



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, August 10, 2021

7:00 PM

100 East Main Street, Suite 500

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#### Regular Meeting

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

#### 1. Call to order

Mayor Gonzales called the regular meeting to order at 7:03pm. Councilmembers Cesar Ruiz, Mike Heath, and David Rogers were in attendance. Councilmember Doug Weiss joined the meeting at 7:04pm. Mayor Pro Tem Omar Peña and Councilmember Rudy Metayer were absent.

City employees in attendance: Trey Fletcher, Deputy City Manager; James Hartshorn, Assistant City Manager; Amy Giannini, Assistant City Manager; Charles Zech, City Attorney; Trista Evans, City Secretary; Emily Barron, Planning and Development Services Director; Melissa Moore, Finance Director; Lauren Henkes, Assistant Finance Director; Stephanie Nations, Budget Analyst; Terri Toledo, Communications Director; Shane Mize, Parks and Recreation Director; Cody Collins, IT Director; Jason Smith, Interim Police Chief; Jason O'Malley, Commander; Patricia Davis, City Engineer; Maggie Holman, Public Information Officer; Jennifer Coffey Griswold, Library Director; Wade Maness, Videography and Multimedia Specialist.

#### 2. Opening

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

Mayor Gonzales led 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

Mayor Gonzales led 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. Heath wished a happy birthday to his granddaughter.

Mayor Gonzales stated COVID-19 rates in 78660 are the highest in Travis County and encouraged everyone to wear masks and get vaccinated. Mayor Gonzales stated that school starts on August 12th in Pflugerville, asked everyone to watch for children and slow down in school zones.

Mr. Weiss stated not a single case of polio has been seen in six months due to vaccines and asked everyone to get vaccinated.

Mr. Rogers offered his condolences to Julia Ruiz and the loss of her father.

Mr. Heath stated that the majority of those in the hospital with COVID-19 are not vaccinated and asked everyone to get vaccinated.

#### 4. Presentations

- 4A. [2021-0802](#) Proclamation declaring August 10, 2021 as Karen Thompson Day in the City of Pflugerville.

Mayor Gonzales spoke his praises of Karen Thompson and her dedication to the city for her 22 years of service as City Secretary. Mayor Gonzales read the proclamation and presented the key to the city to Ms. Thompson.

- 4B. [2021-0744](#) Presentation and discussion of the FY21 3rd quarter financial results.

Ms. Henkes gave a presentation about the FY21 third quarter financial results including general fund and utility fund revenues and expenditures and answered questions from council.

- 4C. [2021-0827](#) Presentation of the 2021 Utility Rate Study.

Ms. Moore introduced Grant Rabon with NewGen Strategies. Mr. Rabon gave a presentation about the 2021 Utility Rate Study and answered questions from council. Mr. Rabon provided information about how water consumption estimates help make the basis for the forecast to set rates as much as possible, while considering that weather can impact consumption. Mr. Rabon provided information about the water and wastewater revenue requirement forecast, provided information about proposed rates, and answered additional questions from council.

#### 5. Public Comment

There were no requests to speak under the public comment item.

#### 6. Public Hearings

- 6A. [ORD-0598](#) Conduct a public hearing on an ordinance with the caption reading: An Ordinance of the City of Pflugerville, Texas, Adopting the Fiscal Year 2022 Budget for the City of Pflugerville, Texas.

Mayor Gonzales opened the public hearing. Ms. Moore gave a presentation

about the FY22 budget including the timeline for budget adoption, tax rate information, property tax, enterprise funds, capital funds, and answered questions from council. Thomas Gleeson, Finance and Budget Committee Chair, discussed the committee's role and stated that on July 29th the committee unanimously approved the proposed budget to come to city council. Mr. Gleeson commended staff on providing information and answering questions of the committee.

There were no requests to speak for the public hearing.

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

## 7. Discuss and consider action

- 7A. [2021-0814](#) Discuss and consider action to provide direction for any additional modifications to the FY22 proposed budget.

Mayor Gonzales opened the item for discussion. Mr. Weiss discussed including the dollar figures discussed in the earlier special meeting for purchase of land. Mr. Heath discussed revisiting the sales tax forecast and how that will impact citizens and the projects. Discussion followed regarding rates, and the impact of pushing projects back or keeping them where they are. Mr. Weiss made a motion to update the budget to reflect the dollar figures for the acquisition land as discussed at the special meeting. Mayor Gonzales seconded the motion. The vote was as follows: Mr. Weiss - yes, Mr. Ruiz - yes, Mayor Gonzales - yes, Mr. Heath - no, Mr. Rogers - yes. The motion carried.

## 8. Resolutions

- 8A. [RES-0908](#) Discuss and consider action to approve a resolution specifying a proposed maximum FY22 property tax rate and scheduling the date for the public hearing.

Mayor Gonzales opened the item for discussion. Ms. Moore provided information about the FY22 property tax rates and tax levy. Mr. Weiss clarified that the resolution is stating that the city will not be raising taxes to the level that would require citizen vote. Mr. Weiss made a motion to adopt the resolution. Mayor Gonzales seconded the motion. The vote was as follows: Mr. Weiss - yes, Mr. Ruiz - yes, Mayor Gonzales - yes, Mr. Heath - no, Mr. Rogers - no. The motion carried.

## Reading of the Consent Agenda

Ms. Evans read the items in the consent agenda to include the captions of the ordinances under consideration.

## 9. Ordinances First Reading

- 9A. [ORD-0599](#) Approving an ordinance on first reading with the caption reading: An Ordinance of the City of Pflugerville, Texas Adopting the Pflugerville Fee Schedule; Amending Certain Fees and Establishing Costs and Fees

Charged by the City of Pflugerville; Providing for a Penalty for a Violation of Section 10.99 of the City Code of Ordinances; and Declaring an Effective Date.

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

**9B. [ORD-0600](#)**

Approving an ordinance on first reading with the caption reading: An ordinance amending Chapter 53 of the City of Pflugerville, Texas, Title V Public Works, Chapter 53 Industrial Wastes, by adding sections 53.070 through 53.083 to comply with Federal and State regulations; providing for a violation as a Class C misdemeanor and a fine amount not to exceed \$2,000.00; providing for severability and repealer; and providing an effective date.

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

**9C. [ORD-0601](#)**

Approving an ordinance on first reading with the caption reading: An ordinance amending Chapter 53 of the City of Pflugerville, Texas, Title V Public Works, Chapter 53 Industrial Wastes, by repealing sections 53.040 through 53.061 and replacing with sections 53.040 through 53.052 to comply with Federal and State regulations; providing for a violation as a Class C misdemeanor and a fine amount not to exceed \$2,000.00; providing for severability and repealer; and providing an effective date.

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

## **10. Ordinances Second Reading**

**10A. [ORD-0594](#)**

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 0.29 acres being Lot 4 Block 3 of the George Pfluger Addition, in Pflugerville, Texas, from Office (O) district to Neighborhood Services (NS) district; to be known as the 201 W Main St Rezoning (REZ2106-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

**The ordinance was approved on second reading on the consent agenda.**

**10B. [ORD-0592](#)**

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 43.013 acres of land out of the J. Van Winkle Survey Abstract No. 787, the WM. Barker Survey Abstract No. 109, and the P. Conrad Survey Abstract No. 200 all located generally northeast of the New Meister Ln and Meister Ln intersection,

portions of Meister Ln, and land generally west of Meister Ln from Urban Level 4 (CL4) to Campus Industrial (CI); to be known as the Longhorn Rezoning (REZ2106-02); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

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

## 11. Approval of Minutes

- 11A. [2021-0804](#) Approval of the minutes of the July 27, 2021 Worksession and Regular Meeting and the July 30, 2021 Worksession.

The minutes were approved on the consent agenda.

## 12. Resolutions

- 12A. [RES-0891](#) Approving a resolution to approve the Community Development Block Grant (CDBG) Amended Annual Action Plan for Program Year 2020.

The resolution was approved on the consent agenda.

- 12B. [RES-0880](#) Approving a resolution to approve the Community Development Block Grant (CDBG) Annual Action Plan for Program Year 2021.

The resolution was approved on the consent agenda.

- 12C. [RES-0910](#) Approving a resolution confirming the policy direction received during the July 30, 2021 City Council worksession regarding the Aspire Pflugerville 2040 Comprehensive Plan.

The resolution was approved on the consent agenda.

## 13. Other Actions

- 13A. [2021-0743](#) Review of the Quarterly Investment Report for the quarter ending June 30, 2021.

The item was approved on the consent agenda.

- 13B. [2021-0826](#) Authorizing the City Manager to award a construction contract for the Weiss Lift Station Riser Column Repairs to Protta, Inc. in the amount of \$247,700.

The item was approved on the consent agenda.

## Action on the Consent Agenda

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

## First Supplemental Agenda

- 1A. [RES-0893](#) Resolution ordering a General Election for November 2, 2021 for the election of Councilmembers Place 3 and Place 5.

**Mayor Gonzales opened the item for discussion. Mr. Heath made a motion to approve the resolution. Mr. Weiss seconded the motion. All voted in favor. The motion carried.**

[RES-0906](#)

Resolution ordering a November 2, 2021, Special Election for consideration of amendments to the City's Charter.

**Mayor Gonzales opened the item for discussion. Mr. Heath made a motion to approve the resolution. Mr. Ruiz seconded the motion. All voted in favor. The motion carried.**

## Discuss only

- 15A. [2021-0817](#) Discussion regarding COVID-19 regarding City operations, Travis County Stage 5 risk-based guidelines, testing, vaccination and other community resources, including but not limited to the Pflugerville Pfund.

**Mayor Gonzales opened the item for discussion. Mr. Hartshorn introduced Raquel Valdez Sanchez with BCL who provided information about the Pflugerville Cares Small Business Grants and answered questions from the council regarding the status of the business and the allocation of money. She stated there were 37 eligible applicants and 6 who withdrew their applicants because they found support elsewhere.**

**Mr. Hartshorn gave an update of the City's operations as it relates to COVID-19 conditions. He stated we are operating and providing services, stating the guiding principles are to keep the community and staff safe while providing for the community. Mr. Hartshorn gave an overview of the current status of the city facilities and answered questions from council about resources and communications. Mr. Hartshorn stated they will continue to look into ways to spread the information about testing and vaccines and to keep the community safe.**

**Jim McDonald, Great Sand Dunes, stated it is now the fourth wave of the pandemic and the city can look towards decisions being made for vaccinations and masks that are based on science. He stated there are opportunities to do better, the majority of those in the hospital are unvaccinated.**

## 14. Discuss and consider action

- 14A. [RES-0902](#) Discuss and consider action to approve a resolution authorizing the City to participate as part of the Coalition of Cities in proceedings to be held by the Railroad Commission of Texas related to implementation of House Bill 1520.

**Mayor Gonzales opened the item for discussion. Mr. Fletcher introduced Alfred Herrera with Herrera Law & Associates, PLLC. Mr. Herrera provided**

information on the coalition urging participation and answered questions from council about how the amounts are calculated, how it varies between cities, and next steps. Mr. Rogers made a motion to approve the resolution. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

**14B. [2021-0818](#)**

Discuss and consider action authorizing the City Manager to award a construction contract for the Lake Pump Station Emergency Generator to McDonald Municipal and Industrial in the amount of \$1,149,469.

Mayor Gonzales opened the item for discussion. Mr. Pritchett provided information about the move to get emergency generators to the Lake Pump station and answered questions from council. Mr. Heath noted that this project was expedited so that it could be brought in front of council ahead of schedule. Mr. Weiss made a motion to approve the item. Mr. Heath seconded the motion. Mr. Heath asked Mr. Pritchett is this would be impacted by flooding, Mr. Pritchett stated that it would not. All voted in favor. The motion carried.

**14C. [2021-0825](#)**

Discuss and consider action to set a joint meeting with the Pflugerville Independent School District (PflISD) Board of Trustees.

Mayor Gonzales opened the item for discussion, stated there is a proposed date of September 30, 2021 for a joint meeting with Pflugerville ISD Board of Trustees and Mr. Weiss and Mr. Rogers have already confirmed they are available. Mr. Ruiz stated he is available and asked how the agenda is usually set as he wants to make sure important items are discussed and it is not only a meeting of presentations. Mayor Gonzales stated he agrees and substantive topics need to be discussed such as construction permitting and roadways. Mayor Gonzales and Mr. Heath stated they are available on that date as well. Mr. Ruiz made a motion to approve the September 30, 2021 date. Mr. Weiss seconded the motion. Mr. Heath asked how the items will be decided for the meeting. Mr. Fletcher stated there will be coordination with Mayor Gonzales and the Board of Trustees. All voted in favor. The motion carried.

**14D. [2021-0843](#)**

Discuss and consider action regarding the Fire & EMS Assessment / Service Options for the City report prepared by AP Triton.

Mayor Gonzales opened the item for discussion. Mr. Weiss stated the council's request for a meeting was declined and the Board was interested in meeting after September 14. Mr. Heath stated he was disappointed. No action was taken.

**14E. [2021-0842](#)**

1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for discussion regarding expansion of Travis County Emergency Services District (ESD) No. 17. 2.) Open Session Item: Discuss and consider action regarding expansion of Travis County Emergency Services District (ESD) No. 17.

Mayor Gonzales read items 14E. and 14F. and announced that the city council was going into executive session at 9:47pm. Discussion on the item took place in executive session. No action was taken.

**14F. [2021-0808](#)**

1. Executive Session Item: Consultation with legal counsel pursuant to

Section 551.071 of the Texas Government Code for discussion regarding litigation: Austin Materials, LLC vs. The City of Pflugerville, et. al. 2.) Open Session Item: Discuss and consider action regarding litigation: Austin Materials, LLC vs. The City of Pflugerville, et. al.

**Discussion on the item took place in executive session. No action was taken.**

**15. Discuss only**

**15B.** [2021-0648](#) Request to place item on future agenda.

**Mayor Gonzales reconvened the meeting in open session at 10:26pm. Councilmembers Doug Weiss, Ceasar Ruiz, and Mike Heath were in attendance. There no requests to place an item on a future agenda.**

**16. Adjourn**

**Mayor Gonzales adjourned the regular meeting at 10:26pm.**

**Respectfully submitted,**

**Trista Evans, City Secretary**

**Approved as submitted on August 24, 2021**