



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, May 11, 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=ef882dcba3666db607e60e4f666282c11>

Meeting Code/Number: 187 993 8588

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 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, Rudy Metayer, Mike Heath and

David Rogers were in attendance. 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, Shawn Cooper, Parks Development Manager; Shane Mize, Parks and Recreation Director; Terri Toledo, Communications Director; Maggie Holman, Public Information Officer; Melissa Moore, Finance Director; Jason Smith, Acting Police Chief; Gwen Holford, Application and Web Developer; Wade Maness, Videography Multimedia Specialist; Brandon Pritchett, Utility Director; Derek Klenke, Assistant City Engineer; Evan Groeschel, Public Works Operations Director; Jenna Goolsby, Engineering Manager; Stephanie Nations, Budget Analyst.

2. Items of Community Interest

Mayor Gonzales provided updates on COVID-19 vaccines and testing. He announced that the Pfarmers Market is underway on Tuesdays through October at the Pflugerville First United Methodist Church. He provided information on feedback opportunities available online. Mr. Metayer thanked Travis County Commissioners Shea and Travillion in the reopening of the NorthEast Metro Park.

3. Presentations

- 3A. [2021-0450](#) Presentation by Paulette Blanc, Director, Austin-Travis County Sobriety Center, regarding the Sobering Center.

Ms. Blanc presented and answered questions of Council.

- 3B. [2021-0465](#) Proclamation declaring May 9-15, 2021, as Police Week in the City of Pflugerville.

Mayor Gonzales announced that he had issued a proclamation and thanked the police department for their service.

- 3C. [2021-0460](#) Proclamation declaring May 16 - 22, 2021 as National Public Works Week in the City of Pflugerville.

Mayor Gonzales announced that he had issued a proclamation and thanked all public works employees.

- 3D. [2021-0459](#) Public Works annual department presentation.

Mr. Pritchett and Mr. Groeschel presented and answered questions of Council.

- 3E. [2021-0452](#) Presentation and discussion of FY21-Q2 Financial Results.

Item 3E was reordered and took place after item 5A.

4. Public Comment

Mayor Gonzales stated that registration was taken until 5:00 p.m. today and there were no requests to provide public comment.

5. Public Hearing and Ordinance First Readings

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

- 5A. [ORD-0565](#) Conduct a public hearing and consider approving an ordinance on first 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.

Mayor Gonzales opened the public hearing and read the item to include the caption of the ordinance under consideration. Mr. Mize 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. today and there were no requests to provide public comment at the public hearing. Mr. Metayer made a motion to close the public hearing. Mr. Heath seconded the motion. All voted in favor. The motion carried.

Mr. Weiss made a motion to approve the ordinance on first reading. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

3. Presentations

- 3E. [2021-0452](#) Presentation and discussion of FY21-Q2 Financial Results.

Ms. Moore presented and answered questions of Council. There was discussion on the item.

Reading of the Consent Agenda

Items 8G and 9A were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

6. Ordinances Second Reading

- 6A. [ORD-0578](#) Approving an ordinance on second reading with a 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 Wireless Telecommunication Facility on an approximately 4-acre tract of land zoned Urban Center Corridor Level 4 (CL4) district located east of Old Austin Hutto Road north of Sweet William Lane situated in the S. Eiselin Survey NO. 4, Abstract NO. 265, Pflugerville, TX to be known as the Verizon at Heritage Park Specific Use Permit (SUP2103-01); providing a cumulative and repealer clause; providing for a non-severability clause; and providing an effective date

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

- 6B.** [ORD-0579](#) 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 Title VII Traffic Code, Chapter 71 Parking Regulations, Section 71.05 Parking Prohibited in certain designated areas by removing Temporary No Parking Zones required by Construction Where Said Construction Has Been Completed; Providing for a penalty for a violation of Chapter 71 as a Class C Misdemeanor and a fine in an amount not to exceed \$200.00; 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.

- 6C.** [ORD-0549](#) Approving an ordinance on second 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 second reading on the consent agenda.
Approval on third reading is required for final approval.**

7. Approval of Minutes

- 7A.** [2021-0441](#) Approval of the minutes of the April 20, 2021 Worksession and April 27, 2021 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

8. Resolutions

- 8A. [RES-0870](#) 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 Project Charm Pond Maintenance between Amazon.Com Services, a Delaware Limited Liability Company (“Owner”) and the City of Pflugerville (“City”).

The resolution was approved on the consent agenda.

- 8B. [RES-0860](#) Approving a resolution of the City Council of the City of Pflugerville, Texas, directing the City Manager or the City Manager’s designee to execute all documents to institute eminent domain proceedings for the acquisition of 5,024 sf right-of-way acquisition, a 2,329 sf public utility easement and a 36,206 sf drainage easement out of the 1.00 acres (43,560 square foot), parcel of land situated in the Philip Golden Survey No. 17 in Travis County, Texas; property owned and claimed by KM Avalon, Ltd.; and directing the city attorney to initiate condemnation proceedings.

The resolution was approved on the consent agenda.

- 8C. [RES-0861](#) Approving a resolution of the City Council of the City of Pflugerville, Texas, directing the City Manager or the City Manager’s designee to execute all documents to institute eminent domain proceedings for the acquisition of 2,415 sf right-of-way, 1,401 sf public utility easement and 38,116 sf drainage easement out of the 6.36 acres (277,056 square foot), parcel of land situated in the Philip Golden Survey No. 17 in Travis County, Texas; property owned and claimed by Kelly Lane W.C.I.D. No. 1; and directing the City Attorney to initiate condemnation proceedings.

The resolution was approved on the consent agenda.

- 8D. [RES-0865](#) Approving a resolution authorizing the City Manager to enter into an agreement with Texas Department of Transportation (TxDOT) for City to assume Operation and Maintenance of existing traffic signals upon completion of current TxDOT signal upgrades.

The resolution was approved on the consent agenda.

- 8E. [RES-0866](#) Approving a resolution authorizing the City Manager to enter into an agreement with Texas Department of Transportation (TxDOT) for the installation and reimbursement for the Operation and Maintenance of Traffic Signals upon completion of current TxDOT signal upgrades.

The resolution was approved on the consent agenda.

- 8F.** [RES-0871](#) Approving a resolution with the caption reading: A Resolution of the City of Pflugerville, Texas accepting the Amended and Restated Wastewater Pipeline Easement Agreement granted to the City of Pflugerville by Prose Star Ranch Venture, LP and authorizing its execution.

The resolution was approved on the consent agenda.

9. Other Actions

- 9B.** [2021-0388](#) Approving a professional services agreement with Halff Associates, Inc. in the amount of \$63,176.80 for professional engineering services associated with the 2019 and 2020 Pflugerville Transportation Bond Projects: Picadilly Drive and Central Commerce Drive projects and authorizing the City Manager to execute same.

The item was approved on the consent agenda.

- 9C.** [2021-0468](#) Approving action to authorize the City Manager to execute a change order for the Central Wastewater Treatment Plant Expansion Phase I Improvements to Bar Constructors in the amount of \$130,813.37.

The item was approved on the consent agenda.

- 9D.** [2021-0449](#) Approving a Professional Service Supplemental Agreement with Gupta and Associates in the amount of \$78,275 for professional engineering services associated with the Surface Water Treatment Plant and Lake Pump Station Standby Generator Project.

The item was approved on the consent agenda.

- 9E.** [2021-0385](#) Approving the selection of Casa Bella Architects, Austin Texas for professional services associated with the Parks Maintenance Facility at 1849 Park and authorizing the City Manager to execute a professional services agreement in the amount of \$137,790.00.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

Resolution - Removed from the Consent Agenda

- 8G.** [RES-0873](#) Approving a resolution with the caption reading: A Resolution of the City of Pflugerville, Texas Authorizing the City Manger to seek support from regional partners and continue support of the implementation of the Transportation Master Plan for roadway facilities and trails impacting the MoKan Corridor that benefit Pflugerville and the Central Texas Region.

Mayor Gonzales opened the item for consideration. Mr. Heath indicated he had pulled the item to receive more information. Ms. Breland provided an introduction. Mr. Fletcher provided information. Council discussion followed. Mr. Metayer made a motion to approve the resolution as presented. Mr. Heath seconded the motion. All voted in favor. The motion carried.

Other Actions - Removed from the Consent Agenda

- 9A. [2021-0451](#) Review of the Quarterly Investment Report for the quarter ending March 31, 2021.

Mayor Gonzales opened the item for consideration. Mr. Heath requested a presentation to provide for transparency. Ms. Moore reviewed the report and answered questions of Council. Mr. Heath made a motion to approve the item. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

10. Discuss and consider action

- 10A. [2021-0436](#) Discuss and consider action to provide staff direction regarding the BMX track on City property located southeast of E Pecan Street and Plumbago Drive and legally described as LOT 2 BLK A GILLELAND PLAZA, ABSTRACT S05010.

Mayor Gonzales opened the item for consideration. Mr. Hartshorn provided an introduction. Todd Moon, Tejano BMX Trails, presented. Council discussion followed with input from Mr. Hartshorn, Ms. Breland and Mr. Zech. Mr. Weiss indicated a need for it to comply with regulations. Mayor Gonzales recommended to push forward and Mayor Pro Tem Peña recommended to let them ride. Mr. Metayer asked how much it would cost. Ms. Breland stated a need to have an engineering study, to identify a water source and to work through how to approach ADA compliance. Council discussion followed with Ms. Giannini regarding the items to be looked at. Ms. Giannini recommended to remove all non-compliant items and leave the trail. Mr. Weiss asked if a license agreement is needed with to allow the organization to maintain facilities on city property. Mr. Zech recommended having an agreement with the 5013c and to insure they are in compliance with regulations. Mayor Pro Tem Peña recommended to continue to work together for mutual benefit of both parties. Mr. Rogers made a motion to approve the motion as designated on the slide "Recommended Action: Direct staff to work with the Tejano BMX Trail volunteer organization to develop a plan for the BMX trails on City parkland for Council consideration, ensuring compliance with all applicable federal, state & local laws and regulations; and to continue to allow public use of the BMX trails pending plan development, provided all improvements, equipment and materials are removed from the site with the exception of the dirt ramps." Mr. Metayer seconded the motion. All voted in favor. The motion carried.

- 10B. [2021-0494](#) 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 Gonzales announced that the City Council was retiring to executive session on item 10B. He read the executive session portion of the item and retired to executive session. The time was 9:07 p.m. Mayor Gonzales reconvened in open session at 9:51 p.m. There was no discussion or action on the open session portion of the item.

11. Discuss only

- 11A. [2021-0462](#) Discuss the 5-year Capital Improvement Plan for FY 2022-2026 related to facilities, parks, transportation, water, and wastewater.
- The item was discussed at the earlier worksession. There was no discussion on the item at the regular meeting.
- 11B. [2021-0443](#) Discussion regarding After Action Report (AAR) concerning the severe winter weather event.
- The item was discussed at the earlier worksession. There was no discussion on the item at the regular meeting.
- 11C. [2021-0442](#) Discussion regarding timing and plans to resume in-person City services and City Council, board, commission and committee meetings.
- Mr. Rogers stated he would like to get back to in-person meetings as soon as possible. Mr. Heath stated that he had attended an in-person Council meeting in Hutto last week and liked the interaction. Mr. Weiss stated that he is not comfortable with the in-person. Mr. Ruiz stated that he has thought about it and stated if the City is asking staff to return, then he thinks they should return, but that he understands Mr. Weiss' concerns. Mayor Gonzales asked how many staff are working in person. Ms. Breland provided information. Mr. Metayer stated that he thinks that hybrid is a good idea and that it makes it more accessible. Ms. Breland noted that it would take 3 months to set up a hybrid system and the cost is estimated at \$100,000. Mr. Zech was asked regarding the Open Meetings Act suspension by the Governor allowing for video meetings. Mr. Zech provided information and stated that the thought is that the Governor will not rescind the suspension in the near future. Mayor Gonzales stated that he would like to wait to resume in-person meetings. Mr. Ruiz suggested discussing again on June 8, 2021. Mr. Weiss clarified that he does not support the hybrid approach.
- 11D. [2021-0444](#) Request to place item on future agenda.
- Mr. Ruiz asked regarding an American Rescue Plan Act (ARPA) update. Ms. Breland noted plans for an ARPA presentation on June 8, 2021. Mr. Heath and

Mr. Rogers requested an item to consider adding an invocation.

12. Adjourn

Mayor Gonzales adjourned the meeting at 10:27 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on May 25, 2021.