



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, February 23, 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=e65fdac80914e303553a8d718f4e2722f>

Meeting Code/Number: 187 059 6480

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, Cesar Ruiz, Rudy Metayer, and Mike Heath

were in attendance. Councilmember David Rogers joined the meeting at 7:03 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; Melissa Moore, Finance Director; Emily Barron, Planning and Development Services Director; Maggie Holman, Public Information Officer; Patricia Davis, City Engineer; Jennifer Grizwold, Library Director; Evan Groeschel, Public Works Operations Director; Brandon Pritchett, Utilities Director; Rhonda McLendon, Animal Welfare Services Director; Robert Polanco, Building Official; Shane Mize, Parks and Recreation Director; Cody Collins, IT Director; Gwen Holford, Application and Web Developer; Wade Maness, Videography Multimedia Specialist.

2. Items of Community Interest

Mayor Gonzales directed residents to the City website for information related to the winter storm. He announced that the boil water notice was lifted for City of Pflugerville water customers. He directed residents to the City website for storm-related assistance. He announced that the COVID testing center on Railroad Avenue has resumed operations. Mr. Metayer thanked the Mayor, City Manager and City staff for their efforts during the winter storm. He provided comments on the community coming together in a crisis. He stated that he cannot act like what ERCOT did was okay and that those who made decisions should be held accountable. He thanked the groups, organizations, and churches that helped to support the community. Mr. Heath stated to agree and noted that there is a meeting of the Public Utility Commission and ERCOT tomorrow. Mr. Weiss and Mr. Ruiz provided comments thanking those who volunteered. Mr. Rogers stated that he was impressed with everyone's work this week, the efforts of City staff and help to others in the community. He provided additional comments, stating that it doesn't serve us to have a witch hunt, when we can be looking for solutions. Mayor Pro Tem Peña stated that the water failure was on the City and we need to fix that now. Mayor Gonzales provided comments on the community coming together.

3. Presentations

- 3A. [2021-0196](#) Pflugerville Animal Welfare Services annual department presentation.

Ms. McLendon presented and answered questions of Council.

4. Public Comment

Mayor Gonzales announced that registration for public comment was taken until 5:00 p.m. and there were several written comments and two requests to speak. Ms. Thompson read the written public comments from Officer Dan Griffith indicating support for Acting Police Chief Jason Smith and ongoing trust in the leadership; Martin Lingo, Commons of Rowe Lane, requesting credit for missed trash and recycling last week; and Aaron Brumit, Club at Wells Point; Susan Neff, Club at Wells Point; Cynthia Lovin, Parkview Estates; Barbara Battista, Club at Wells Point; Angela Southern, Sarah's Creek; and Jennifer Hamilton, Carmel; requesting the City to waive resident fees for limb disposal due to the severe winter weather event.

Mayor Gonzales call for Gabriel Fontes, Bohls Place, to speak, but he was not in attendance.

Rachell Cuttill, Springbrook Glenn, thanked the Council and City Management for support to the citizens during the disaster. She asked the City to allow for unbundled brush pick up at no cost to the residents.

Mayor Gonzales announced that he would take item 12B and the supplemental emergency item 1A at this time.

12B. [2021-0205](#)

Discuss and consider authorizing the City Manager to provide a waiver of resident fees for limb disposal due to the severe winter weather event.

Mayor Gonzales opened the item for consideration. Mr. Groeschel provided information on a proposal to waive the fee for brush pick up, to expand hours at the recycle center and to add dumpsters for additional drop off locations. He noted that the dumpsters would be in place until March 15 and that staff would evaluate the need at that time and that fee waiver for brush pick up and extended hours at the recycle center would be in place through March 31, 2021. Mr. Groeschel answered questions with input from Ms. Breland. There was discussion. Mr. Weiss made a motion to approve as proposed until March 31, 2021. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

Sup1 [2021-0210](#)

A.

Discuss and consider action to waive fees and modify processes related to the Texas Winter storm disaster, an imminent threat to public health and safety, for two weeks.

Mayor Gonzales opened the item for consideration. Ms. Barron provided information on the proposed modifications to Building Department requirements to waive fees and to allow for video or video conference for plumbing permits and inspections for emergency repairs related to the severe winter storm. Mr. Polanco answered questions and there was discussion on the item. Mr. Weiss asked if they should do anything regarding water bills and trash service when they didn't have service. Mayor Gonzales stated that they could bring it back to examine it. Mr. Metayer made a motion to approve the proposed waiver of fees and modification of building inspection processes as presented. Mr. Weiss seconded the motion. Mr. Ruiz clarified that this would be through March 31, 2021. Mr. Metayer and Mr. Weiss were in agreement. All voted in favor. The motion carried.

5. Public Hearing and Ordinance First Readings

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

5A. [ORD-0569](#)

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 approving a specific use permit for a proposed office/warehouse on lot 3D of the Renewable Energy Park Replat of lot 3C, consisting of approximately 15.5-acres zoned Urban Center Corridor Level 5 (CL5) district located generally south of the

Helios Way and Impact Way intersection, to be known as the SH-130 and Pecan Industrial Park Specific Use Permit (SUP2012-01); Providing a cumulative and repealer clause; providing for a severability clause; and providing an effective date.

Mayor Gonzales opened the public hearing and read the item to include the caption of the ordinance to be considered on first reading. Ms. Barron provided information. Mayor Gonzales announced that registration to provide public comment at the public hearing was taken until 5:00 p.m. today and there were no requests to speak. Mr. Heath made a motion to close the public hearing. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

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

5B. [ORD-0570](#)

Conduct a public hearing and consider approving an annexation ordinance on first reading with the caption: An ordinance of the City of Pflugerville, Texas, annexing, for full purposes, tracts of land totaling approximately 56.24 acres out of a 96.341-acre tract of land situated in the William Caldwell Survey No. 66, Abstract No. 162, in Travis County, Texas, of the Real Property Records of Travis County, being all the remaining portions of the 96.341-acre tract of land not previously annexed by Ordinance No. 899-07-08-14; generally located along Cameron Road east of Weiss Lane and west of 1849 Park; extending the boundaries of the City to include land; and to be zoned Agriculture / Development Reserve (A); to be known as the Kuempel Tract 2021 Annexation; binding the land to all of the acts, ordinances, resolutions and regulations of the City; approving a service plan; providing for severability; and providing an effective date. (located on the north side of Cameron Road, approximately a third of a mile west of 1849 Park)

Mayor Gonzales opened the public hearing and read the item to include the caption of the ordinance to be considered on first reading. Ms. Barron provided information and answered questions of Council. Mayor Gonzales announced that registration to provide public comment at the public hearing was taken until 5:00 p.m. today and there were no requests to speak. Mr. Heath made a motion to close the public hearing. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

Mr. Weiss 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-no, Mr. Metayer-yes, Mr. Heath-yes, Mr. Rogers-yes, Mayor Gonzales-yes. The motion carried.

Reading of the Consent Agenda

Item 6A was removed from the consent agenda. Ms. Thompson read the items to include the caption of the ordinance under consideration. Items 9D and 10A were removed from the consent agenda after the reading of the consent agenda and prior to action being taken.

7. Ordinances Second Reading

- 7A. [ORD-0561](#) Approving an annexation ordinance on second reading with the caption: An ordinance of the City of Pflugerville, Texas, annexing, for full purposes, tracts of land totaling approximately 5.205 acres situated in the Joseph Wiehl Survey No. 8, Abstract No. 802, Travis County, Texas, of the Real Property Records of Travis County, being one tract of land totaling 4.724 acres and the second tract of land totaling 0.481 acres representing the abutting Jesse Bohls Road right-of-way; generally located along the west side of Weiss Lane at the intersection of Jesse Bohls Road; extending the boundaries of the City to include land; and to be zoned Agriculture / Development Reserve (A); to be known as the 17705 Weiss Lane 2021 Annexation; binding the land to all of the acts, ordinances, resolutions and regulations of the City; approving a service plan; providing for severability; and providing an effective date.

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

8. Approval of Minutes

- 8A. [2021-0182](#) Approval of the minutes of the February 2, 2021 and February 3, 2021 Special Meetings and February 9, 2021 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

9. Resolutions

- 9A. [RES-0837](#) 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 Wuthrich Hill Farms Pond Maintenance between 100 Dessau LP ("Owner") and the City of Pflugerville ("City").

The resolution was approved on the consent agenda.

- 9B. [RES-0838](#) 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 PFISD Park Crest Middle School Pond Maintenance between Pflugerville Independent School District ("Owner") and the City of Pflugerville ("City").

The resolution was approved on the consent agenda.

- 9C. [RES-0839](#) 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 Village at Wells Branch Pond Maintenance between 1305 Wells Branch LP (“Owner”) and the City of Pflugerville (“City”).

The resolution was approved on the consent agenda.

- 9E. [RES-0840](#) Approving a resolution extending the Mayor's Disaster Declaration issued February 16, 2021 in response to severe winter weather and providing approval of payment for related expenses.

The resolution was approved on the consent agenda.

10. Other Actions

- 10B. [2021-0208](#) Approving and authorizing the City Manager to execute a contract renewal for Utility Billing statement production and processing from DataProse using budgeted fiscal year 2021 funds utilizing the interlocal agreement with the City of Baytown with an estimated amount of \$91,000.

The item was approved on the consent agenda.

- 10C. [2021-0128](#) Authorizing the City Manager to purchase a replacement dump truck for the Utility Maintenance division through Santex Truck Centers, LTD utilizing their HGACBuy contract in the amount of \$105,931.00.

The item was approved on the consent agenda.

Action on the Consent Agenda

Mr. Weiss made a motion to approve the consent agenda with the additional removals of items 9D and 10A. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

6. Ordinances First Reading

- 6A. [ORD-0571](#) Approving an ordinance on first reading with the caption reading: An Ordinance Amending Chapter 53 of the City of Pflugerville, Texas, Code of Ordinances, Title V Public Works, Chapter 53 Cross Connection Control and Backflow Prevention, by amending Sections 53.003 through 53.014 to comply with Federal and State regulations; providing for severability and repealer; and providing an effective date.

Mayor Gonzales opened and read the item for consideration to include the caption of the ordinance. Mr. Weiss stated that he wanted to confirm that the cost of inspection and repairs would not be within and limited to the \$500 penalty. Mr. Pritchett provided information and stated that the actual costs of inspection and repairs would be in addition to the \$500 penalty. Mr. Weiss made a motion to approve the ordinance on first reading. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

9. Resolutions

- 9D. [RES-0836](#) Approving a resolution opposing the restriction on the use of public funds for hiring of lobbyists and paying dues to organizations that hire lobbyists.

Mayor Gonzales opened the item for consideration. Mr. Rogers spoke against using lobbyists to support positions of which the citizens are opposed. He explained that he does not think they should take this position. Mr. Weiss stated to disagree and explained that he thinks that using lobbyists to support the positions of the citizens is the most cost effective way. Mr. Heath stated that he does not think this should be the first position to take and thought they were going to have some discussion on this. He stated that he does not think this is the most important issue for the City of Pflugerville. Mr. Metayer stated that he sees this as another tool for the City to act in the best interest of the citizens and that he is comfortable with this. Mr. Metayer made a motion to approve. Mayor Pro Tem Peña seconded the motion. The vote was: Mr. Weiss-yes, Mr. Ruiz-no, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-yes, Mr. Rogers-no, Mayor Gonzales-yes. The motion carried.

Other Actions

- 10A. [2021-0033](#) Submission of the 2020 Racial Profiling Data Report to the City Council as required by Texas Statute Code of Criminal Procedure, Chapter 2 General Duties of Officers, Art. 2.132 Law Enforcement on Racial Profiling.

Mayor Gonzales opened the item for consideration. Mr. Metayer requested a presentation. Acting Chief Smith stated that the report will be published to the City website. He presented an overview and answered questions of Council. There was discussion on the item. Mr. Ruiz made a motion to approve the item. Mr. Heath seconded the motion. All voted in favor. The motion carried.

11. Discuss only

- 11A. [2021-0144](#) Discussion regarding New Sweden MUD 1 and Sorento MUD development and infrastructure proposal.

The item was covered in the worksession. There was no discussion on the item at the regular meeting.

12. Discuss and consider action

- 12A. [2021-0209](#) Discuss and consider action to provide any position statements and to authorize to the Mayor to participate in proceedings on State Affairs on February 25, 2021 related to Statewide electrical blackouts-contributing factors and response.

Mayor Gonzales opened the item for consideration. Mr. Fletcher provided information. There was Council discussion on the item. Mayor Pro Tem Peña made a motion to approve. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

- 12B. [2021-0205](#) Discuss and consider authorizing the City Manager to provide a waiver of resident fees for limb disposal due to the severe winter weather event.

The item was addressed earlier in the meeting.

- 12C. [RES-0828](#) Discuss and consider action to approve a resolution establishing a City of Pflugerville Purchasing Policy.

Mayor Gonzales opened the item for consideration. Mr. Rogers made a motion to approve. Mr. Weiss seconded the motion. The vote was: Mr. Weiss-yes, Mr. Ruiz-no, Mr. Peña-no, Mr. Metayer-no, Mr. Heath-no, Mr. Rogers-yes, Mayor Gonzales-yes. The motion failed. Mr. Weiss asked if there is any direction to staff on the policy. He stated that he thinks it provided improved transparency and accountability. Mr. Heath asked that they have a more detailed conversation at a future worksession. Mayor Pro Tem Peña stated that they are looking for more improvements. The item was to be brought forward for discussion at a future worksession.

- 12D. [RES-0829](#) Discuss and consider action to approve a resolution authorizing the City Manager or authorized designee the authority to execute contracts as approved in the budget in an amount up to \$50,000, and for contracts specifically approved in the authorized purchase list approved by City Council in the annual budget in the maximum amount of \$200,000.

There was no discussion on the item. The item was to return for discussion at a future worksession with item 12C.

- 12E. [2021-0198](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 Texas Government Code regarding Police Chief and consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for discussion regarding resignation, severance and release agreement. 2.) Open Session Item: Discuss and consider action to approve resignation, severance and release agreement with Police Chief and authorize the City Manager to execute same.

Mayor Gonzales announced that the City Council was retiring to executive session for discussion on the item. He read the executive session portion of the item and retired to executive session. The time was 9:31 p.m. Mayor Gonzales reconvened in open session at 9:50 p.m. Mayor Pro Tem Peña and Councilmembers Weiss, Ruiz, Heath and Rogers were in attendance. Councilmember Metayer joined the open session at 9:51 p.m. Mayor Gonzales opened consideration of the open session portion of item 12E. He stated that Chief Robledo is returning to retirement and the City was fortunate to have her and that he is saddened to see her go. He wished her the best. Mayor Pro Tem Peña made a motion to approve the item. Mr. Ruiz seconded the motion. All voted in favor. The motion carried.

13. Adjourn

Mayor Gonzales adjourned the meeting at 9:53 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on March 9, 2021.