



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, November 9, 2021

7:00 PM

100 East Main Street, Suite 500

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#### 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 worksession to order at 7:00pm. Mayor Pro Tem Omar Peña, Councilmembers Doug Weiss, David Rogers, Mike Heath, Rudy Metayer, and Cesar Ruiz were in attendance.

City staff in attendance: Sereniah Breland, City Manager; Trey Fletcher, Deputy City Manager; James Hartshorn, Assistant City Manager; Amy Giannini, Assistant City Manager; Trista Evans, City Secretary; Charles Zech, City Attorney; Jason O'Malley, Police Chief; Emily Barron, Planning and Development Services Director; Jennifer Coffey Griswold, Library Director; Jeremy Frazzell, Assistant Planning Director; Maggie Holman, Public Information Officer; Patricia Davis, City Engineer; Brandon Pritchett, Public Utility Director; Evan Groeschel, Operations Director; Melissa Moore, Finance Director; Terri Toledo, Communications Director.

#### 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

Mayor Gonzales stated the Blue Santa program provides assistance with gifts and food to families in need during the holiday season and the 2021

application is now open and accepting donations.

Mayor Gonzales stated November is adopt a senior pet month at Pflugerville Animal Welfare Services with fees waived for adoptions on senior pets.

Mayor Gonzales stated the Pfall Pfun Pfestival is Saturday, November 13 from 9am-4pm at Typhoon Texas Waterpark.

Mayor Gonzales stated the Pfestive Pfarmers Market is underway today, November 23, December 7 and 14th from 3-7pm.

Mayor Gonzales stated there is a walk-up vaccine clinic on Wednesdays from 2-7pm at the Pflugerville Library through partnership with Austin Public Health.

Mr. Rogers congratulated Kimberly Holiday and Jim McDonald.

Mr. Rogers congratulated those involved for putting together the University of Austin.

Mr. Rogers thanked everyone on the dais and all of the citizens on both sides of the discussion regarding the ESD. He stated everyone on both sides did a great job and was heartened by the thoughtful, educated, and passionate response.

Mr. Heath stated that with the changing weather it is a good time to remind people to sign up for Warn Central Texas for weather notifications and to visit with your neighbor to make sure you know them.

#### 4. Presentation

- 4B. [2021-1162](#) Mayor's Proclamation declaring November 9, 2021 as John Brotherton day in the City of Pflugerville.

Mayor Gonzales read the proclamation proclaiming November 9, 2021 as John Brotherton day in the City of Pflugerville and thanked Mr. Brotherton for his service to the community. Mr. Brotherton stated that while he dreamed of owning his own BBQ joint, he really dreamed of being able to give back to the community.

- 4A. [2021-1193](#) Presentation of appreciation to Mr. Omar Peña for service to the City as City Councilmember Place 3 from November 2012 to November 2021 and Mayor Pro Tem from 2016 to 2021, and Mr. Mike Heath for service to the City as City Councilmember Place 5 from November 2015 to November 2021.

Mayor Gonzales presented a proclamation to Mayor Pro Tem Peña recognizing his service to the City Council for the past nine years and presented him with a gift. Mayor Pro Tem Peña thanked his wife for her help along the way and spoke about his experience on the council. He challenged those who remain on council and those who are coming on the council to continue the work.

Mayor Gonzales presented a proclamation to Mr. Heath recognizing his service to the City Council for the past six years and presented him with a gift. Mr. Heath thanked his wife, family and friends. He stated it has been a pleasure to work with the fellow council members who have dedicated themselves to the community. He encouraged council to continue moving forward and hold each other accountable.

- 4C. [2021-1169](#) Presentation regarding status of the Aspire 2040 Comprehensive Plan

and Unified Development Code (UDC) Updates.

Mayor Gonzales opened the item for discussion. Ms. Barron gave a presentation about the Aspire 2040 Comprehensive Plan. She thanked the communications department for their help in ensuring public engagement even through a pandemic. Ms. Barron provided information on the Preparation of Plan Chapters and stated that following the anticipated adoption of the plan it would move to Unified Development Code amendment review. Ms. Barron provided a brief overview of the UDC amendment process.

## 5. Public Comment

Cliff Avery stated he accepts the outcome of the election even if he wishes it went the other way. He stated it is up to council to figure out what exactly the people said. He stated he does not believe the voters were endorsing a for profit ambulance service as they also elected two council members who spoke against for profit ambulance service. Mr. Avery stated it is now up to council and the board to interpret the message and stated they should renew talks.

Terry Newsom thanked council for standing firm on the ESD matter. He stated the people have spoken and it was not by a small margin. He stated Pflugerville has overwhelmingly voted and now the ESD is voicing interest in communicating. Mr. Newsom asked council to approve the Acadian contract and give the people who were willing to work with city council the chance.

Anthony Nguyen stated that after the election the council now has to make a decision before the end of the year since the ESD has stated they will not provide it. Mr. Nguyen stated he understands the council may have offered an olive branch but there is no time to delay and usually no decision is a wrong decision. He stated he would like council to do something tonight and he would not urge a direction but a decision.

Melody Ryan thanked council for protecting the citizens over the past few months. She stated the people have spoken and rejected the tax and are supporting the city council's plan as they knew what the council was planning to do when they voted. Ms. Ryan stated the action was delayed until after the election and not people have spoken. Ms. Ryan urged council to have a seal at the table for discussions regarding future expansion plans.

Jim McDonald stated that last Saturday council delayed the vote on the contract until after the election. He stated the results have been heard and citizens do not want the overlay. Mr. McDonald stated he disagrees that means they are in favor of privatizing the EMS service. He stated with the changing council there may be a way toward partnering with ESD2 as previously mentioned by AP Triton and asked council to consider delaying the vote until November 30th.

## Reading of the Consent Agenda

Ms. Evans read the consent agenda to include the captions of the ordinances. Item 9A. was postponed and items 9B. and 10E. were pulled from the consent agenda.

## 6. Ordinance First Reading

- 6A. [ORD-0617](#) Approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville, Texas Amending the City of Pflugerville, Texas Code of Ordinances, Chapter 72 regarding Speed Limits on City Streets (Kelly Lane) to establish prima facie maximum speeds for construction or maintenance work zones; Providing for a penalty for a violation of Chapter 72 as a Class C Misdemeanor; Repealing all Ordinances to the extent they are in conflict for the duration of this ordinance; Providing for severability; and providing an effective date.

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

- 6B. [ORD-0619](#) 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.**

## 7. Ordinances Second Reading

- 7A. [ORD-0615](#) Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, amending ordinance No. 549-99-06-08 of the City of Pflugerville, Texas, as amended, by changing the zoning designation of an approximate 12.588- acre tract of land situated in the E. Bebee survey no. 5, Abstract No. 53, Travis County, Texas, from Agricultural/Development Reserve (A) District to Single Family- Mixed Use (SF-MU) District; to be known as the Black Locust Townhomes 2021 rezoning (REZ2108-01); 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.**

## 8. Approval of Minutes

- 8A. [2021-1159](#) Approval of the minutes of the October 26, 2021 Worksession and Regular Meeting and October 30, 2021 Special Meeting.

**The minutes were approved on the consent agenda.**

## 9. Resolutions

- 9A. [RES-0926](#) Approving a resolution authorizing the City Manager to execute an Interlocal Agreement with Travis County regarding the Construction and

Fiscal Obligations for the Cameron Road All-Way Stop Project at the intersection of Pecan Street and Cameron Road.

**This item was postponed to the November 30, 2021 meeting.**

- 9C.** [RES-0935](#) Approving a resolution for an application of participation in Texas Cooperative Liquid Assets Security System program (Texas CLASS)  
**The resolution was approved on the consent agenda.**
- 9D.** [RES-0936](#) Approving a resolution making revisions to the City's Investment Policy.  
**The resolution was approved on the consent agenda.**
- 9E.** [RES-0937](#) Approving a resolution authorizing certain city officials to negotiate and execute investment documents.  
**The resolution was approved on the consent agenda.**

## **10. Other Actions**

- 10A.** [2021-1112](#) Approving the selection of Plummer Associates, Inc. for professional engineering services associated with the wastewater line rehabilitation projects identified within the Wastewater Master Plan and authorizing the City Manager to execute a professional services agreement in the amount of \$61,365.00.  
**The item was approved on the consent agenda.**
- 10B.** [2021-1113](#) Approving the selection of CobbFendley & Associates, Inc. for professional engineering services associated with the water line rehabilitation projects identified within the Water Master Plan and authorizing the City Manager to execute a professional services agreement in the amount of \$95,000.00.  
**The item was approved on the consent agenda.**
- 10C.** [2021-1123](#) Authorizing the City Manager to execute a purchase agreement with Core and Main for the purchase of water meters for Fiscal Year 2022 in the amount of \$270,000.  
**The item was approved on the consent agenda.**
- 10D.** [2021-1157](#) Approving two purchase orders totaling \$52,000 for the purchase of physical and electronic library materials from hoopla, and their parent company Midwest Tapes.  
**The item was approved on the consent agenda.**
- 10F.** [2021-1176](#) Authorizing the City Manager to issue a purchase order to Crafc0, Inc. for the purchase of a Crack Seal Machine in the amount of \$84,575.04

utilizing the Sourcewell purchasing cooperative contract.

**The item was approved on the consent agenda.**

**10G. [2021-1120](#)**

Authorizing the City Manager to execute a purchase agreement and associate conveyance documents between Robin Weiss Faulk, Jackie Weiss Porter, and Randy Charles Weiss (Parcels 4A, 4B, 4C) and the City of Pflugerville as necessary to acquire real property interests for the Weiss Lane and Pecan Street Water Line Projects.

**The item was approved on the consent agenda.**

**10H. [2021-1191](#)**

Authorizing the City Manager to execute a purchase agreement and associated conveyance documents between Joe Weiss and Mary E. Weiss (Parcel 5) and the City of Pflugerville as necessary to acquire real property interests for the Weiss Lane and Pecan Street Water Line Projects.

**The item was approved on the consent agenda.**

### **Action on the Consent Agenda**

**Mr. Rogers made a motion to approve the consent agenda. Mr. Metayer seconded the motion. All voted in favor. The consent agenda was approved.**

### **Resolution - Removed from the Consent Agenda**

**9B. [RES-0939](#)**

Approving a resolution of the City of Pflugerville, Texas authorizing the City Manager to execute an Agreement for a Local On-System Improvement Project (LOSA) with the Texas Department of Transportation (TxDOT) for roadway work associated with the SH 130 at Rowe Lane intersection improvement project.

**Mayor Gonzales opened the item for discussion. Ms. Davis provided an overview of the project stating TxDOT has already given authorization. Mr. Metayer stated this project shows good foresight and work from staff. Mr. Weiss stated he is excited to see this moving forward. Mr. Heath made a motion to approve the resolution. Mr. Metayer seconded the motion. All voted in favor.**

### **Other Actions - Removed from the Consent Agenda**

**10E. [2021-1172](#)**

Approving Amendment 1 to Capital Area Emergency Communications District Interlocal Contract for Public Safety Answering Point Maintenance, Equipment and Training and authorizing the City Manager to execute same.

**Mayor Gonzales opened the item for discussion. Mr. Heath stated he wanted to point out how important Public Safety Answering Point (PSAP) is with coordination on a regional basis. Billy Gibbens, Civilian Commander, provided information about the item stating with the additional console the city will be**

receiving an additional \$500 which will be added to the budget for operational needs. Mr. Heath made a motion to approve the item. Mayor Pro Tem Peña seconded the motion. All voted in favor.

## 11. Discuss and Consider Action

- 11A. [2021-1173](#) Discuss and consider action to award a construction contract for the Grand Avenue Reconstruction Project to Terra Path, Inc. the lowest responsible bidder of six (6) accepted bids received on October 21, 2021, in the amount of \$2,756,000 and authorizing the City Manager to execute same.

Mayor Gonzales opened the item for discussion. Ms. Davis gave a presentation regarding the Grand Avenue Reconstruction Project. She stated the Traffic Control Plan has been coordinated and approved by multiple entities. Ms. Davis answered questions from the council regarding the process. Mr. Rogers asked how fast the project can be completed. Ms. Davis stated staff is working with the contractor to move this as fast as possible and the contractor is motivated and willing to move this project along. Ms. Davis stated the contract time is 150 days for substantial completion and 180 days for full completion. Mr. Metayer stated this was not an anticipated issue and staff worked deliberately to find the right people with the right plan. Mr. Metayer made a motion to approve the item. Mr. Rogers seconded the motion. All voted in favor.

- 11B. [2021-1132](#) Discuss and consider action approving a contract with Acadian Ambulance Services for EMS services in the City and extraterritorial jurisdiction (ETJ) and authorizing the City Manager to execute same.

Mayor Gonzales read the item. Mr. Metayer requested council retire to executive session for discussion with legal council. Mayor Gonzales announced council was retiring to executive session at 7:56pm. Mayor Gonzales reconvened the meeting in open session at 9:29pm.

Mr. Zech stated all the contractual items that were raised as possible issues have been satisfied and the representative from Acadian has indicated they are comfortable with the changes. Mr. Weiss made a motion to approve the contract as amended and authorize the city manager to execute the agreement. Mayor Pro Tem Peña requested an amended to have the contract fully executed by close of business on November 11. Mr. Weiss accepted the amendment. Mr. Rogers seconded the motion as amended. The vote was as follows: Mr. Weiss – yes, Mr. Ruiz – no, Mayor Pro Tem Peña – yes, Mr. Metayer – no, Mr. Rogers – yes, Mr. Heath – yes, Mayor Gonzales – yes. The motion carried.

- 11C. [2021-1174](#) 1). Executive Session Item: Deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code regarding the purchase, exchange, lease, and/or value of real property related to Project Longhorn. 2). Open Session Item: Discuss and consider action regarding purchase, exchange, lease, and/or value of real property related to Project Longhorn.

The item was discussed in the previously posted worksession.

**12. Discuss only**

**12A.** [2021-1108](#) Discussion regarding providing safety for privately owned parks.

The item was discussed in the previously posted worksession.

**12B.** [2021-1068](#) Request to place item on future agenda.

There were no requests for future agenda items.

**13. Adjourn**

Mayor Gonzales adjourned the meeting at 9:32pm.

Respectfully submitted,

Trista Evans, City Secretary

Approved as \_\_\_\_\_ on November 30, 2021.