic IDIQ utilizing their TIPS contract in the amount of \$110,691.53.

Mayor Pro Tem Peña opened the item for consideration. Ms. Breland provided an introduction. Mr. Pritchett provided information and answered questions. Mayor Pro Tem Peña confirmed that the tank will stay intact but will not be functional. Mr. Heath confirmed it is not currently being used. Mr. Metayer asked about the future plans. Ms. Breland explained that they do not know the future use but want to make it a place where people can gather. Mr. Heath made a motion to approve. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

11B. [2021-0470](#)

Authorizing the City Manager to approve the purchase of nine (9) Ford Police Interceptor Utility patrol vehicles from Silsbee Ford in the amount of \$324,167.25 and vehicle equipment in the amount of \$123,418.51 using budgeted fiscal year 2021 funds and utilizing Goodbuy and Buyboard purchasing cooperative contracts.

Mayor Pro Tem Peña opened the item for consideration. Mr. Groeschel provided information. He noted that the vehicles are all-wheel drive, allowing officers to operate the vehicles in inclement weather. Acting Chief Smith answered questions of Council. Ms. Breland answered questions regarding looking at lease purchase options in the future. Mr. Heath confirmed the vehicles will be delivered to Pflugerville. Mr. Metayer made a motion to

approve 11B as presented. Mr. Heath seconded the motion. All voted in favor. The motion carried.

12. Ordinances First Reading

- 12A. [ORD-0587](#) Approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville, Texas, adopting the first amendment to the FY21 Budget for the City of Pflugerville; and providing an effective date.

Mayor Pro Tem Peña opened the item for consideration and read the item to include the caption of the ordinance. Ms. Moore provided information. Mr. Rogers made a motion to approve the ordinance on first reading. Mr. Metayer seconded the motion. The vote was: Mr. Weiss-yes, Mr. Ruiz-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-no, Mr. Rogers-yes. The motion carried.

13. Discuss and consider action

- 13A. [2021-0502](#) Discuss and consider action to authorize the City Manager to approve the procurement of construction services for the Automated Meter Infrastructure (AMI) project to Core and Main using their HGACBuy contract in the amount of \$2,664,127.05.

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

- 13B. [RES-0878](#) Discuss and consider action to approve a resolution amending rules of order and procedure for City Council meetings to allow for invocation at regular City Council meetings.

Mayor Pro Tem Peña opened the item for consideration. Mr. Heath stated that he sees a benefit to the conduct of the meeting and reflection for the mind frame of service with an invocation. Mr. Rogers and Mayor Pro Tem Peña indicated that they could support. Mr. Weiss stated that the Council had discussed this previously and decided on a moment of silence. He stated that the Council had did this in person but not virtually. He asked that they get back to that when they are in person. Council discussion followed with input from Mr. Zech. Mr. Zech recommended that they allow him and staff to draft a policy if they want to consider adding an invocation. There was continued discussion. Mr. Heath asked that Mr. Zech bring back a proposed policy. Mr. Weiss asked to return to the moment of silence. Mr. Metayer indicated to support the moment of silence. Mr. Rogers stated that they do not need to rush into it but it is not unreasonable to have Mr. Zech put a policy together for the Council to look at mid-summer. Mayor Pro Tem Peña asked Mr. Zech if he needs action. Mr. Zech asked for the consensus. Mr. Rogers made a motion to instruct Mr. Zech to prepare a memorandum of law, legal guidelines, for a rotating invocation. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

- 13C. [RES-0858](#) Discuss and consider action to approve a resolution supporting the

dignity and respect of all people.

Mayor Pro Tem Peña opened the item for consideration. Mr. Heath thanked Mr. Metayer and Mr. Rogers and stated that he thinks the short resolution is great. Mr. Rogers provided information on the two draft resolutions. Mr. Weiss stated that he likes the shorter resolution and made a motion to approve the RM/DR version. Mr. Heath seconded the motion. All voted in favor. The motion carried.

Supplemental Agenda

Mayor Pro Tem Peña opened the supplemental agenda.

Sup1 Discuss and consider action

Sup1 [2021-0558](#)
B Discuss and consider action regarding meeting spaces, timing and plans to resume in-person City Council, board, commission and committee meetings.

Mayor Pro Tem Peña opened the item for consideration. He noted that discussion took place on the topic during the worksession. Mr. Metayer stated that he would like to give the Board and Commissions more time but that he would like Council to be back in person starting on June 8, 2021. Mr. Rogers stated to second the motion. Mr. Metayer indicated to make as a motion. Council discussion followed with Ms. Breland regarding the meeting room set up. All voted in favor. The motion carried.

14. Discuss only

14A. [2021-0546](#) Discussion regarding Texas Municipal Code Sec. 252.0215, Competitive Bidding In Relation To Historically Underutilized Business (HUB).

Discussion took place on the item in the earlier worksession.

14B. [2021-0555](#) Discussion regarding the status of the Request for Proposal (RFP) for Delinquent Municipal Court Case Collection Services.

Discussion took place on the item in the earlier worksession.

14C. [2021-0528](#) Discussion regarding meeting spaces, timing and plans to resume in-person City Council, board, commission and committee meetings.

The item was discussed in the earlier worksession and an action item was considered earlier in the regular meeting.

14D. [2021-0500](#) Request to place item on future agenda.

Mr. Heath requested an item on June 8, 2021 for the Council to discuss and consider action on additional charter amendments. He asked if there were any need for staff updates. None were requested.

Sup1 Discuss and consider action**Sup1** [2021-0556](#)**A.**

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding fire protection and Emergency Medical Services (EMS services) following the election to authorize creation Travis County Emergency Services District No. 17 (ESD17) within the City of Pflugerville and the City of Pflugerville Extraterritorial Jurisdiction (ETJ) per the Corrected Revised Travis County Emergency Services District No. 2 (ESD2) Statement of Services. 2.) Open Session Item: Discuss the need to provide EMS services following termination of ambulance services within City of Pflugerville and City of Pflugerville ETJ per the Corrected Revised Statement of Services and take potential action to provide direction to staff for action on short term and long-term provision of EMS as well as fire protection.

Mayor Pro Tem Peña announced that the City Council was retiring to executive session on the item. He read the executive session portion of the item and retired to executive session. The time was 9:40 p.m. Mayor Pro Tem Peña reconvened in open session at 10:10 p.m. There was no discussion or action on the open session portion of the item.

15. Adjourn

Mayor Pro Tem Peña made a motion to adjourn. Mr. Heath seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on June 8, 2021.